

February 2nd, 2023

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 8th February 2023** at **7:00 pm** in **Church Street, Newtownards.**

Agenda

Agenda

[EC 08.02.23 Agenda.pdf](#)

Page 1

1. Apologies

2. Declarations of Interest

3. Environment Directorate Budgetary Control Report (up to Dec 22)

(Report attached)

[Item 3 Environment Budget Control Report DL.pdf](#)

Page 3

4. Regulatory Services Service Plan Report Q2 22/23

(Report attached)

[Item 4 Regulatory Services Service Plan Performance Report Q2 2022-23 DL.pdf](#)

Page 6

5. Attendance at Road Transport Expo 2023

(Report attached)

[Item 5 Road Transport Expo 2023 DL.pdf](#)

Page 10

6. Proposed Deposit Return Scheme for Drink Containers

(Report attached)

[Item 6 Proposed Deposit Return Scheme for Drinks Containers DL.pdf](#)

Page 12

7. Proposed Street Naming and Numbering Policy

[Item 7 Street Naming and Numbering Policy DL.pdf](#)

Page 15

[Item 7 Appendix 1 - Draft AND Street Naming Policy.pdf](#)

Page 17


8. Trial of Surface Markings and Signage for Existing Dogs on Lead Area

[Item 8 Dogs on Lead Signage Trial Ballyholme DL.pdf](#)

Page 30

9. Increase in Fixed Penalty Limits for Littering/Dog Fouling and Dog Control Order Offences

(Report attached)

 *Item 9 Increased Fixed Penalty Limits - Littering and Dog Control Order Offences DL.pdf* *Page 32*

 *Item 9 Appendix 1 - Letter to DAERA Minister September 2020.pdf* *Page 35*

 *Item 9 Appendix 2 - Reply from DAERA Minister re Littering Fixed Penalty Limit September 2020.pdf* *Page 36*

10. Revision of Fly-Tipping Statutory Enforcement Provisions

(Report attached)

 *Item 10 Revision of Fly-Tipping Statutory Enforcement Provisions DL.pdf* *Page 38*

11. Q3 Activity Report for Neighbourhood Environment Team (1 October to 31 December 2022)

(Report attached)

 *Item 11 NET Activity Report OCT - DEC 2022 DL.pdf* *Page 41*

12. Live Here Love Here Small Grants Scheme 2022-23 Grant Allocations

(Report attached)

 *Item 12 Live Here Love Here Small Grants Allocations 2022-23 DL.pdf* *Page 48*

13. Notices of Motion

13.1 Notice of Motion submitted by Alderman McIlveen and Councillor Cathcart

Building on the practice of other Council areas, that this Council tasks officers to liaise with DfI Roads as a matter of urgency to offer its assistance in providing self-service grit piles for residents and to post locations of such grit piles on the Council website.

13.2 Notice of Motion submitted by Councillor Morgan and Councillor McRandal

The prolonged cold weather spells just before Christmas and last week resulted in icy, slippery, and dangerous footpaths and car parks in the Borough City and town centres. It is not acceptable that in such

circumstances the Council does not have a plan or the resources or facilities to grit these areas to enable residents to walk safely to and from the main shopping areas or fall when they step out of their cars onto ice. It is proposed that officers bring back a report with costs to outline what steps can be taken to ensure that Council car parks and footpaths in the City and town centres are gritted when the weather is forecast to have heavy snowfall or prolonged freezing weather conditions.

14. Any Other Business

*****In Confidence*****

15. Commercial Waste Charging Policy

(Report attached)

 *Item 15 NoM Report on Commercial Waste Charging Options DL.pdf*

Not included

16. Extension of Tenders

 *Item 16 Extension of Tenders DL.pdf*

Not included

17. Car Park Enforcement Future Provision Update

 *Item 17 Car Parking Enforcement Update Report DL.pdf*

Not included

ARDS AND NORTH DOWN BOROUGH COUNCIL

1 February 2023

Dear Sir/Madam

You are hereby invited to attend a hybrid meeting (in person and via Zoom) of the Environment Committee of Ards and North Down Borough Council which will be held virtually on Zoom on **Wednesday, 8 February 2023** commencing at **7.00pm**.

Yours faithfully

Stephen Reid
Chief Executive
Ards and North Down Borough Council

A G E N D A

1. Apologies
2. Declarations of Interest
3. Environment Directorate Budgetary Control Report (up to Dec 22) (Report attached)
4. Regulatory Services Service Plan Report Q2 22/23 (Report attached)
5. Attendance at Road Transport Expo 2023 (Report attached)
6. Proposed Deposit Return Scheme for Drink Containers (Report attached)
7. Proposed Street Naming and Numbering Policy (Report attached)
8. Trial of Surface Markings and Signage For Existing Dogs on Lead Area (Report attached)
9. Increase in Fixed Penalty Limits for Littering/Dog Fouling and Dog Control Order Offences (Report attached)
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14. Any Other Notified Business

****IN CONFIDENCE****

15. Commercial Waste Charging Policy (Report attached)

16. Extension of Tenders (Report attached)

17. Car Parking Enforcement Future Provision Update (Report attached)

MEMBERSHIP OF ENVIRONMENT COMMITTEE (16 Members)

Alderman Carson	Councillor Greer
Alderman McDowell (Chair)	Councillor Irwin
Alderman M Smith	Councillor Johnson
Alderman Armstrong-Cotter	Councillor Woods (Vice Chair)
Councillor Boyle	Councillor MacArthur
Councillor Cathcart	Councillor McAlpine
Councillor Cummings	Councillor McKee
Councillor Edmund	Councillor Smart

Unclassified

3

ITEM 3

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	08 February 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Finance
Date of Report	27 January 2023
File Reference	FIN45 / 40012
Legislation	Section 5 Local Government Finance Act (NI) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Subject	Environment Directorate Budgetary Control Report – December 2022
Attachments	None

This Environment Directorate's Budgetary Control Report covers the 9-month period 1 April 2022 to 30 December 2022. The net cost of the Directorate is showing an overspend of **£896k (5.1%)** – box A on page 3. Covid, electricity, gas and vehicle fuel cost pressures have been mitigated by transfers from the Council's Ear-Marked Reserve (£767k).

Explanation of Variance

Environment's budget performance is further analysed on pages 4-6 into 3 key areas:

Report	Type	Variance	Page
Report 2	Payroll Expenditure	£1,036k adverse	3
Report 3	Goods & Services Expenditure	£978k adverse	3
Report 4	Income	£1,117k favourable	3

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4

Explanation of Variance

The Environment Directorate's overall variance can be summarised by the following table:-

Type	Variance £'000	Comment
Payroll	1,036	Environment HQ - Covid related - £183k¹ (this is offset by Ear-Marked Fund transfer in the Council BCR). The National and Local Pay Agreements were greater than budgeted increase - £945k . This impacts all Council Services.
Goods & Services		
Waste & Cleansing	(228)	Waste disposal costs. Tonnages down on budget – Landfill 1,220 tonnes; Blue bin waste 460 tonnes; Organics type 1 waste (garden) 1,108 tonnes; Organics type 2 waste (food) 1,479 tonnes.
Assets & Property	1,217	Electricity - £350k¹ Gas - £70k¹ Vehicle fuel - £164k¹ (The above are offset by Ear-Marked Reserve transfers). Vehicle maintenance - £186k Property Maintenance - £110k – increased reactive maintenance. Technical Services - £355k – refurbishment work, compliance work
Income		
Waste & Cleansing	(223)	Arc21 recycled waste income – (£197k).
Assets & Property	(205)	Wind turbine (£196k)
Regulatory Services	77	Building Control - (£139k) – plan fees (£83k); property certificates (£37k). Licensing - £144k – Off street car parks £95k ; Licensing £34k . Neighbourhood Environment - £72k – fines.
Earmarked Reserve	(767)	Transfer from Earmarked Reserve to mitigate covid, utility and vehicle fuel cost pressures.

¹ Funds from the Earmarked Reserve have been released to mitigate these exceptional costs to date. This will be kept under review as the year progresses.

Unclassified

5

REPORT 1 BUDGETARY CONTROL REPORT					
Period 9 - December 2022					
	Year to Date Actual	Year to Date Budget	Variance	Annual Budget	Variance
	£	£	£	£	%
Environment					
200 Environment HQ	360,968	139,900	221,068	188,500	158.0
210 Waste and Cleansing Services	12,230,516	11,815,500	415,016	15,539,800	3.5
220 Assets and Property Services	6,399,749	5,406,600	993,149	7,174,200	18.4
230 Regulatory Services	364,461	330,400	34,061	456,000	10.3
Earmarked Reserves	(767,000)	-	(767,000)	-	-
Total	18,588,693	17,692,400	A 896,293	23,358,500	5.1
REPORT 2 PAYROLL REPORT					
	£	£	£	£	%
Environment - Payroll					
200 Environment HQ	303,693	117,000	186,693	156,800	159.6
210 Waste and Cleansing Services	6,337,738	5,472,400	865,338	7,295,500	15.8
220 Assets and Property Services	1,490,689	1,509,200	(18,511)	2,017,000	(1.2)
230 Regulatory Services	1,495,774	1,493,500	2,274	1,991,500	0.2
Total	9,627,894	8,592,100	B 1,035,794	11,460,800	12.1
REPORT 3 GOODS & SERVICES REPORT					
	£	£	£	£	%
Environment - Goods & Services					
200 Environment HQ	57,275	22,900	34,375	31,700	150.1
210 Waste and Cleansing Services	6,854,135	7,082,000	(227,865)	9,237,500	(3.2)
220 Assets and Property Services	5,884,381	4,667,300	1,217,081	5,961,700	26.1
230 Regulatory Services	472,754	518,100	(45,346)	725,900	(8.8)
Total	13,268,545	12,290,300	C 978,245	15,956,800	8.0
REPORT 4 INCOME REPORT					
	£	£	£	£	%
Environment - Income					
200 Environment HQ	-	-	-	-	-
210 Waste and Cleansing Services	(961,356)	(738,900)	(222,456)	(993,200)	(30.1)
220 Assets and Property Services	(975,321)	(769,900)	(205,421)	(804,500)	(26.7)
230 Regulatory Services	(1,604,068)	(1,681,200)	77,132	(2,261,400)	4.6
Earmarked Reserves	(767,000)	-	(767,000)	-	-
Totals	(4,307,745)	(3,190,000)	D (1,117,745)	(4,059,100)	(35.0)

RECOMMENDATION

It is recommended that the Council notes this report.

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6

ITEM 4**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	8 February 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	26 January 2023
File Reference	43600
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Regulatory Services Service Plan Report Q2 22/23
Attachments	Quarterly Performance Report

Context

Members will be aware that Council is required, under the Local Government Act 2014, to have in place arrangements to secure continuous improvement in the exercise of its functions. To fulfil this requirement Council approved the Performance Management Policy and Handbook in October 2015. The Performance Management Handbook outlines the approach to Performance Planning and Management process as:

- Community Plan – published every 10-15 years
- Corporate Plan – published every 4 years (Corporate Plan Towards 2024 in operation)
- Performance Improvement Plan (PIP) – published annually (for publication 30 September 2022)
- Service Plan – developed annually (approved April/May 2022)

The Council's 18 Service Plans outline how each respective Service will contribute to the achievement of the Corporate objectives including, but not limited to, any relevant actions identified in the PIP.

Unclassified

7

Reporting approach

The Service Plans will be reported to relevant Committees on a quarterly basis as undernoted:

Reference	Period	Reporting Month
Quarter 1 (Q1)	April – June	September
Q2	July – September	December
Q3	October – December	March
Q4	January - March	June

The report for Quarter 2, 2022-23 is attached.

Key achievements:

- Despite being significantly reduced in staff resource during the period, the NET enforcement team has continued to target and patrol identified 'hot spot' areas in the Borough for littering and dog fouling. Two new temporarily enforcement officers will join the team from January 2023, facilitated by a revised approach to recruitment processes.

Emerging issues:

- The percentage of Building Control online applications received was down from 75% to 69.4%, although this has been attributed to the large number of paper applications received from The Stove Yard during the reporting period.
- The level of NET service requests saw a drop of around 26% over the period.
- The environmental education programme delivered through the NET is being developed at present, for roll out in the 2023/24 financial year.
- Dog awareness sessions in schools and training classes have now concluded for the calendar year 2022 and further classes are planned for Jan – Mar 2023. Deployment of an external provider to deliver this programme will not continue in the coming year, as part of the Council's estimates process.

Action to be taken:

- Continue to work with Dfl to find a resolution to the legal impediment to introduction of a new Car Park Order for the Borough's car parks and progress implementation of the Car Park Strategy.
- Progress the tender for a new Car Park enforcement contract that is directly managed by Council.
- Continue to explore ways of recruitment and retention of staff within the service in response to labour market shortages.
- NET exploring QR code methodology to enhance customer satisfaction survey participation.

RECOMMENDATION

It is recommended that the Council notes the report.













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8

Quarterly Performance Report - Regulatory Services

Generated on: 27 January 2023

Last Update Q2 2022/23

Performance Data Traffic Light Icon	PI Short Name	Performance Data Current Value	Performance Data Current Target
	Deliver LHLH grants through RCIF	£23,329.22	£0.00
	% of all applications made online (cumulative)	70.2%	30%
	Maintain top 3 position for Fixed Penalty Enforcement in NI	No	Yes
	% customer satisfaction survey (services easily accessed)	90.39%	70%
	% customer satisfaction survey (Regulatory Services processes)	87.69%	70%
	% customer satisfaction survey (staff courtesy and helpful)	91.89%	80%
	% customer satisfaction survey (regulatory services outcomes)	89.87%	70%
	Develop a cross borough market working group	No	No
	% Staff attendance	93.53%	95%
	% staff receiving regular team briefings	100%	100%
	Review of income generation - % self-sustained	86.8%	90%
	Implement agreed car park strategy	No	No

Unclassified

Last Update Q3 2022/23

Performance Data Traffic Light Icon	PI Short Name	Performance Data Current Value	Performance Data Current Target
	% spend against budget	110.31%	100%

Unclassified

10

ITEM 5**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	08 February 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Assets and Property Services
Date of Report	16 January 2023
File Reference	40001
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Attendance at Road Transport Expo 2023
Attachments	None

Members may be aware that our current budget for maintaining the fleet operation is in excess of £2 Million.

In order to continually keep ahead of changing legislation and avail of efficiency savings wherever possible; it is essential to keep updated with recent advances within the sector.

The Road Transport Expo is a new show (started in 2022) for Truck Fleet Operators. More than 170 exhibitors took part last year. These included mainstream truck and trailer manufacturers through to specialist heavy haulage and recovery.

The Council has previously sent the Transport Manager and his assistant to a similar show, prior to the Covid 19 pandemic. The Transport manager would be keen to attend again this year to obtain information on new products in relation to green fleet, fuel efficiency, telematics, tracking and communications for our fleet.

Information obtained will help ensure the specifications within our tender documents are up to date and contain all relevant technological advances.

Unclassified

11

Due to rising costs, it is proposed to send just one staff member rather than the historically proposed two. The total cost for one staff member to attend the event will be in the region of £500.

RECOMMENDATION

It is recommended that the Council approves the expenditure associated with sending one member of staff to the Road Transport Expo 2023.

Unclassified

12

ITEM 6

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment
Date of Meeting	08 February 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Waste and Cleansing Services
Date of Report	24 January 2023
File Reference	
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Proposed Deposit Return Scheme for Drink Containers
Attachments	None

Publication of Government Response to second Deposit Return Scheme (DRS) consultation

The UK Government, Welsh Government and the Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland have published their response to the second consultation on Introducing a Deposit Return Scheme (DRS) for drinks containers in England, Wales, and Northern Ireland.

The key highlights from the response are:

- The Deposit Return Scheme will be introduced from October 2025.
- Single-use drinks containers from 50ml to 3 litre containers will be in scope of the Deposit Return Scheme.
- Polyethylene terephthalate (PET) bottles, steel cans and aluminium cans will be included for England, Northern Ireland, and Wales.
- Glass bottles will be included for Wales only.

Unclassified

- A Deposit Management Organisation will be appointed to manage overall operation of the Deposit Return Scheme.
- Retailers selling in scope containers in store will be required to host a return point, where consumers can return the empty container and be given their deposit refund, subject to some specific exemptions that retailers can apply for. Where containers are sold online, it is intended to require large grocery retailers to offer consumers a takeback service for those containers.
- The consultation response presents further detail that will be set out in legislation. This legislation will place obligations on producers of in scope drinks containers, retailers, and the Deposit Management Organisation.

What is a Deposit Return Scheme?

A Deposit Return Scheme (DRS) is a system where consumers are charged a deposit up-front when they buy a drink in a container that is “in scope” of the scheme. The deposit can be redeemed when the empty container is returned to a designated return point.

It will boost recycling levels, reduce littering, and promote a circular economy. Deposit return schemes are a well-established feature across Europe and the world. They often focus on single-use drinks containers, with the most effective schemes achieving collection rates of over 90%.

What is the role of the Deposit Management Organisation?

The Deposit Management Organisation (DMO) will be responsible for managing the overall operation of the Deposit Return Scheme. The DMO will be appointed by Government through an application process.

The Deposit Management Organisation will be an industry-led organisation. The DMO will be made up of a consortium of industry representatives with membership of organisations which represent drinks producers, retailers, importers and logistics. The DMO will be required to ensure the collection targets are met. The collection targets will be introduced in a phased manner. In year one, at least 70% of in-scope containers that producers place on the market must be collected. In year two, this will increase to 80%, and then 90% from year three onwards.

The DMO will be responsible for setting the deposit level.

Next Steps

Deposit Return Scheme regulations: DEFRA are developing the regulations for the Deposit Return Scheme which reflect the policy outcomes set out in the consultation response. The Governments will take secondary legislation through the UK Parliament and the Senedd in Wales.

Deposit Management Organisation appointment: DEFRA intend to shortly begin engagement with prospective consortia interested in being the DMO. Later in the process, UK Government, Welsh Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland will formally invite applications for the DMO as part of a fair and open process.

The full consultation and the government’s response is available on www.gov.uk.

Unclassified

14

Comments

A lot of the detail on how the scheme will work on the ground is still work in progress. The separate Scottish scheme is due to go live in August this year and is likely to provide good learning experiences of what works well.

Where local authorities collect 'in scope' drinks containers that end up under their management through kerbside collection schemes, it remains unclear as to what mechanism will allow them to receive unredeemed deposits.

Government is pursuing an additional permitted development right for the siting of Reverse Vending Machines (RVMs) in each nation.

RECOMMENDATION

It is recommended that the Council notes this report.

Unclassified

15

ITEM 7

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	04 January 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	13 December 2022
File Reference	91200
Legislation	The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995.
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Proposed Street Naming and Numbering Policy
Attachments	Appendix 1 - Draft Street Naming and Numbering Policy

Members will be aware of its legal responsibilities in regard to allocation of street names and numbering, as set out in Article 11 of the Local Government (Miscellaneous Provisions) (NI) Order 1995. To date our practices have reflected the practice and policy positions of the legacy Councils, and current practice generally. The document attached at Appendix 1 establishes a policy for the new Council and is based upon legacy policy and practices as well as models of established best practice elsewhere. It will provide the Council with an objective process for fulfilling its defined legal obligations in regard to street naming and numbering and provide a benchmark against which to base its decisions in regard to these matters.

Particular consideration is required in relation to Appendix 1 in relation to Dual Language signage, and the fact that the Council currently has no policy in this regard.

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RECOMMENDATION

It is recommended that the attached Street Naming and Numbering Policy is adopted by the Council.

ARDS AND NORTHDOWN BOROUGH COUNCIL

POLICY COVER SHEET

Policy Title	Street Naming and Numbering policy
Policy/File Reference	
Version	1.0
Policy Summary	The purpose of this policy is to provide a clear methodology for the Naming, Numbering, and Renaming of Streets, and for Dual Language Street Signs
Responsible Officer(s)	Head of Regulatory Services
Date of Equality Screening	13 December 2022
Date of consultation with Consultative Panel	13 December 2022
Date of consultation with Unions	
Date of Council approval	
Implementation date	
Appendices attached	Appendix A Dual Language Street Signs Policy
Next review date	2 Years

Revision History:

Version	Changes made by	Date	Reason for change
1	Richard McCracken	15 December 2022	Policy established

ARDS AND NORTHDOWN BOROUGH COUNCIL

Street Naming and Numbering Policy Continued

Policy Summary

It is the policy of Ards and North Down Borough Council (the Council), as implemented through the Building Control Service (the Service), to provide the Borough with adequate street naming and numbering of buildings to help way-finding by the inhabitants, visitors and people who work in the Borough and to assist the easy identification of premises by emergency services, postal services, utility providers and the Council.

Signage and street naming provision will be delivered in an equitable and fair manner.

This policy is prepared in line with Council's Good Relations Strategy and Equality Scheme in order that the Council fulfils its statutory duty and responsibilities under Section 75 of the Northern Ireland Act 1998

Through the provision of new street names, numbering of buildings and continual updating of the corporate gazetteer and Pointer NI database, we will ensure that each property in the Council area will be correctly addressed and have a unique property reference number (UPRN).

In undertaking these functions, the primary consideration for the Council is public safety, ensuring that street names are not duplicated in individual towns and that streets and properties are named and numbered to facilitate easy identification in the event of an emergency

Requirement for the Policy

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

A properly administered system for addressing in the Borough is crucial in enabling the delivery of an equitable property taxation system such as the current system for rating.

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

ARDS AND NORTHDOWN BOROUGH COUNCIL**Street Naming and Numbering Policy Continued**

**Relevant
Legislation**

The statutory basis for this function is contained within Article 11 of the *Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995*. This Order repealed all earlier statutes related to the provision of street names and the numbering of buildings in Northern Ireland.

Article 11 of this Order provides for the naming of streets, numbering of buildings and the council's responsibility to provide street signs.

This provision also gives the Council powers to erect dual language street signs or secondary nameplates in a language other than English. In exercising these powers, the Council is required to have regard to the views expressed by the occupiers of premises in that street.

The legislation governing this policy also provides the Council with enforcement powers. In discharging any enforcement powers, the Service will have regard to the principles of the Enforcement Concordat and the Building Control Service enforcement policy.

ARDS AND NORTHDOWN BOROUGH COUNCIL**Street Naming and Numbering Policy Continued****Policy
Implementa-
tion**

When Building Regulations applications are submitted, the Service will advise applicants or their agents if the application creates the need for a new street name.

This is particularly relevant on large developments where sales promotion literature often includes names that have not been approved by the Council and may be unacceptable.

Applicants will be asked to provide a number (usually 2 as a minimum) of alternative names which should not duplicate or sound like existing names in the locality yet be linked to the characteristics of the area (social, historical or geographical).

Building Control will check its own records and may also consult with Royal Mail Address Management to check for duplication of names within the Postcode areas, which may not follow town boundaries.

The Service may also consult with the emergency services to obtain their views if the application may involve duplication of an existing street name; these exercises provide a third-party check on the registration of names within the Borough.

For new street names, changes of street names, major re-numbering, and erection of dual-language street name plates the matter will be considered by the Council's Environment Committee whose decision will be subject to approval at a subsequent council meeting.

Where the Council accept the general name, they would delegate acceptance of suffixes to the Building Control department.

If an application is not approved: -

- In the case of a new street name, it will be referred to the applicant for alternative suggestions.
- Where the request is for a re-naming or dual-language sign where a survey has been carried out, the decision of the Council will be considered final.

Following ratification by Council a notification will be issued to all stakeholders within 7 working days of Council approval and expiry of call back period.

A numbering schedule will then be developed. When possible, this information will be included in the initial notification letter and sent to all stakeholders for the numbering of new developments or communicated in due course.

ARDS AND NORTHDOWN BOROUGH COUNCIL**Street Naming and Numbering Policy Continued**

**Building
Numbering**

There are occasions where the existing naming or numbering of buildings in a street may be unsatisfactory to either property owners/occupants or the Service.

If it is decided that re-numbering is necessary, the Service will deal with the application if the re-numbering changes are relating to less than 5 properties.

If the re-numbering affects properties of 5 or more a report will then be brought before Committee for approval and subsequent ratification by full Council. The Royal Mail and other relevant agencies will be informed and advised of any changes in terms of postal numbering.

The Council will endeavour to number sites and premises as soon as it is aware that it is required. On receipt of a written request from the developer or agent a site visit may be made to help determine a suitable numbering scheme for the location in question. The Service will then notify the applicant of the correct postal-numbering.

Council will not be responsible for the any cost associated with such a re-numbering.

ARDS AND NORTHDOWN BOROUGH COUNCIL

22

Street Naming and Numbering Policy Continued**Renaming a Street**

The ability to rename streets is one which is allowed for in legislation governing the naming of streets and persons can make applications as such. The Council will carefully consider any application for renaming within its boundaries, as it is conscious that renaming of streets has profound implications on address management for the Borough, emergency services and the public.

Therefore, any application received by the Service for the renaming of a street which has the requisite support shall be presented to Council seeking its express approval before proceeding with the application. If approved by Council, the Service officers will then undertake surveys as set out below to progress the application. If not approved the Council shall inform the applicant and give the reasons why the request has not been approved.

The application/request for re-naming of a street should be accompanied by an initial petition of not less than one third of residents of the street showing a positive interest in changing the street name. A request from an individual without support of survey or signed petition will not be considered and the individual will be informed accordingly.

The opinions of all persons affected by a renaming proposal may then be sought. This shall be through survey of all residents listed under the electoral register for that street. All persons over 18 years of age shown as dwelling in a property on the electoral register will be written to requesting an indication of their support for or opposition to the proposed name change.

Only where the support of at least two thirds of occupiers aged over 18 and identified on the electoral register has been demonstrated in any street, will the Council consider a request for renaming. Royal Mail will always be consulted and if the renaming involves a duplicate street name then relevant emergency services will also be consulted as to their views on the proposed street name.

If the result of the survey shows that at least two thirds of the residents agree with the proposed name change then a recommendation will be placed before the Environment Committee for agreement of the change of name.

If approval is granted a notification of the change of street name will be sent to the applicant and other stakeholders for

ARDS AND NORTHDOWN BOROUGH COUNCIL

23

Street Naming and Numbering Policy Continued

information. The applicant will also be notified if the application for a change of street name is not approved.

Another request or re-application to change a street name which has been refused will not be accepted until a minimum period of 2 years has elapsed from the previous application date for change of the street name.

Council will not be responsible for the any cost associated with such a name change, with the exception of additional or renewed street signage.

Dual Language Street Signs

Please refer to the policy of the Council in respect of dual language street signs which is attached as Appendix A to this document.

This policy is written in relation to current legislation and will require review in relation to the upcoming Identity and Language (Northern Ireland) Act 2022.

Enforcement

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

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

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

In addition, the said Order provides that: -

Where the occupier of a house or building fails to ensure that it is marked with the number approved by the council – the

ARDS AND NORTHDOWN BOROUGH COUNCIL**Street Naming and Numbering Policy Continued**

Council may serve on him a notice requiring him to comply with the notice within 7 days from the date on which the notice is served.

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

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

Finance

As the erection of street signs and registration of postal numbering are statutory functions the Council will not levy a charge in administering these functions. Where an application for written confirmation of Postal Numbering is made, a Numbering Certificate will be issued by the Council. The first certificate will be issued free of charge to the applicant, and further copies shall be subject to the Council's published fee schedule.

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

ARDS AND NORTHDOWN BOROUGH COUNCIL

Street Naming and Numbering Policy Continued

Street Naming and Buildings Numbering Guidelines

The following guidelines will be used to support the operation of this policy.

Naming Streets and Buildings

- (i) New street names shall not duplicate any name already in use in the relevant town, or village or in areas of neighbouring Boroughs close to the Ards and North Down Borough boundary.

A variation in the terminal word, i.e. 'street', 'road', 'avenue', etc, may not be accepted as sufficient reason to duplicate a name, other than where streets are adjacent or within one development.

- (ii) Subsidiary names (e.g. a row of buildings within an already named road being called '..... Terrace') should not be used.
- (iii) All new street names should end with a suffix such as: -

Street	for any road
Road	for major roads
Way	for major roads
Road	for residential roads
Avenue	for residential roads
Drive	for residential roads
Grove	for residential roads
Lane	for residential roads
Gardens (subject to no confusion with any local open space)	
Mews laneway	for houses around an open yard or along a
Place	for a square or similar, with houses
Link	for a road linking two roads
Crescent	for a crescent shaped road
Close	for a cul-de-sac only
Square	for a square only
Hill	for a hillside road only
Circus	for a large roundabout
Terrace (provided is not a subsidiary name)	for a terrace of houses
Court yard	for apartments or houses around an open

ARDS AND NORTHDOWN BOROUGH COUNCIL**Street Naming and Numbering Policy Continued**

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

- (iv) Names which could be viewed as detrimental to the surrounding area, or names capable of deliberate misinterpretation, or defamatory should not be used.
 - (v) Not be the surname of any living person or a name, which can be clearly attributed to any living person.
 - (vi) The use of North, East, South or West (as in Blair Mayne Road North or South) is only acceptable where the road is continuous and passes over a major junction.
 - (vii) Phonetically similar names within a postal area within a town or village e.g. Euston Road, Houston Road should be avoided.
- (a) **The Numbering of Buildings**
- (i) A new street should be numbered with even numbers on one side (left) and odd numbers on the other (right).
 - (ii) Small cul-de-sacs should be numbered consecutively, and larger cul-de-sacs may be split for numbering purposes. The Council may choose to number a cul-de-sac on each side to allow for further extension.
 - (iii) Agricultural buildings, storage buildings, private garages and similar buildings used only for housing vehicles, etc. should not normally be numbered unless there is a change of use to commercial/dwelling.
 - (iv) The number 13 is discretionary in its use. It is not commonly included in developments unless requested otherwise.
 - (v) Buildings (including those on corner sites) are numbered according to the street in which the main entrance is to be found and the manipulation of numbering in order to secure a 'prestige' address or to avoid an address which is thought to have undesired associations will not be sanctioned.

ARDS AND NORTHDOWN BOROUGH COUNCIL**Street Naming and Numbering Policy Continued**

- (vi) If a building has entrances in more than one street but is a multi-occupied building and each entrance leads to a separate occupier, then each entrance should be numbered in the appropriate road. Exceptions may be made, depending on the circumstances, for a house divided into flats.
- (vii) A named building is not under the control of the Legislation and will be numbered onto the existing street.
- (vii) Postcodes are the responsibility of Royal Mail Address Management.
- (viii) In residential buildings (e.g. blocks of flats) it is usual to apply a street number to each apartment if sufficient numbers are available. If this is not available, it will be appropriate to give a street number to each communal entrance.

The numbering of flats within a named or numbered building is outside the scope of these powers, but developers are requested to supply a layout plan and unit or apartment numbers to facilitate Council records.

On each floor the numbering should be in a clockwise direction where this is possible, and they should be numbered not lettered e.g. Flat 2, 21 Smith Street, not, Flat A, 21 Smith Street.

- (ix) When one large house in a road is demolished and replaced by (say) four smaller houses or in rural situations, where all available numbers are taken up, it may be necessary to include alpha-numeric references. E.g. 34A, 34B, 34C, 34D.
-

ARDS AND NORTHDOWN BOROUGH COUNCIL

28

Street Naming and Numbering Policy Continued**Appendix A****Dual
Language
Street Signs
Policy****Legislation**

The statutory basis for this function is contained within *Article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995*. This Order commenced on 15 March 1995, it provides for street naming, street numbering and the provision of street signs. It also gives Councils the discretionary power to erect dual language street signs or secondary nameplates in a language other than English. The legislation provides that street signs may be erected in English and in one other language.

Introduction

The legislation requires the Council, in deciding whether and how to exercise its discretion to erect a street name in a language other than English, to take account of the views of the occupiers of premises in the street.

For the purposes of this policy occupiers shall be taken to be any person whose name appears in the current Electoral Register plus the owners or tenants in actual possession of commercial premises, but not employees in such premises. These policy proposals were developed and designed to promote consistent and reasonable responses. However, the policy should not be applied in such a way as to prevent due consideration being given to the circumstances of each application. Having regard to the significant resource consequences of administering the implications of the policy, the policy should be reactive in nature.

Procedure

The procedures for seeking and assessing the views of occupiers and the criteria to be applied in deciding whether to erect a street sign in an additional language other than English are as follows:

- (i) Only applications supported by a petition representing not less than one third of the people appearing on the Electoral Register of the street for which the application is made will be progressed.
- (ii) Where the foregoing requirements have been met the Council will canvass by post all people appearing on the Electoral Register of that street and seek their views on the request to erect a street sign in a second specified language. This letter is designed to make the expression of views as simple as possible. Reply will be by way of a pre-paid envelope and should be returned within one month of receipt.

ARDS AND NORTHDOWN BOROUGH COUNCIL**Street Naming and Numbering Policy Continued**

- (iii) Where two thirds or more of the occupiers appearing on the Electoral Register have indicated that they are in favour of the erection of a second language street sign, then such a sign will be erected. People not returning a reply will be deemed not to be in favour of the application.
 - (iv) Consideration will to be given to "long streets" where majority opinion on whether to have a second language street sign may differ between readily identifiable, substantial lengths of the street. In these circumstances consideration will be given to the erection of dual language nameplates in those substantial portions of the street where the required majority of occupiers have expressed a wish for such a nameplate.
 - (v) When a decision has been taken to erect a street sign in a second language the translation from English to that second language will be carried out by an independent, competent Body such as the appropriate Language Department at Queen's University.
 - (vi) With regard to the design and placing of the street signs the second language sign shall be located immediately below the English sign and the size of lettering shall be smaller than the English version to avoid any risk of confusion to the emergency services.
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Unclassified

30

ITEM 8

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	08 February 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	10 January 2023
File Reference	92000
Legislation	The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2012 and Part 5 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below: If other, please add comment below:
Subject	Trial of Surface Markings and signage for Existing Dogs on Lead Area
Attachments	None

Background

All dog owners have a responsibility to ensure the welfare of the dog in their care and to make sure that their dog does not become a problem to themselves or other people. The laws that exist in relation to dogs such as the dog control order regime under the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 and the Dogs (Northern Ireland) Order 1983, do so primarily to ensure that people and dogs can live happily and safely together.

The legacy North Down Borough Council created a dog control order in relation to dogs on leads for ten specified areas including Ballyholme Promenade. This is recorded as the North Down Borough Council Dog on Leads (Promenades and Gardens) Order 2013.

Unclassified

31

Offence:

(1) Any person in charge of a dog is guilty of an offence if, at any time, on any land to which this Order applies the person does not keep the dog on a lead of not more than 2 metres in length, unless-

- the person has a reasonable excuse for doing so; or
- the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the person failing to do so.

(2) For the purposes of this Article a person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

There are difficulties in providing balanced enforcement measures in relation to this issue across the Borough due to a lack of signage and uniformity of approach.

Signage Trial

As a trial exercise, officers propose the provision of additional signage and surface markings on the already designated route on Ballyholme promenade between Banks Lane and the yacht club. This would provide an opportunity to monitor the impact of signage upon compliance levels in a relatively compact area.

The limited trial can be funded from existing budgets and if successful the approach can be considered for future roll out and any subsequent review of dog control orders across the borough.

The area may be subject to future coastal path alterations however, following consultation with Head of Parks and Cemeteries, we anticipate that this will not impact on the trial during any planned lead in or enforcement periods.

The fixed penalty amount for this offence is the same as for fouling and littering offences and is the subject of review under the newly implemented Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Amendment) Regulations (NI) 2022.

RECOMMENDATION

It is recommended that the Council notes the report.

Unclassified

32

ITEM 9

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	08 February 2023
Responsible Director	Director of Environment
Responsible Head of Service	Regulatory Services
Date of Report	16 January 2023
File Reference	92011
Legislation	The Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Amendment) Regulations (NI) 2022
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Increase in Fixed Penalty Limits for Littering/Dog Fouling and Dog Control Order Offences
Attachments	Appendix 1 - Letter to DAERA Minister Appendix 2 - Reply from DAERA Minister

1.0 Background

Members will recall that in August 2020, the Council agreed a Notice of Motion, which included a call to write at the earliest opportunity to the Minister for Department of Agriculture, Environment and Rural Affairs (DAERA), to request the maximum amount payable under a Fixed Penalty Notice in respect of littering and dog fouling offences be increased from the current limit of £80 to £250.

In accordance with the decision of Council, a letter was sent to the then DAERA Minister (Appendix 1). A response was received at the time, confirming that the Department was reviewing the effectiveness of the current powers and fines (Appendix 2).

Unclassified

33

The Council's lobbying position on this matter is in keeping with that of the GB lobby group Clean Up Britain as well as Keep Northern Ireland Beautiful (KNIB), the lead charity organisation advocating for a cleaner, greener and more sustainable Northern Ireland.

In May last year, the Council received an update from senior Departmental officials indicating that they had already begun work on preparation of the necessary Regulations which will ultimately increase the maximum FPN to £200.

2.0 Fixed Penalty Increase

The Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Amendment) Regulations (NI) 2022

Regulations made on 8 December 2022 came into force on 30 December 2022 and amended the previous 2012 regulations. The effect is to alter the amount of a fixed penalty capable of being specified by a district council for a fixed penalty under:

- (a) Article 6 (6A) (a) of the Litter Order i.e., Littering and
- (b) Section 44 (1)(a) of the 2011 Act insofar as it relates to an offence under a Dog Control Order set out in Schedule 1 to the 2012 Regulations i.e., offences including dog fouling, dog off lead in designated area etc.

and specifying that it shall be not less than £50 and not more than £200.

3.0 Current Situation

The existing Council decision sets the level of fine at £80 with a reduction to £60 if paid within 14 days of issue. The higher level remains for a further 14 days after which the Council may bring the matter to court. Currently about 90% of issued penalties are paid at the discounted rate and the Council retains 100% of fixed penalty income. Repeat offenders are rare.

There is no means of accepting part payment as a fixed penalty is an opportunity to discharge liability to prosecution and partial discharge cannot be facilitated. There is no statutory requirement for an internal appeals system as the courts can provide an independent judgement any time after 28 days from issue.

In keeping with good practice, the Neighbourhood Environment Services Manager will review all disputed cases to double check that the necessary evidential standard is met in a case. Where financial hardship is reported, the Manager may extend the payment period to assist, however all cases not discharged by full payment of a fixed penalty must come before the court within six months or be statute barred.

4.0 Recommended New Fixed Penalty Level

In keeping with the Council's previously agreed Notice of Motion, it is recommended that the new Fixed Penalty amount set for the prescribed offences is set at the maximum now allowable under the new legislation that has been introduced i.e., £200. To promote the payment of fixed penalty fines, thereby avoiding recourse to

Unclassified

34

court proceedings for relevant offences, it is also recommended that the discounted fee for payment within 14 days be set at £150 (a 25% reduction, in line with our existing 25% fine reduction for prompt payment).

5.0 Communications

It is planned that the NET will work with the Council's Corporate Communications team to promote the message that receipt of a littering fixed penalty notice will now cost offenders a lot more than previously and urging everyone to do the right thing with their litter/dog waste to avoid this heftier financial sanction.

RECOMMENDATION

It is recommended that Members:

1. Note the information set out in this report.
2. Agree the new fixed penalty amounts of £200 (full) and £150 (discounted) for prescribed offences as set out in this report.

Our ref: 92011

Your ref:

4 September 2020

Edwin Poots MLA
Minister of Agriculture, Environment and Rural Affairs
Room 309
Parliament Buildings
Stormont
Belfast
BT4 3XX

Dear Mr Poots

Fixed Penalty Limit for Littering Offences

At a recent meeting of Ards and North Down Borough Council, it was resolved that representation should be made to you requesting that the maximum amount payable under a Fixed Penalty Notice (FPN) in respect of littering and dog fouling offences be increased from the current limit of £80 to £250. The Council noted that the current level of the penalty for this serious environmental offence has not been increased in recent times and lags well behind the penalty level that now applies in England.

Ards and North Down Borough Council has invested significant resources into the detection and enforcement of littering (including dog fouling) offences and considers that that the financial penalty that is payable by those who commit such offences should better reflect the gravity of the societal litter problem that currently prevails. Furthermore, in keeping with the 'polluter pays' principle, the Council believes that the income from fixed penalty notices should better reflect the scale of the resources required to enforce the Litter Order and furthermore that those who pollute our towns, villages and countryside with litter should bear the cost of clean up by Councils. A significant increase in the maximum amount payable by those in receipt of a littering FPN would help to address these issues.

I look forward to your favourable consideration of this matter.

Yours sincerely



David Lindsay
Director of Environment
Ards and North Down Borough Council

**From the Office of the
Minister of Agriculture,
Environment and Rural Affairs**



36

Mr David Lindsay
Director of Environment
Ards & North Down Borough Council
Town Hall
Bangor
BT20 4BT
Emily.Brown@ardsandnorthdown.gov.uk

Room 438
Dundonald House
Upper Newtownards Road
Ballymiscaw
Belfast
BT4 3SB
Telephone: 028 9052 4140
Email: private.office@daera-ni.gov.uk

Your reference: 92011
Our reference: CORR-1809-2020
Date: 18 September 2020

Dear Mr Lindsay

Fixed Penalty Limit for Littering Offences

Thank you for your letter of 4 September 2020, outlining the representation from Ards & North Down Borough Council requesting that the maximum amount payable under a Fixed Penalty Notice (FPN) in respect of littering and dog fouling offences be increased from the current limit of £80 to £250, as the penalty for these offences has not increased in recent times.

I fully appreciate the pro-active approach from Ards & North Down Borough Council in wanting to ensure that the penalty for littering and dog fouling offences will be as big a deterrent as possible, and also that the level of fixed penalty applied will ensure that the polluter bears the clean-up costs for their actions.

As you are aware, my Department uses a combined approach of legislation, education, awareness and enforcement to tackle these issues. The Department periodically reviews this legislation and earlier this year appointed Keep Northern Ireland Beautiful to gather data from all councils on their use of fixed penalty notices for both litter and dog fouling offences. Feedback was also sought from councils on the effectiveness of the current powers and fines. This data is being used to inform the Department's review of the current fixed penalty notice regime and your correspondence will be added to the information already gathered for this review.

The Department is also working on producing Northern Ireland's first overarching Environment Strategy. This is due to be consulted upon in early 2021 and will consider options for tackling litter and dog fouling offences in the future.

Sustainability at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



Again, I would like to take this opportunity to thank you, and Ards & North Down Borough Council for your concern and ongoing work to tackle the scourge of dog fouling and littering and I look forward to your contribution to the Environment Strategy consultation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Edwin Poots', written in a cursive style.

EDWIN POOTS MLA
Minister of Agriculture, Environment and Rural Affairs

Unclassified

38

ITEM 10

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	08 February 2023
Responsible Director	Director of Environment
Responsible Head of Service	Regulatory Services
Date of Report	16 January 2023
File Reference	92016
Legislation	The Waste and Contaminated Land (Amendment) (2011 Act) (Commencement No.3) Order (Northern Ireland) 2022
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Revision of Fly-Tipping Statutory Enforcement Provisions
Attachments	None

1.0 Background

Members may be aware that the Council is a signatory to a fly-tipping protocol, which sets out agreement between Councils and DAERA regarding respective investigation and enforcement roles in cases of fly-tipping (illegal disposal of controlled waste on land which is not licensed for that purpose). In essence, the Council deals with smaller scale deposits of fly-tipped waste (up to 20 cubic metres) and only deals with waste classified as hazardous if it is of a type that is accepted at its HRCs; in other circumstances NIEA assumes investigation and enforcement responsibilities.

Fly-tipping primarily arises from household and or commercial sources and both are controlled under a specific legal duty known as the waste '*Duty of Care*'.

To comply with the Duty of Care a person must take reasonable steps, based on the way in which they hold waste, to:

Unclassified

39

- prevent the escape of waste or waste causing pollution or harm while they hold it and ensure that those they transfer waste to have also taken steps to ensure that it does not escape whilst it is in their possession;
- provide written information which describes the waste when they transfer it to another person, sufficiently well to allow them to comply with their duties;
- ensure that they only transfer waste to a person authorised to receive it;
- demonstrate that they have taken into account the Waste Hierarchy when making decisions on the management of their waste; and
- prevent contravention by other persons of duties they may have under other relevant legislation.

A Code of Practice produced by DAERA ([duty-of-care-code-of-practice-june2016.pdf](https://www.daera-ni.gov.uk/duty-of-care-code-of-practice-june2016.pdf) ([daera-ni.gov.uk](https://www.daera-ni.gov.uk))) covers the Duty of Care relevant to all aspects of waste management, and various specific obligations apply to different parties as set out in the Code depending upon their role in the handling and disposal of waste.

The Waste and Contaminated Land (Amendment) (2011 Act) (Commencement No.3) Order (Northern Ireland) 2022, implements changes to waste enforcement arrangements.

2.0 New Enforcement Powers

2.1 Powers to Enforce Against Unauthorised or Harmful Deposit, Treatment or Disposal, of Waste Offences (Article 4 of Waste and Contaminated Land (NI) Order 1997)

Previously, only DAERA was authorised to exercise enforcement functions in respect of prescribed offences relating to the unauthorised or harmful deposit, treatment or disposal of waste; Councils are now also authorised. New powers have been introduced to issue Fixed Penalty Notices (FPNs), of not less than £100 and not more than £400, for Article 4 offences. Councils will also now avail of the new FPN powers. It is recommended that the fixed penalty amount should be set at the maximum allowable i.e., £400. To promote the payment of fixed penalty fines, without recourse to court proceedings for relevant offences, it is also recommended that the discounted fee for payment within 14 days be set at £300 (a 25% reduction)

2.2 Powers to Enforce Against Waste Duty of Care Offences (Article 5 of Waste and Contaminated Land (NI) Order 1997)

Previously, only DEARA was authorised to exercise enforcement functions in respect of prescribed offences relating to waste duty of care; Councils are now also so authorised. Enforcement options now available to Council include the issue of Fixed Penalty Notices (FPNs) for the offence of failing to comply with a duty to furnish duty of care documents; the amount payable is set at £300.

2.3 Powers to Require Removal of Unlawfully Deposited Waste

Previously, DAERA was not named as an enforcing authority in terms of powers to require the removal of waste unlawfully deposited on land; this power lay solely with Councils. Furthermore, there was no power to require removal and proper disposal

Unclassified

40

of waste by the person who deposited it (rather this was restricted to the occupier or owner of the land).

The changes now brought about mean that both DAERA and Councils are empowered to serve notices to require removal and legal disposal of fly-tipped waste, as well as expanding the potential recipients of such notices to include the person who deposited the waste.

2.4 Cost Recovery

Councils will now also be able to ask the court to make an order requiring someone convicted of prescribed Article 4 and 5 offences, to pay a sum which appears to the court not to exceed the costs arising from investigations of the Council which resulted in the conviction. This is over and above the costs that the court can award to the Council under the Criminal Cases Act (Northern Ireland) 1968 (award of costs against accused).

3.0 Communications

It is planned that the NET will work with the Council's Corporate Communications team to promote these enhancements to the enforcement of fly-tipping sanctions and urge everyone involved to comply fully with the law to ensure that all waste is safely and sustainably managed. In particular, the legal obligations of householders to ensure that their waste is safely and legally disposed of will be highlighted – along with the potential for receipt of a hefty fixed penalty notice where they are found to have broken the law, including waste disposal 'duty of care' obligations.

RECOMMENDATION

It is recommended to:

1. Note the changes to waste enforcement powers, as set out in this report.
2. Approve the Fixed Penalty amounts of £400 (full) and £300 (discounted) for Article 4 offences, as set out in this report.

Unclassified

41

ITEM 11**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	08 February 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	26 January 2023
File Reference	92009
Legislation	Dogs NI Order 1983 Litter NI Order 1994 Clean Neighbourhoods and Environment Act (NI) 2011
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below: If other, please add comment below:
Subject	Q3 Activity Report for Neighbourhood Environment Team (1 October to 31 December 2022)
Attachments	Appendix A - List of Fixed Penalties Issued by Type and Location

Introduction


The information provided in this report covers, unless otherwise stated, the period 1 October 2022 to 31 December 2022. The aim of the report is to provide members with details of some of the key activities of the Team, the range of services it provides along with details of level of performance.

Applications to the Neighbourhood Environment Team

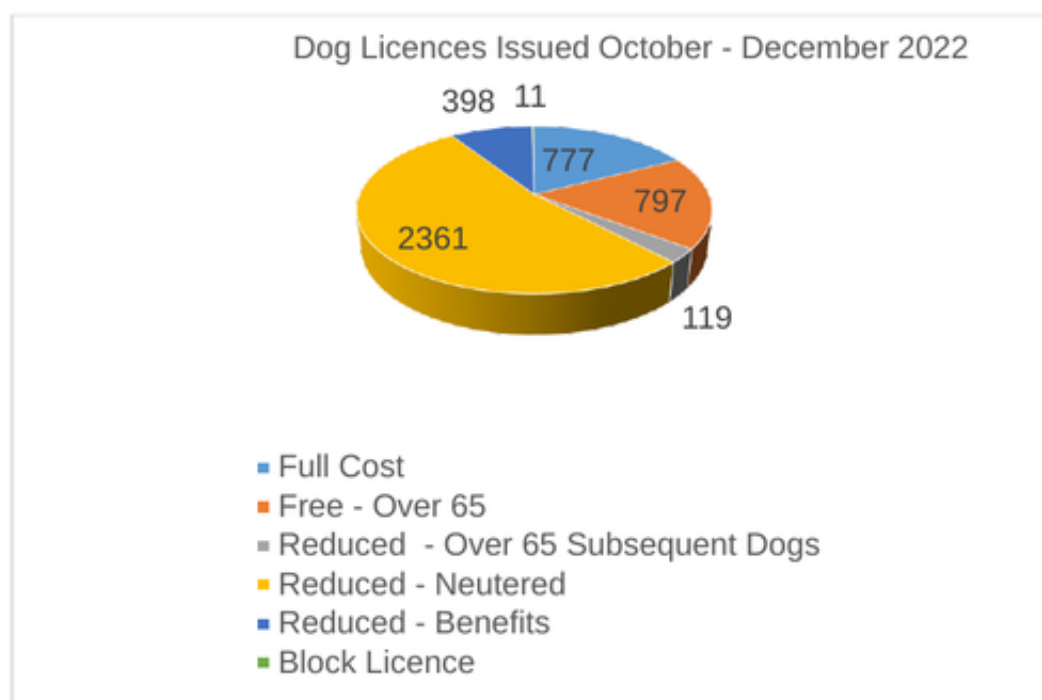
The Dogs (NI) Order 1983

It should be noted that these figures include block licences where one licence can be issued for multiple dogs in specific circumstances.

Unclassified


	Period of Report October – December 2022	Same 3 months October – December 2021	Comparison
Dog licences issued during the three months	4,467	4,659	

Concessionary licences remain at 89% of dog licences issued over the period. This includes the categories of neutering (£5) / over 65 (Free – first dog) / over 65 subsequent dog (£5) and income related benefits (£5). Standard dog licence £12.50 and block licence £32.

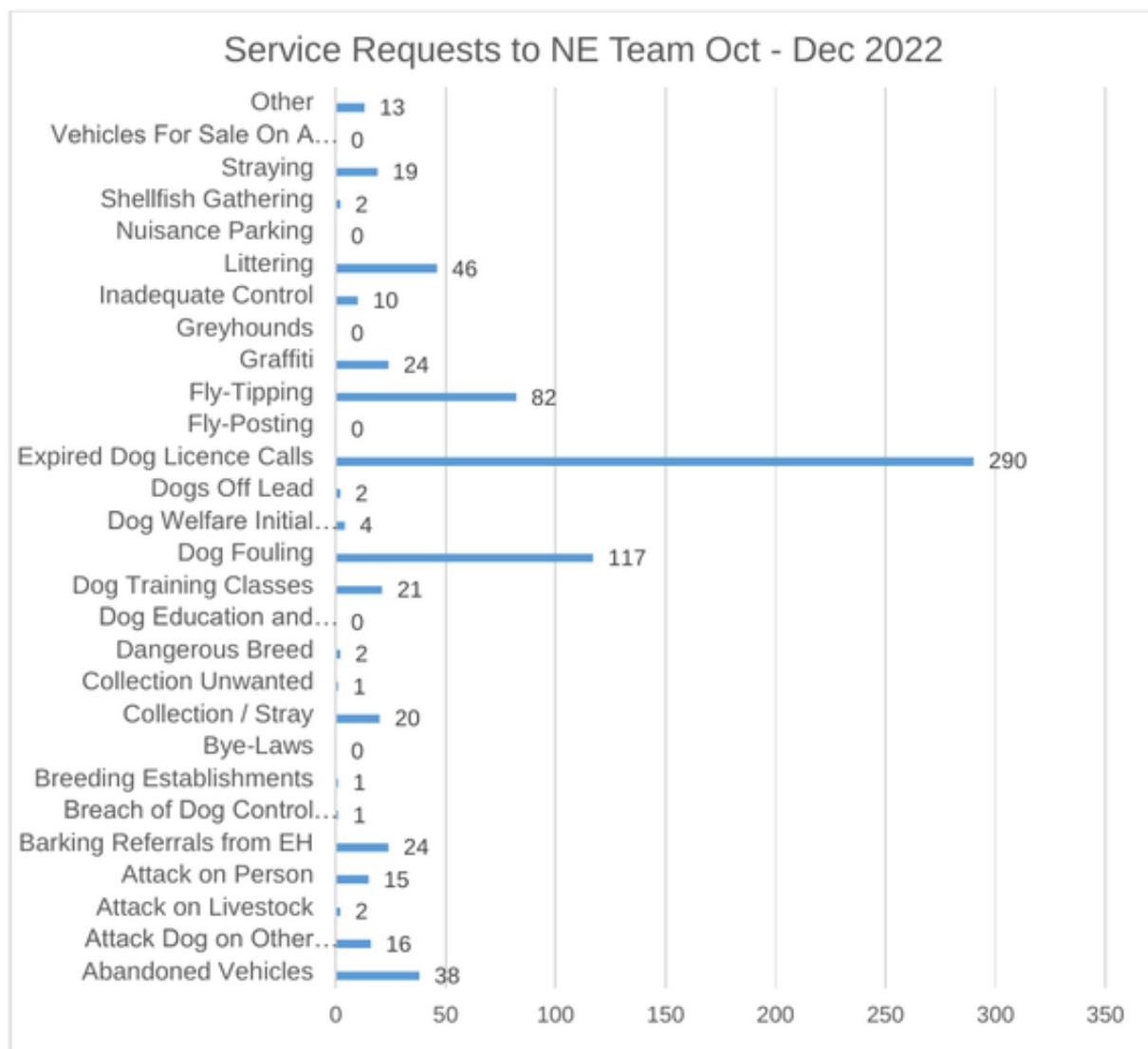


Investigations

The Neighbourhood Environment Team responds to a range of service requests. In terms of time spent, some types of service requests will be completed immediately whilst others require a longer-term strategy to find a resolution. The total number of service requests have been outlined together with a sample of the types of requests received.

	Period of Report October – December 2022	Same 3 months October – December 2021	Comparison
Service Requests received the three months	750	831	

Unclassified



Non-Compliance

Prosecutions

	Period of Report October – December 2022	Same 3 months October – December 2021	Comparison
Total Prosecutions	12	25	

The level of prosecutions during the same period last year includes a back log of cases delayed by the court due to COVID 19.

Fixed Penalty Notices

In addition to cases being prosecuted through the court, **56** fixed penalty notices have been issued in respect of various matters. This continues to demonstrate a sustained Council focus upon detecting and punishing those who persist in committing environmental offences in the Borough and highlights one patrolling

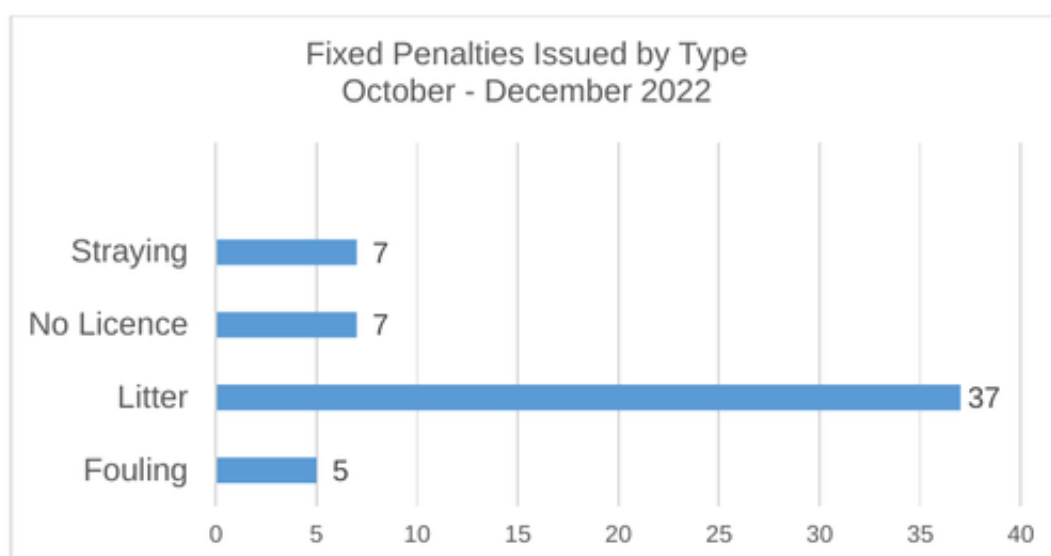
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outcome of the Neighbourhood Environment Team achieved despite an ongoing reduction in staffing levels due to sickness and vacant posts. Recruiting for Enforcement officers was ongoing during the period of report.

The main categories of fixed penalties are shown below. Other categories exist i.e., breach of dog control conditions, exclusion order and off lead offences. The offer of an £80 Fixed Penalty Fine is an opportunity to discharge liability to prosecution. A payment period of 28 days is permitted. If paid within 14 days, the fine is discounted to £60. As staff recruitment and retention remains a challenge this has impacted on the number of notices issued during the quarter as it was not possible to maintain a daily enforcement patrol at times.

	Period of Report October – December 2022	Same 3 months October – December 2021	Comparison
Straying	7	22	↓
No Licence	7	59	↓
Litter	37	47	↓
Fouling	5	9	↓

The following graph illustrates the fixed penalty notices issued during the period of report by type:



Unclassified

45

Appendix A to this report provides a street level location for each of the penalty fines issued during the period of report 1 October to 31 December 2022.

Environmental Education Programme – Development (Project ELLA)

The Neighbourhood Environment Team is continuing to prepare an Environmental Education Programme during this financial year with a view to rolling out delivery in the next financial year subject to ongoing Recycling Community Investment Fund budget availability.

During the period of report, the following environmental education activity took place:

A presentation entitled 'A 500-Million Year Journey' was delivered to the environment and history class from Action Mental Health. This talk is being developed to explain the processes that formed our local landscape and the need to protect it from negative human impacts.

This activity is part of the ongoing development of Project ELLA. (Environmental, Learning, Lifestyle and Action). This project seeks to provide new and innovative solutions in the delivery of environmental education and awareness. It is hoped that the project will be launched officially in spring 2023.

RECOMMENDATION

It is recommended that the Council notes the report.

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46

Appendix A - List of Fixed Penalties Issued by Type and Location

TYPE	LOCATION	TOWN
Litter	Groomsport Harbour Car Park	Groomsport
Litter	Ards Shopping Centre	Newtownards
Litter	Ards Shopping Centre	Newtownards
Fouling	Island Hill Causeway	Comber
Litter	Ards Shopping Centre	Newtownards
Fouling	Millisle Beach	Millisle
Litter	Castlebawn Shopping Centre	Newtownards
Litter	Bloomfield's Car Park	Bangor
Litter	Asda Car Park	Newtownards
Litter	Castlebawn Shopping Centre	Newtownards
Litter	Movieland Car Park	Newtownards
Litter	Movieland Car Park	Newtownards
Litter	Castlebawn Shopping Centre	Newtownards
Litter	Ballywalter Road Car Park	Millisle
Fouling	Cairnwood Forest Park	Craigantlet
Litter	Groomsport Harbour Car Park	Groomsport
Litter	Movieland Car Park	Newtownards
Litter	Ards Shopping Centre	Newtownards
Litter	Ards Shopping Centre	Newtownards
Litter	Ards Shopping Centre	Newtownards
Straying	Fort Road	Bangor
Litter	Castlebawn Car Park	Newtownards
Litter	Ards Shopping Centre	Newtownards
Straying	Ballymartin Road	Killinchy
Litter	Millisle Road	Donaghadee
Fouling	Banks Lane	Bangor
Litter	Darragh Road	Comber
Litter	Bloomfield Car Park	Bangor
Straying	Donaghadee Golf Club	Donaghadee
Straying	Comber Vets	Comber
Litter	Ards Shopping Centre	Newtownards
Litter	Movieland Car Park	Newtownards
Litter	Bangor Road Carriageway	Hollywood
Fouling	Millisle Beach	Millisle
Litter	Parkway Car Park	Comber
Litter	Ards Shopping Centre	Newtownards
Litter	Banks Lane Car Park	Ballyholme
Litter	Ards Shopping Centre	Newtownards
Litter	Banks Lane	Bangor
No Licence	Chester Park	Bangor

Unclassified

47

Litter	Ballyvester Car Park	Donaghadee
Litter	Parkway Car Park	Comber
Litter	Cloughey Car Park	Cloughey
No Licence	Orlock Gardens	Bangor
Litter	Bloomfield's Car Park	Bangor
Litter	Stokers Halt, Car Park	Bangor
Litter	Comber Car Park	Comber
Straying	Brown's Brae	Holywood
Litter	Ballywalter Road Car Park	Millisle
No Licence	Greyabbey Road	Ballywalter
No Licence	Greyabbey Road	Ballywalter
No Licence	Greyabbey Road	Ballywalter
No Licence	Greyabbey Road	Ballywalter
Straying	Millbank Crescent	Millisle
Straying	Millbank Crescent	Millisle
No Licence	Church Street	Newtownards

Unclassified

48

ITEM 12**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	08 February 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	27 January 2023
File Reference	92017
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Live Here Love Here Small Grants Scheme 2022-23 Grant Allocations
Attachments	None

Introduction

Members will be aware that our funding of the Live Here Love Here Small Grants program, administered in partnership with Keep Northern Ireland Beautiful, is facilitated through our Recycling Community Investment Fund. The latter is financed from net waste processing savings accrued through the efforts of our residents in household waste recycling, representing a form of 'pay-back' to local communities for their engagement in this crucially important aspect of the Council's role in creating a sustainable future.

Grant Allocations 2022-23

14 groups applied for funding in our Borough and £23,329.22 was allocated in grants this year.

Applications were reviewed by a panel of judges and grants were awarded for eligible expenditure under the scheme, as detailed in the table below.

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A number of groups received less funding than requested due to ineligible items. Unsuccessful projects included ineligible projects, projects with no community involvement or on private land.

Applicant	Project	Award £
Ballywalter Community Action Group	Blooming Ballywalter by the Sea	1150
Millisle Youth Forum	Making an Entrance	2980
Bangor Foodbank and Community Support (BFCS)	Special Needs Garden for children and youth	1350
Comber Regeneration Community Partnership	Colour Comber 7	3000
Portaferry Community Services Ltd	Sails & Sounds Festival	0
Cloughey Heritage Group	Clean up the graveyard of our heritage buildings	1940
Boom Studios	Colour Bangor - Bingham Mall	0
Donaghadee Community Development Association	Donaghadee in Bloom	3000
Portaferry In Bloom	Growing safely for all ages and reusing green waste	0
Cloughey & District Community Association	Daffodils 2022	520
Ards Canal Path Community Group	The Rowans Rewilding Project	2691
Branch Out Community Group	Development of a permaculture food forest	2000
Hollywood Shared Town	Hollywood Community Garden	1700
St Mary's Primary School Eco Team	St Mary's Eco Team	2998.22

Successful applicants

Group name	Project title	Project Description
Ballywalter Community Action Group	Blooming Ballywalter by the Sea	Funding to continue to enhance the floral display in the village of Ballywalter, by commissioning a bespoke wall planter in keeping with coastal theme. Two planter areas each measuring 5ft x 8in. This will complement the existing rowboat feature and complete the project. Presently the wall where the new feature will be mounted is often targeted by offensive graffiti which impacts on all members of society and creates a negative image within the village. The project aims to improve this by developing the area in a positive way. The new feature along with our current floral display planters will be maintained by Ballywalter

Unclassified

50

		Community Action Group, Ballywalter Over 50's Gardening Club and Ballywalter Primary School
Millisle Youth Forum	Making an Entrance	The creation of a welcoming entrance at the Moss Road/Main Street Car park which has two banks that are very badly overgrown and very unsightly. This car park is basically at the entrance to Millisle and the young people want to create a floral display which will be conducive to enhancing the village but will also be designed to create an area for pollinating insects. The area will be landscaped with wild flowers, shrubs and local flowers that will attract insects, bees etc and portray a welcoming image to the village.
Bangor Foodbank and Community Support (BFCS)	Special Needs Garden for children and youth	Creating a raised bed garden for children with special needs. The main goal of the garden is to make sure children with special needs have the same opportunities as their typically developing peers, because so often special needs kids are excluded from out-of-school activities. The gardening initiative is open to children of all ages, with and without disabilities, including those with developmental delays, cerebral palsy, Attention Deficit Disorder (ADD), Attention Deficit Hyperactivity Disorder (ADHD), multiple disabilities, mental illness, children on the autism spectrum, and children who are deaf or blind. The garden will provide a number of unique benefits to help in achieving success.
Comber Regeneration Community Partnership	Colour Comber 7	Replacement of old wooden planters due to wear and tear and the addition of tiered heavy duty self-watering plastic planters. These planters require watering on a weekly basis which is time saving for volunteers who were watering the old wooden one up to 3 times per week. The new planters will be more suitable for trailing fragrant plants which in turn will attract more wildlife i.e., butterflies, bees etc. The 3 local Primary Schools will have a large input to the project as they will be coming along to help fill the planters and planting the wildflower beds in the town.

Unclassified

51

Cloughey Heritage Group	Clean up the graveyard of our heritage buildings	This group has been created to restore the old church building which has been empty for over 40 years. During this period the graveyard has been neglected and fallen into disrepair. The aim is to turn this neglect into a beautiful, greener space for our community. Wildflowers will be sown around the entire perimeter including shrubs and plants that are suitable for the coastal area. This will improve the look of the building entirely and become a place for the community to gather and reflect also encouraging bees, wildlife and making it a green space. It's not just about restoring the building but the pride and dignity the building and its surrounding brought to our community.
Donaghadee Community Development Association	Donaghadee in Bloom	Working closely with our local Council (who will plant out their own specific areas) the project involves the co-ordination of efforts by traders, individuals, schools and community groups to have floral displays in the town. We are planning * 4 "crowns" at the entrances to recognise and celebrate the Queen's Platinum Anniversary * some 60 hanging baskets, * 10 planters, planted by individuals and 10 planted by schools and groups. Planters are a mixture of standard flower containers and disused boats reflecting the towns maritime associations. * over 200 window boxes planted out by pupils of Killard House Special School and made available free to suitable premises in the town centre. Details of all the displays will be set out in a booklet available free from establishments in the town centre.
Cloughey & District Community Association	Daffodils 2022	Extend the daffodil planting throughout the village of Cloughey. Last season 6 sack-loads of daffodils were planted along a stretch of the Main Road in Cloughey. The display this spring has been beautiful and commented on by all locals and visitors. We want to extend this planting along the verges throughout the village.
Ards Canal Path Community Group	The Rowans Rewilding Project	The Rowans rewilding Project aims to create a small wooded area of native trees, shrubs and climbers on a large bare grassy area close to the centre of Newtownards. The goal is to plant trees and create a space for nature in a part of the town that is losing green spaces rapidly to development. We aim to make this a "flagship" example of how unused green areas can be managed to benefit the community and the environment. By working with the local community and council we will bring everyone together, to create a space to be proud of.

Unclassified

52

Branch Out Community Group	Development of a permaculture food forest	A permaculture food forest where people can forage as they need. The site has already got a tree canopy of mostly natives but due to neglect the only other species are bramble, nettles and ivy. The funding will support the introduction of rainwater catchment and compost areas as there is no access to services in the area. The grassy path tends to get waterlogged in some areas so some improvements to that are required. We would also like to introduce wildlife feeding stations and bird baths.
Holywood Shared Town	Holywood Community Garden	HST in partnership with ANDBC & NIEA is creating a community garden. The funding will support purchase of a poly tunnel and tools for the garden (that includes allotments, wild meadow, fruit growing, etc.) with a view to preparing the site in readiness for its cultivation. The overall goal is to provide a community space for growing and learning as well as enjoyment, and good mental health. This project is part of a larger initiative called Holywood Green Spaces that involves establishing a community orchard, the restoration of the Dunville Kitchen Garden, and a network of green walks in the Holywood district. The garden will host events to encourage local participation and awareness of sustainable growing, climate change, our planet's care.
St Mary's Primary School Eco Team	St Mary's Eco Team	The creation of an outdoor classroom area to facilitate outdoor learning particularly food growing and biodiversity related projects. The project will encourage the local community to work with the school to share their expertise and sense of pride in their local area. The project will support the connecting of young people to nature.

RECOMMENDATION

It is recommended that the Council notes the allocations to successful applications for the 2022-23 LHLH Small Grant Scheme as set out in Section 2 of the report.