

ARDS AND NORTH DOWN BOROUGH COUNCIL

8 June 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 in the Council Chamber, 2 Church Street, Newtownards on **Wednesday, 14 June 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. Deputation - Interim Presentation by WRAP on Waste Collections Review
4. Q4 Service Plan Performance Reports (Copies attached)
 - 4.1. Assets and Property Services
 - 4.2. Regulatory Services
 - 4.3. Waste and Cleansing Services
5. HRC Access Booking System (Report to follow)
6. Northern Ireland Local Authority Municipal Waste Management Statistics, October to December 2022 (Report attached)
7. Notice of Motion regarding Unclaimed Bins on Public Footpaths (Report attached)
8. Result of Court Proceedings - Neighbourhood Environment Team from 1 October to 31 December 2022 (Report attached)
9. Building Control Q3 Activity Report (Oct to Dec 2022) (Report attached)
10. Review of Local Authority (Council) Property Certificate Fees 2023 (Report attached)

11. Proposed Street Naming – Tullygarvan Mill, Ballygowan (Report attached)
12. Confirmation of Provisional Amusement Permit (Report attached)
13. Grant of Outdoor Entertainment Licence (Report attached)
14. Grant of Pavement Café Licenses (Report attached)
15. Grant of Street Trading Licence (Report attached)
16. Any Other Notified Business

Circulated for Information

- a) Letter from DfI - Unclaimed Bins on Public Footways (Correspondence attached)

*****IN CONFIDENCE*****

17. NOM Report - Local Animal Welfare Offenders Register (Report attached)
18. Tender Report on the Treatment of Street Sweepings (Report attached)
19. Single Tender Action - Supply of Dennis Eagle Parts (Report attached)
20. Single Tender Action - Supply BMI Ejector Trailers (Report attached)

MEMBERSHIP OF ENVIRONMENT COMMITTEE (16 Members)

Alderman Armstrong-Cotter	Councillor Kerr
Councillor Blaney	Alderman McAlpine
Councillor Boyle	Councillor McKimm
Alderman Cummings (Vice Chair)	Councillor Morgan (Chair)
Councillor Cathcart	Councillor Rossiter
Councillor L Douglas	Councillor Smart
Councillor Edmund	Councillor Woods
Councillor Irwin	Councillor Wray

Unclassified

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ITEM 4.1**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	14 June 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Assets and Property Services
Date of Report	05 June 2023
File Reference	43600
Legislation	Local Government Act 2014
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Q4 Assets and Property Services Performance Report
Attachments	Quarterly Performance Report

Context

Members will be aware that the 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 the 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

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 4 2022-23 is attached.

Key points to note:

- Budget overspend includes substantial increases in utilities costs, diesel costs and the roof repairs at Aurora. These costs were unbudgeted and unavoidable.
- The biofuel trial remains unviable due to ongoing difficulties in sourcing the fuel at a competitive rate. Officers will keep this under review.

Key achievements:

- All refurbishment projects planned for this year were completed, including works at Queens Hall Newtownards, Groomsport boathouse, Kircubbin community centre and Westwinds Community Centre.
- Several regeneration projects were delivered, including Comber car park resurfacing.
- Over 4900 property maintenance defects completed over the year.

RECOMMENDATION

It is recommended that the Council notes the report.














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Quarterly Performance Report - Assets and Property Services

Generated on: 05 June 2023

Last Update Q4 2022/23

Performance Data Traffic Light Icon	PI Short Name	Performance Data Current Value	Performance Data Current Target
	% of applicable properties achieving an E rating or better (cumulative)	95%	80%
	Set Action Plan implementation dates for Sustainable Energy Management Strategy (cumulative)	Yes	Yes
	Trial of Biofuel in the fleet completed and results reported back	No	Yes
	Trial of roof mounted Solar Panels in the fleet completed (cumulative)	Yes	Yes
	No. of roadside audits complete per quarter	30	30
	% of fleet is audited every quarter	5%	5%
	% of condition surveys completed against schedule (cumulative)	100%	100%
	Required number of refurbishments carried out according to the schedule	Yes	Yes
	% of time that life belts are serviceable	98%	90%
	% of vehicles that pass PSV first time	96%	95%
	% of maintenance jobs completed within timescales	85%	80%
	% maintenance jobs quality assured	40%	10%
	% spend against budget	116.08%	100%

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Performance Data Traffic Light Icon	PI Short Name	Performance Data Current Value	Performance Data Current Target
	Internal Customer Feedback surveys completed	Yes	Yes
	Review findings of customer feedback survey and implement improvements where possible (cumulative)	Yes	Yes
	% questionnaires issued to berth holders	100%	100%
	Consultation and roll out of Port Marine Safety Code Compliance Document (cumulative)	Yes	Yes
	% staff attendance	86.69%	95%
	% staff receiving team briefings	100%	100%
	% planned training Vs actual completed as per training register (cumulative)	80%	80%
	% Playground inspections are carried out as per schedule	100%	90%
	Planned maintenance of public areas carried out according to the schedule	Yes	Yes

Unclassified

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ITEM 4.2**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	14 June 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	02 June 2023
File Reference	43600
Legislation	Local Government Act 2014
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Regulatory Services Performance Report Q4 22-23
Attachments	Quarterly Performance Report

Context

Members will be aware that the 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 the 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:

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Unclassified

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.

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 4 2022-23 is attached.

Key points to note:

- The objective of developing a cross Borough market working group is now being taken forward through the Council's Tourism Department.
- The target of redesigning and launching a new environmental education programme (project ELLA) was delayed due to the impact of Covid upon our ability to engage over the past year with schools, but this is now progressing well and will be the subject of a separate report to be brought to Committee.
- The target to maintain a top 3 ranking position in relation to level of fixed penalty activity for environmental offences (dog fouling and littering) is an annual target and NI wide data for the past year compiled by KNIB, is not yet available.
- In relation to the target on distribution of our RCIF budget, we are awaiting a final budget update from our Live Here Love Here Small Grants partners KNIB.
- Our target for 90% self-financing across services within the department was missed by a small margin, largely due to less than budgeted off-street car park income.
- Substantive progress in the implementation of our agreed Car Park Strategy has been stalled, pending the remedying of a legislative impediment which requires a functioning Assembly.
- Development and implementation of a Building Control awareness programme to promote more sustainable building measures has commenced and is ongoing.

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RECOMMENDATION

It is recommended that the Council notes the report.

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Quarterly Performance Report - Regulatory Services

Generated on: 08 June 2023

Last Update Q4 2022/23

Performance Data Traffic Light Icon	PI Short Name	Performance Data Current Value	Performance Data Current Target
	Deliver LHLH grants through RCIF		£75,000.00
	Redesign the delivery model for the Environmental ELLA programme to year 8's	No	Yes
	% spend against budget	116.42%	100%
	% of all applications made online (cumulative)	73%	55%
	Maintain top 3 position for Fixed Penalty Enforcement in NI		Yes
	Develop and implement Building Control awareness campaign	Yes	Yes
	% customer satisfaction survey (services easily accessed)	86.5%	70%
	% customer satisfaction survey (Regulatory Services processes)	84%	70%
	% customer satisfaction survey (staff courtesy and helpful)	93%	80%
	% customer satisfaction survey (regulatory services outcomes)	91%	80%
	Develop a cross borough market working group		Yes
	% Staff attendance	95.19%	95%
	% staff receiving regular team briefings	100%	100%

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Performance Data Traffic Light Icon	PI Short Name	Performance Data Current Value	Performance Data Current Target
	Review of income generation – % self-sustained	80.1%	90%
	Implement agreed car park strategy	No	Yes

Unclassified

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ITEM 4.3**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	14 June 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Waste and Cleansing Services
Date of Report	02 June 2023
File Reference	43600
Legislation	Local Government Act 2014
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Quarterly Performance Report for Q4 2022 - 23
Attachments	

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:

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- 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

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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 4 2022-23 is attached.

Key points to note:

- There continues to be an encouraging trend in terms of landfill tonnage falling by over 4000 tonnes in comparison to the previous year. Our renewed recycling engagement campaign was operational during this reporting period and a detailed progress report will be brought to the September meeting of the Environment Committee.
- Problems encountered with the functionality and repair of the new street washing machine have impacted upon the target performance on our in-house street washing programme. This matter is being followed up with the equipment supplier.

Key achievements:

- Most performance targets were met.

Emerging issues:

- The current difficult economic conditions are directly impacting waste arisings, as reductions in tonnages of recyclates collected is also noted. Overall waste arisings were down by almost 5500 tonnes.

Action to be taken:

- Continue to try and resolve the issues with Keep NI Beautiful in relation to providing independent Litter surveys, that arose during Q3 of 22/23 and has resulted in no data being available for the last two quarters.

RECOMMENDATION

It is recommended that the Council notes the report.














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Quarterly Performance Report - Waste and Cleansing Services

Generated on: 02 June 2023

Last Update Q4 2022/23

Performance Data Traffic Light Icon	PI Short Name	Performance Data Current Value	Performance Data Current Target
	Tonnage of municipal solid waste sent to landfill	35,876	37,000
	% of household waste recycled, reused and composted	52%	60%
	Amount (tonnes) of biodegradable waste sent to landfill	17,124	19,017
	Improve the recycling rate at the Council's HRCs	64.9	60
	Local Environmental Audit and Measurement Score (LEAMS) (Street Cleansing)	0	0
	Deliver an enhanced Public Realm street washing service in-house	1	3
	Develop Strategy for improving recycling rates across HRCs	Yes	Yes
	% spend against budget	104.91%	100%
	No of temporary traffic management controls (days) implemented during the quarter	5	5
	Loos of the Year Awards	5	5
	% staff attendance	91.96%	95%
	% staff receiving regular team briefings	100%	100%
	Amount (tonnage) of Local Authority Collected Municipal Waste Arisings	85,976	89,999

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ITEM 6

Ards and North Down Borough Council

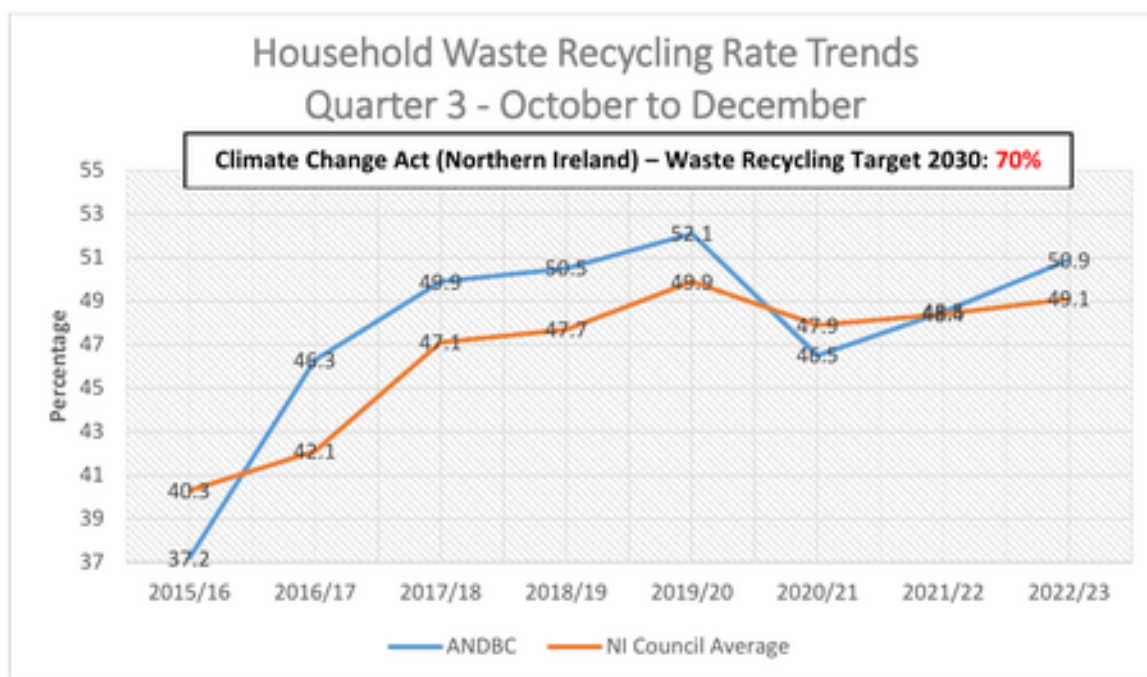
Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	14 June 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Waste and Cleansing Services
Date of Report	27 April 2023
File Reference	53042
Legislation	Waste and Contaminated Land (NI) Order 1997
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below: Not relevant
Subject	Northern Ireland Local Authority Municipal Waste Management Statistics, October to December 2022
Attachments	None

The official waste management statistics for the third quarter of 2022/2023 (October to December 2022) have been released by the Northern Ireland Environment Agency.

The significant headlines contained within the latest DAERA report show that:

- i. Our household waste recycling rate **rose by 2.4%** compared to Q3 last year, (from 48.5% to 50.9%) but was still 1.2% lower than our peak recorded Q3 rate of 52.3% (in Q3 of 2019/20).

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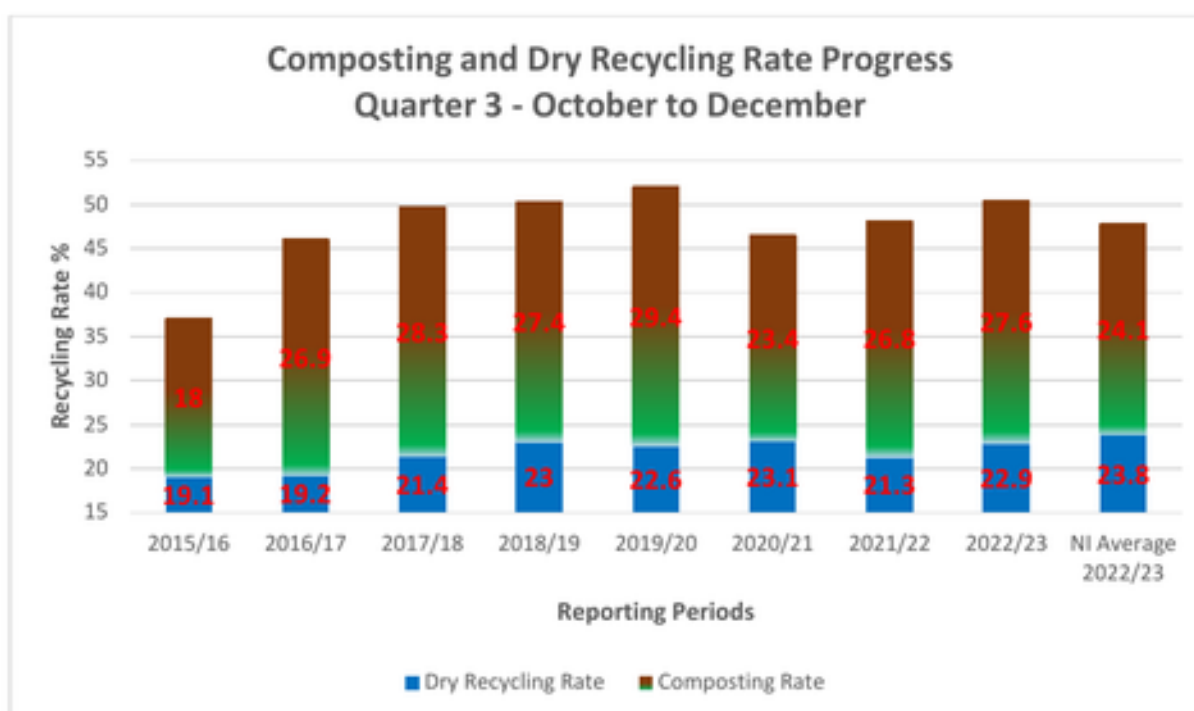
- ii. Our household waste recycling rate of 50.9%, was 1.8% higher than the NI average of 49.1%.
- iii. We were ranked fifth out of the eleven NI councils for our household waste recycling rate.
- iv. Our household waste composting rate **rose by 0.8%** - from 26.8% to 27.6%. Our household waste dry recycling rate **rose by 1.5%** - from 21.3% to 22.9%.
- v. Our household waste composting rate of 27.6% was **3.5% higher** than the NI average of 24.1%.
- vi. Our household waste dry recycling rate (i.e. recycling of items other than organic food and garden waste) of 22.9% was **1.9% lower** than the N.I. average of 23.8%.
- vii. Our kerbside recycling capture rate of 72.2% for household compostable waste materials compared to a NI council average of 63.2%.
- viii. Our kerbside capture rate for major categories of recyclable materials was as follows:

Kerbside Capture Rate for Recyclable Waste Types - July to September		
Recyclable Material	Kerbside Capture Rate for Recycling %	NI Average Kerbside Capture Rate for Recycling %
Glass	59.9	50.2
Paper & Card	63	53.6
Mixed Metals	40.2	32.3
Mixed Plastics	27.1	22.8
Organic/Compostables	72.2	63.2

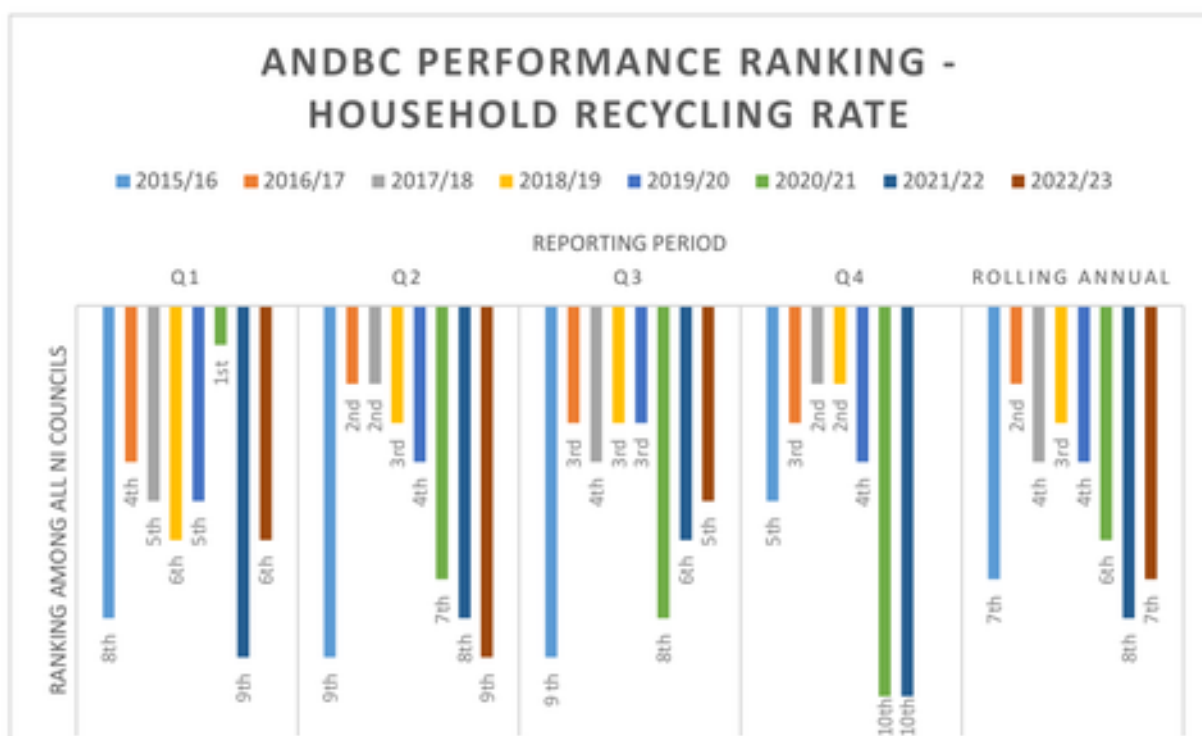
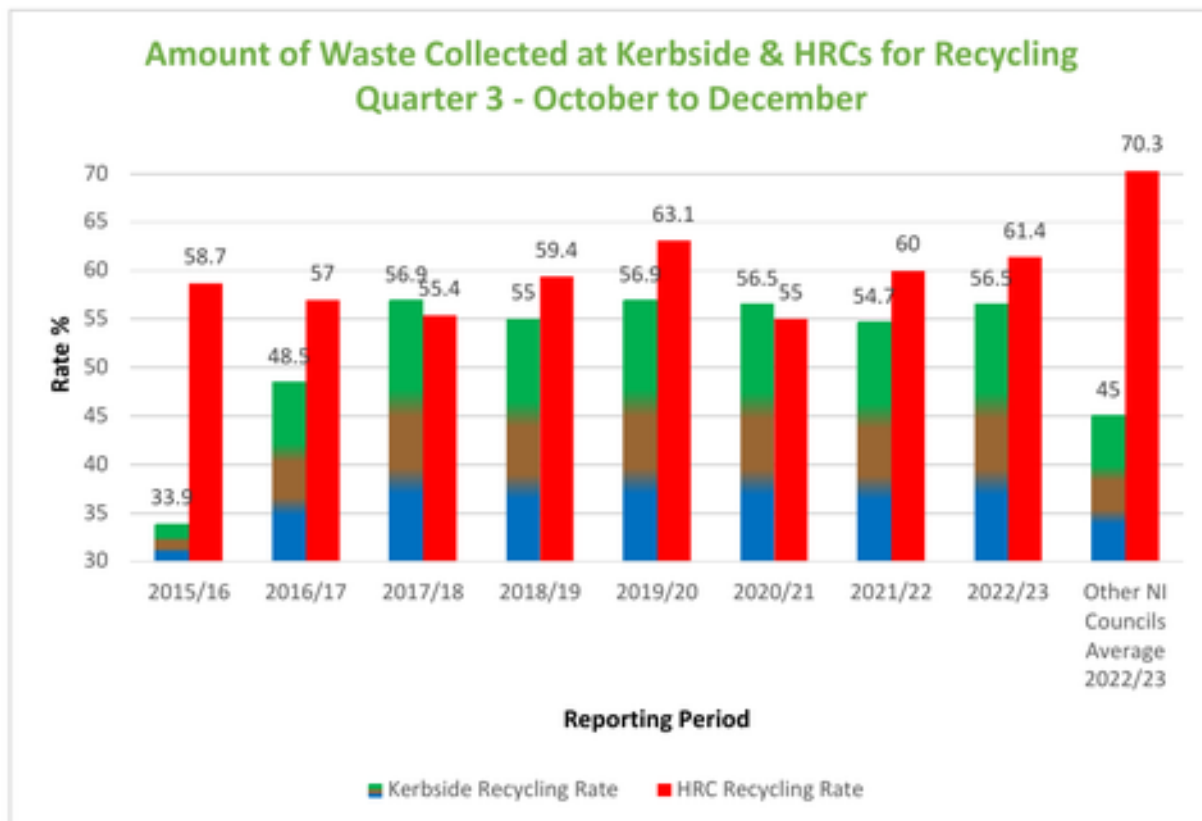
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Waste Electrical and Electronic Equipment (WEEE)	9.9	2.2
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- ix. We were at the bottom end of the performance table for 'dry' recycling rate, ranking ninth out of eleven councils.
- x. We received 21% more total waste and 57% more residual/landfilled waste per capita at our HRCs compared to the average for other NI councils.
- xi. The amount of waste collected at our HRC sites for recycling was significantly less than the average for other councils – 61.4%, compared to an average rate of 70.3% for other councils.
- xii. The amount of waste collected for recycling through our kerbside bin collection system was higher than the average for other councils – 56.5%, compared to an average of 45% for other councils.



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Our rolling 12-month average recycling rate of 50.4% remains well below our peak annual recycling performance of 54.7% achieved in the 2019/20 reporting year; it is some 20% lower than the target set in the Climate Change Act

Unclassified

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(Northern Ireland) 2022, which specifies at least 70% of waste to be recycled by 2030. Our rolling 12-month landfill rate of 43.6%, is 33.6% higher than the 10% landfill limit set for 2035 by the UK circular economy package.

As part of the estimates process for 2023/24, Members agreed a new system of access management for HRCs based on an online booking platform, and a separate report to the June 2023 Environment Committee provides an update on this subject. This new HRC access management system, coupled with improvements to on-site recycling controls currently being implemented, will be key measures in the drive towards achieving our statutory recycling and landfill goals. Officers have also commenced the process of reviewing the kerbside waste collections model, in line with another key decision taken by Members during the 2023-24 estimates process. This will also be a key aspect of our strategy to maximise the sustainable management of our waste.

The next quarterly waste statistics report (for Q4 of the 2022-23 reporting year) will correspond with commencement of a renewed recycling engagement programme that we have been implementing since December 2022, targeting both HRC and kerbside waste collection services. This report will detail the progress being made in relation to that.

RECOMMENDATION

It is recommended that the Council notes this report.

Unclassified

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ITEM 7

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	14 June 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Waste and Cleansing Services
Date of Report	05 June 2023
File Reference	71012
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Notice of Motion regarding unclaimed bins on Public Footpaths
Attachments	Appendix 1 - Letter to DfI Appendix 2 - Copy of Response from DfI Permanent Secretary Appendix 3 - Council letter to householders

As requested through a recent Notice of Motion, the Council wrote to the Department of Infrastructure regarding the issue of wheeled bins remaining on footpaths between collections, urging the Department to tackle this issue (Appendix 1). A response has been received from the DfI Permanent Secretary (Appendix 2).

As previously indicated, enforcement of the existing relevant statutory provision, falls under Article 88 of The Roads (Northern Ireland) Order 1993 and is a matter for the PSNI.

Presently, where the Council is aware that a problem exists on a particular street, households are contacted by the Waste Collections Service with an advisory letter (Appendix 3); this has varying degrees of effectiveness but is unfortunately as far as the Council can take the matter as things stand legally.

Unclassified

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RECOMMENDATION

It is recommended that the Council notes the contents of the correspondence from the Department of Infrastructure.

13 March 2023

Dr Julie Harrison
Permanent Secretary
Department for Infrastructure
Room 701
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Dear Julie

RE: Unclaimed Bins on Public Footways

At a recent meeting of Ards and North Down Borough Council it was discussed and unanimously agreed that I write to you with regards to the problems arising from residential and commercial bins being left out on some public footways in the Borough long after the bin collection date. This is not only unsightly, but can also lead to hygiene and contamination issues, as well as safety concerns, forcing pedestrians onto the road due to the blocking of a footway.

The Council notes its own lack of enforcement powers to tackle this issue and wishes to express concern at the Department for Infrastructure's reluctance to use its own enforcement powers. Accordingly, it was agreed that I should write to you asking for engagement with all Councils, with the aim of creating appropriate enforcement powers to tackle this issue.

I would be grateful if you could please consider this letter and respond accordingly.

Yours sincerely



Stephen Reid
Chief Executive



**From the Permanent Secretary
Dr Julie Harrison**

Stephen Reid
Chief Executive
Ards and North Down Borough Council
City Hall,
The Castle,
Bangor,
BT20 4BT

Via email:
catherine.mcdowell@ardsandnorthdown.gov.uk

Room 701
Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB
Telephone: (028) 9054 1175
Email: perm.sec@infrastructure-ni.gov.uk

Your reference:
Our reference: SCORR-0146-2023
06 April 2023

Dear Stephen,

Unclaimed Bins on Public Footways

Thank you for your letter of 13 March 2023 regarding the issue of bins being left on footways within the Ards and North Down Borough Council Area Borough.

I understand there has been previous correspondence on this issue between Council and the Department.

I appreciate this can be a problematic issue, in so far as many individuals have no other reasonable alternative due to limitations on or the absence of outside storage capacity within the confines of their property.

The Department considers that only those bins which are 'placed' on public roads or footways on a permanent basis, or are not removed or retrieved for long periods after they have been emptied, are considered to represent an obstruction, especially if the footways or roads are limited in width.

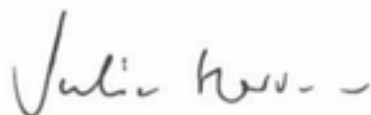
Causing an obstruction of the public road, including a footway, is an offence under Article 88 of The Roads (Northern Ireland) Order 1993. However, enforcement under this Article is a matter for the PSNI. As such, the Department is not in a position to actively carry out enforcement.

The Department does, and will continue to, encourage individuals who 'place' bins on roads or footways where they have the potential to cause an obstruction, to remove them in a timely manner or locate them as considerately as possible. As refuse collection is a council function, there is also an onus on councils to ensure their operatives take sufficient time to return the empty bins in an orderly and considerate fashion after they have been emptied and to remind the public of the need to remove

their bins from the public road as soon as possible after emptying, in order to minimise the impact and inconvenience on footway users.

The Department would be happy to support councils with the promotion of any campaign to raise awareness of the issue or to introduce enforcement powers aimed at addressing the issue.

Yours sincerely,

A handwritten signature in black ink that reads "Julie Harrison". The signature is written in a cursive, flowing style.

JULIE HARRISON

07 June 2023

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To:



Dear Sir/Madam,

RE: Returning bins to own properties, after collection

The purpose of this letter is to clarify the refuse collection arrangements at the address/s above.

The bins must be presented from **07:00am** on the day of collection, as is the standard requirement for a kerbside collection throughout the Borough. Residents must return their emptied bins to their own properties as soon as practicable, otherwise this causes an obstruction along the footpath and is a potential health and safety issue for disabled persons/pram users etc.

In your area, it is particularly important to consider forecasted adverse conditions and stormy weather as waste can be blown over the local area creating issues with your neighbours.

Therefore, I am asking all residents for their help and co-operation in complying fully with these arrangements, so that the collection service can continue in a way that is satisfactory to everyone. The situation will be monitored by our Environmental Services staff and if a bin appears to have been permanently left at the kerbside, the Council may have cause to remove it, if it is seen to be causing a nuisance or public health problem.

If you wish to contact the Council for clarification or to discuss this issue further, please contact the cleansing office on 028 9182 4024.

Yours sincerely

A handwritten signature in blue ink that reads "Ian Frazer".

IAN FRAZER
Waste Collection Services Manager

Bin clips are available to purchase for £4.00 from the Council.

Please note, they can only be fitted to wheeled bins with a conventional type of handle. These are designed to keep the lid closed but will automatically open when the bin is being emptied into the lorry using the weight of the waste.

Unclassified

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ITEM 8

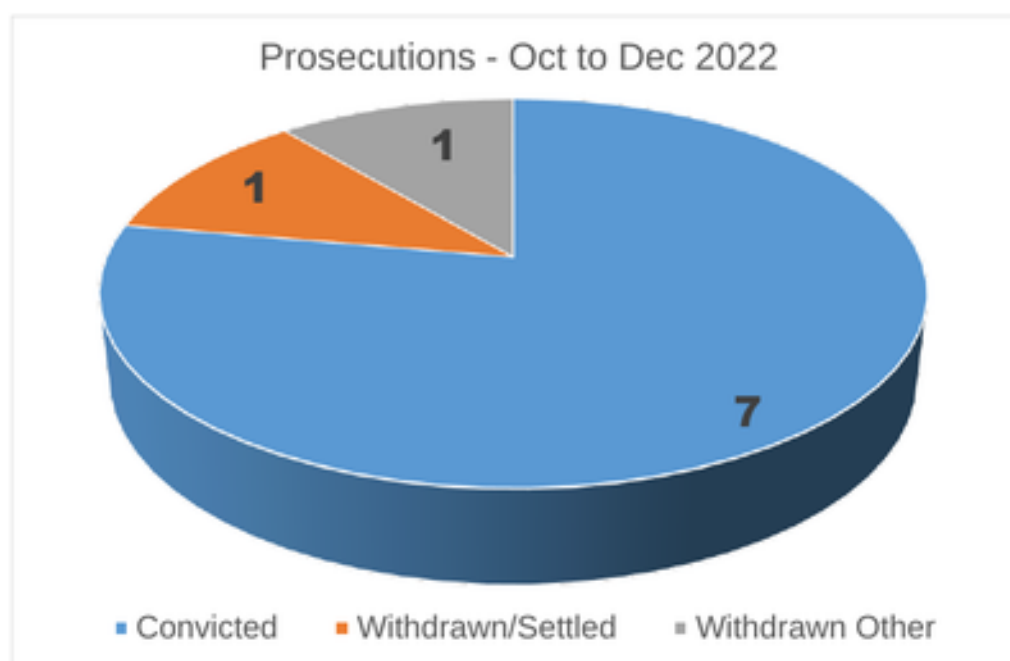
Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	14 June 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	08 March 2023
File Reference	90202
Legislation	Dogs NI Order 1983 Dogs (Amendment) Act (Northern Ireland) 2011 Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 Litter (NI) Order 1994 Waste and Contaminated Land (NI) Order 1997
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Result of Court Proceedings - Neighbourhood Environment Team from 1 October to 31 December 2022
Attachments	Appendix A - Result of court proceedings from 1 October 2022 until 31 December 2022

The following convictions were secured at Newtownards Magistrate's Court between 1 October 2022 and 31 December 2022. See Appendix A attached.

Unclassified

In accordance with the instructions of the Resident Magistrate, the Council's solicitor will notify defendants upon first appearance in court in response to a summons, that they may seek to have the matter withdrawn upon payment of legal costs and any fixed penalty notice previously offered. The cases are then adjourned to permit a further opportunity for payment. This has resulted in a number of cases being settled on the day of court upon payment of all costs and fines.



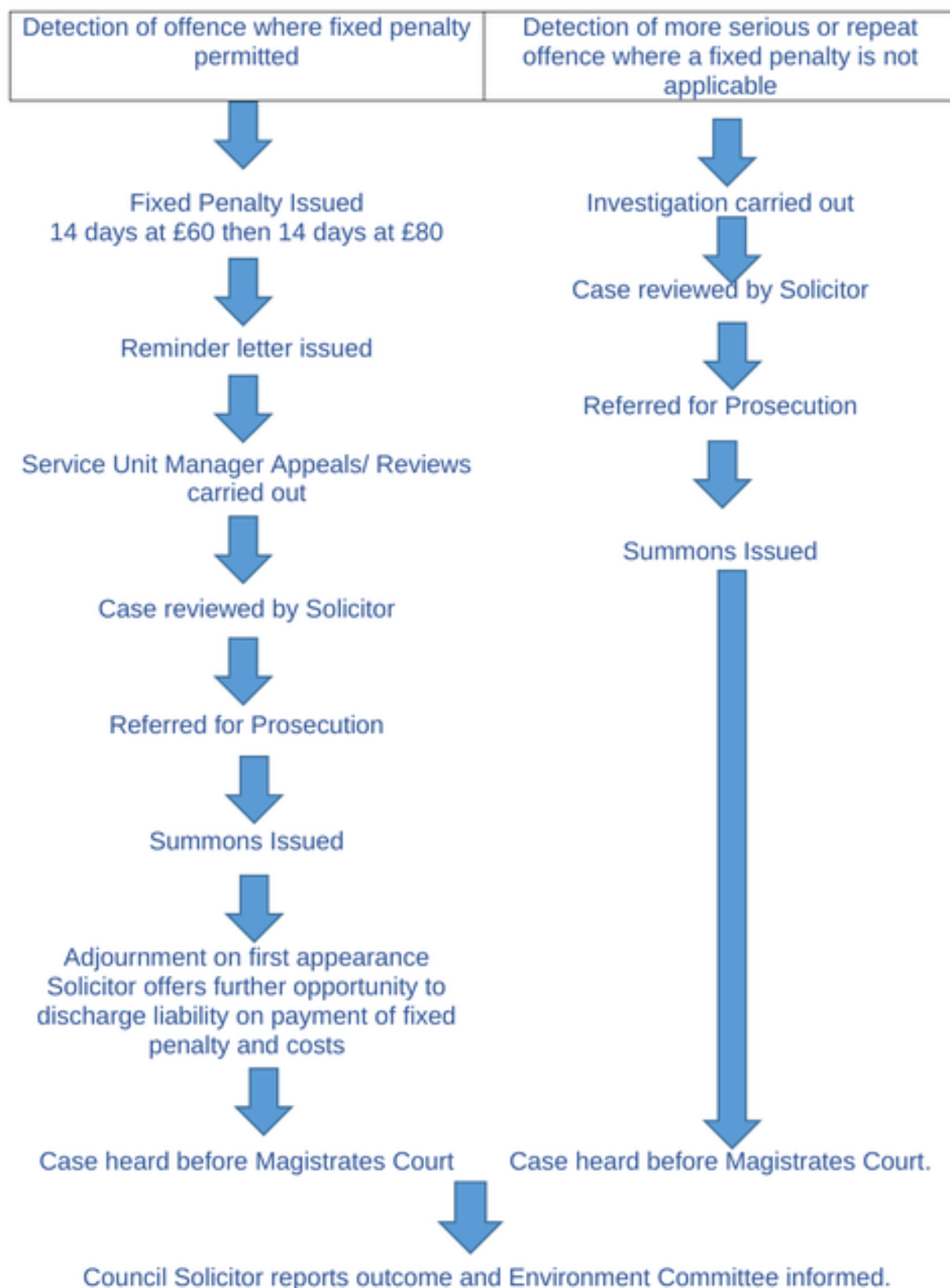
The above pie chart outlines how each of the nine prosecution cases were disposed of during the period of the report. A further twenty cases are currently awaiting a court hearing. Convictions were secured against seven defendants during the period of the report.

Please note in some cases a defendant may be prosecuted for more than one offence. One further case was 'Withdrawn/Settled', i.e., withdrawn following payment of the relevant fixed penalty sums along with Court and Council legal costs, and one case was withdrawn for various procedural/evidential reasons.

One of the seven cases was in relation to a severe dog attack on another dog and a person, which unfortunately resulted in the death of the dog. The defendant was given a prison sentence of four months suspended for three years, and legal costs of £200 and service fee of £42 were awarded to the Council.

Unclassified

The enforcement process carried out by the Neighbourhood Environment Team is as follows:



Unclassified

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RECOMMENDATION

It is recommended that the Council notes the report.

Appendix A**Result of court proceedings from 1 October 2022 until 31 December 2022**

Reference	Offence	Court	Fine	Legal costs awarded.	Service fee	Offender levy	Total	Comments
2022/252226	Littering	21/10/2022	N/A	N/A	N/A	N/A	N/A	Withdrawn
2022/250148	Littering	21/10/2022	£150.00	£150	£30.00	£15.00	£345.00	
2022/253665	Dog Attack on Dog & Person	21/10/2022	Suspended prison sentence of four months for 3 years.	£200	£42	£0	£242	Suspended prison sentence of four months for 3 years.
2022/248671	Straying x 2	18/11/2022	£160	£100	£0	£15	£275	
2022/244143	Littering	18/11/2022	£160	£100	£0	£15	£275	
2022/247535	No Licence & Straying	18/11/2022	£320	£175	£26	£15	£536	£160 Straying £160 No Licence
2022/251347	Littering	18/11/2022	£80	£150	£30	£15	£275	
2022/260925	Littering	16/12/2022	£0	£150	£30	£0	£180	Settled & Withdrawn
2022/259952	Littering	16/12/2022	£80	£50	£0	£15	£145	

Unclassified

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ITEM 9**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	14 June 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	11 May 2023
File Reference	BC01 / 91000
Legislation	The Building Regulations (Northern Ireland) Order 1979 (as amended) The Building Regulations (Northern Ireland) 2012
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Building Control Activity Report Quarter 3 (October to December 2022)
Attachments	None

1.0 Introduction

The information provided in this report covers, unless otherwise stated, the period 1 October 2022 to 31 December 2022 (Q3). The aim of the report is to provide members with details of some of the key activities of Building Control, the range of services it provides along with details of level of performance. This report format has been introduced across Regulatory Services.

2.0 Applications

Full Plan applications are made to Building Control for building works to any commercial building, or for larger schemes in relation to residential dwellings.

Unclassified

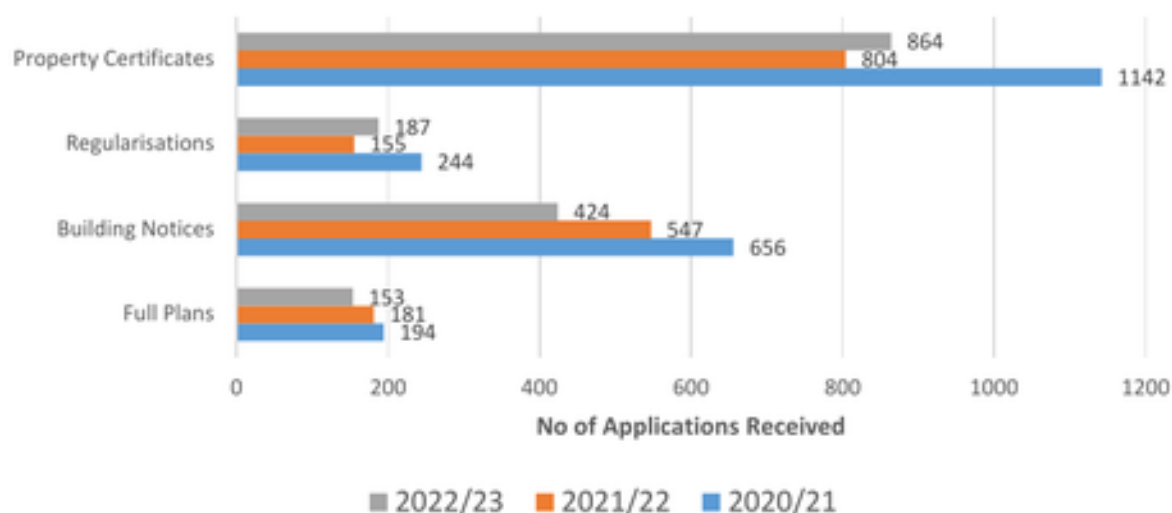
Building Notice applications are submitted for minor alternations such as internal wall removal, installation of heating boilers or systems, installation of all types of insulation and must be made before work commences. These applications are for residential properties only.

Regularisation applications consider all works carried out illegally without a previous Building Control application in both commercial and residential properties. A regularisation application considers all types of work retrospectively and under the Building Regulations in force at the time the works were carried out.

Property Certificate applications are essential to the conveyancing process in the sale of any property, residential or commercial, and provide information on Building Control history and Council held data.

	Period of Report 01/10/2022 – 31/12/2022	01/10/2021- 31/12/2021	01/10/2020 – 31/12/2020
Full Plan Applications	153	181	194
Building Notice Applications	424	547	656
Regularisation Applications	187	155	244
Property Certificate Applications	864	804	1142

**Building Control Applications Received
Quarter 3**



The number of Full Plan applications received is very much determined by the economic climate, any changes in bank lending or uncertainty in the marketplace may cause a reduction in Full Plan applications. There are no direct internal means to control the number of applications received.

Unclassified

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3.0 Regulatory Approvals and Completions

Turnaround times for full plan applications are measured in calendar days from the day of receipt within the council, too day of posting (inclusive).

Inspections have to be carried out on the day requested due to commercial pressures on the developer/builder/householder, and as such any pressures on that end of the business reflects on the turnaround of plans timescale.

	Period of Report 01/10/2022 – 31/12/2022	Same quarter last year	Comparison	Average number of days to turnaround plan
Domestic Full Plan Turnarounds within target (21 calendar days)	77%	52%	↑	21
Non-Domestic Full Plan Turnarounds within target (35 calendar days)	85%	70%	↑	22

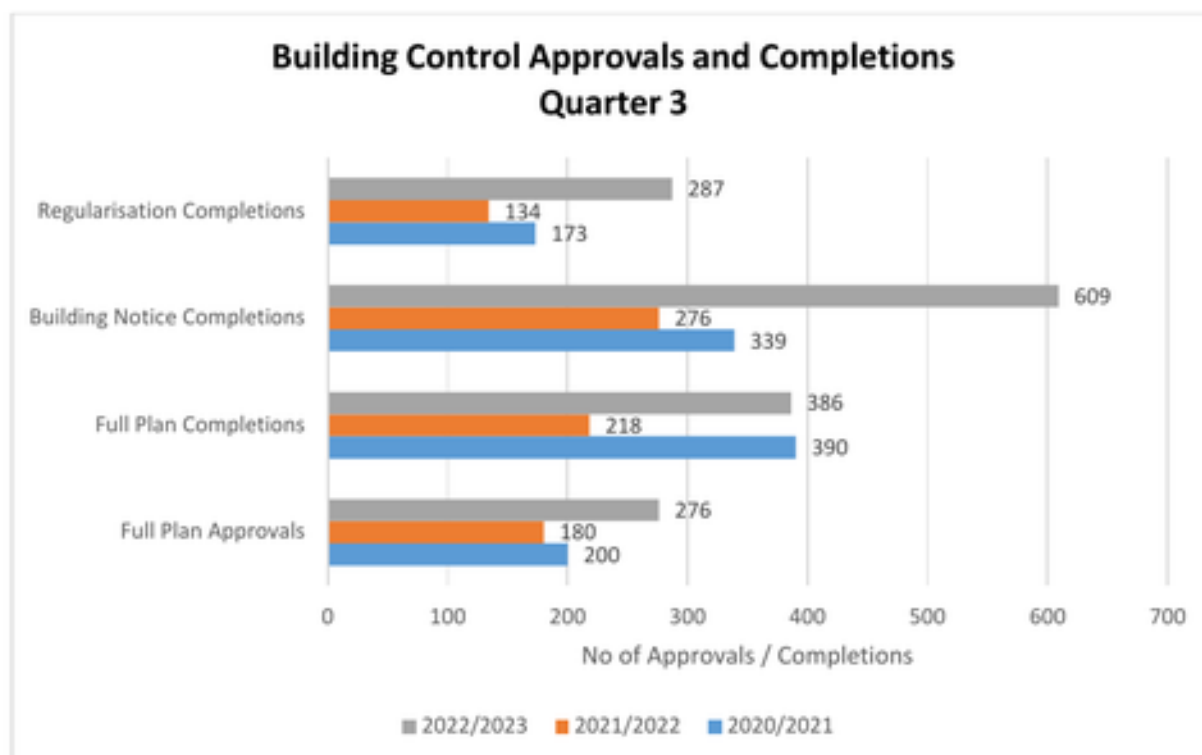
4.0 Regulatory Approvals and Completions

The issuing of Building Control Completion Certificates indicate that works are carried out to a satisfactory level and meet the current Building Regulations.

Building Control Full Plan Approval indicates that the information and drawings submitted as part of an application meet current Building Regulations and works can commence on site.

	Period of Report 01/10/2022 – 31/12/2022	01/10/2021 – 31/12/2021	01/10/2020 – 31/12/2020
Full Plan Approvals	276	180	200
Full Plan Completions	386	218	390
Building Notice Completions	609	276	339
Regularisation Completions	287	134	173

Unclassified

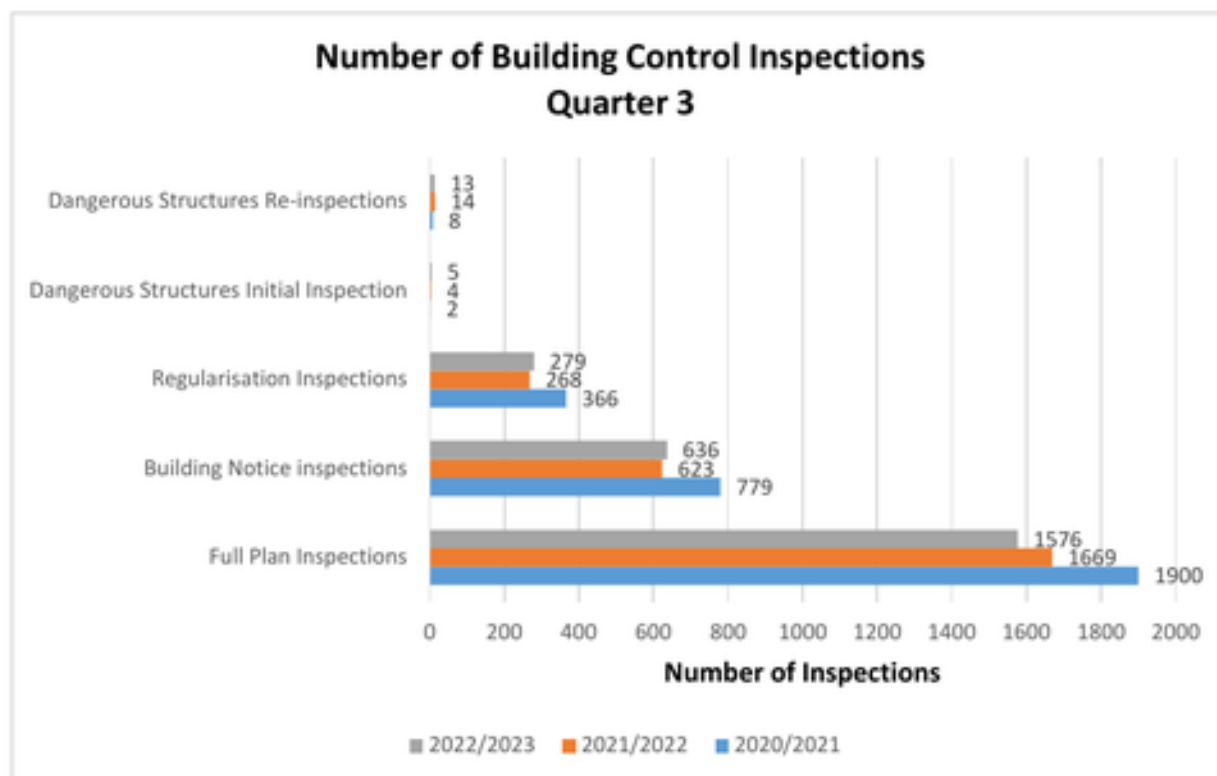


5.0 Inspections

Under the Building Regulations applicants are required to give notice at specific points in the building process to allow inspections. The inspections are used to determine compliance and to allow for improvement or enforcement.

	Period of Report 01/10/2022 – 31/12/2022	01/10/2021 – 31/12/2021	01/10/2020 – 31/12/2020
Full Plan Inspections	1576	1669	1900
Building Notice Inspections	636	623	779
Regularisation Inspections	279	268	366
Dangerous structures initial inspection	5	4	2
Dangerous structure re-inspections	13	14	8
Total inspections	2509	2578	3055

Unclassified

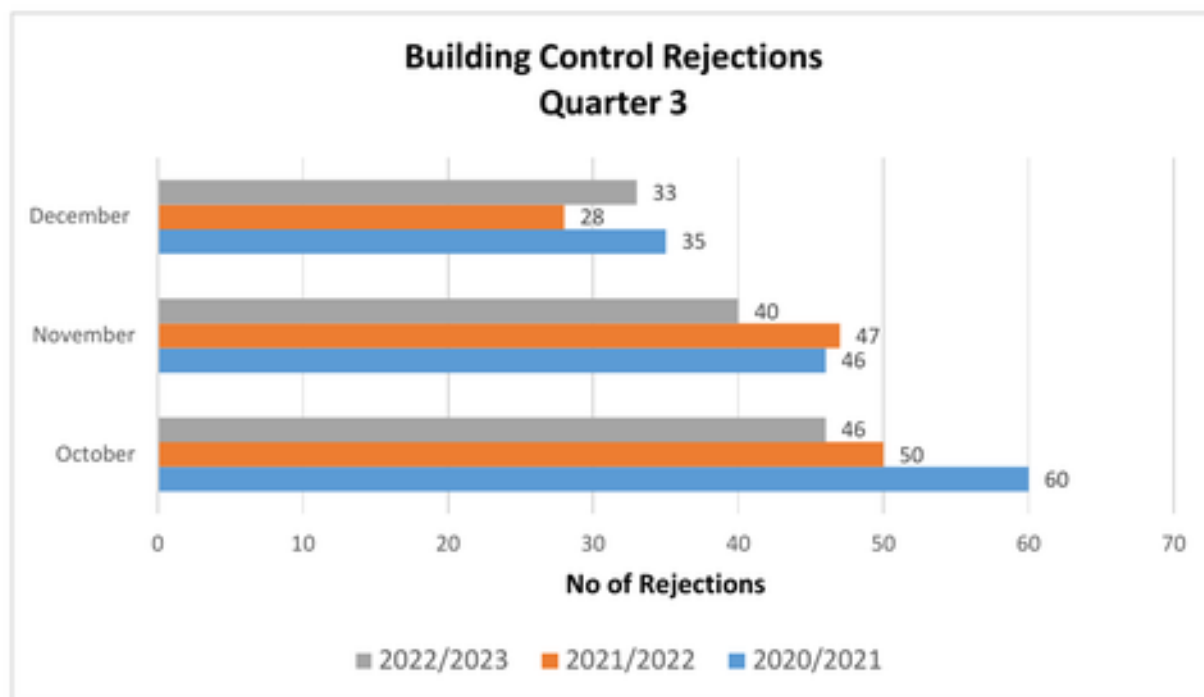


6.0 Non-Compliance

Where it is not possible to Approve full plan applications they are required to be rejected. Building Control Full Plan Rejection Notices indicate that after assessment there are aspects of the drawings provided that do not meet current Building Regulations. A Building Control Rejection Notice sets out the changes or aspects of the drawings provided that need to be amended. After these amendments are completed, the amended drawings should be submitted to Building Control for further assessment and approval.

	Period of Report 01/10/2022 – 31/12/2022	01/10/2021 – 31/12/2021	01/10/2020 – 31/12/2020
Full Plan Rejection Notice	119	125	141
Dangerous Structure Recommended for legal action	0	0	0
Court Cases	0	0	0
Other	0	0	0

Unclassified



RECOMMENDATION

It is recommended that the Council notes the report.

Unclassified

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ITEM 10**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	14 June 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	12 May 2023
File Reference	BC1 / 91000
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Review of Local Authority (Council) Property Certificate Fees 2023
Attachments	None

Background

Members will be aware that the Council Property Certificate system arises from an agreement in the early 1990's between the Law Society (representing solicitors) and local councils, as a means of ascertaining information which is useful in legal searches relating to the conveyancing process for land and property. The Council Property Certificate is a series of questions asked about a specific address, which in our council area, are answered by mainly Building Control.

Detail

Members may recall that in 2020, councils agreed to increase the Council's Property Certificate fee from £60 to £70 - fixed until a further review in 2023.

This review has now been undertaken by officers at a regional level and given the increasing cost pressures on councils, officers have obtained SOLACE approval for the following proposal.

Unclassified

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To mitigate against future inflationary costs to councils, SOLACE has agreed to the concept of applying a 3-year inflationary fee review cycle meaning a further review would not be required until 2026, unless there were significant changes to the Council Property certificate process - in which case, councils would reserve the right to review the fees.

Therefore, an assumption is built in for future rises to Consumer Price Index's (CPI's), along with other increasing cost pressures on councils, officers feel it would be reasonable to propose an increase to the councils' Property Certificate fee for a standard 10-year search from £70 to £90 fixed for three years.

This proposed increase would assist councils in maintaining adequate resources to ensure that the service is delivered in a prompt, efficient and professional manner.

The slight differential between the Regional Property Certificate and the Council Property Certificate would also address the previous concerns raised by the Law Society that the two fees being the same had sometimes led to confusion among solicitors and agents in relation to property certificate applications.

The above would increase the fees below from 1 July 2023, as outlined below:

Standard Charges

	<u>Current Fee</u>	<u>Inflationary cycle added</u>
a) Standard 10 year search	£70	£90
b) Search back to 1973	£95	£122
c) Specified 10 year search	£70	£90
d) Follow-up 10 year search	£30	£38

Financial and Resource Implications

There would be significant increase to the income raised but exact figure will depend on the number of applications received.

Equality and Good Relations Implications

Officers are not aware of any equality or good relations implications in relation to this report/proposal.

RECOMMENDATION

Members are asked to agree the proposals for increase in Council Property Certificate fees set out in this report.

Unclassified

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

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	14 June 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	25 May 2023
File Reference	FP/2023/0907/MAST and FP/2023/3141/MAST / 91200
Legislation	The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995.
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input checked="" type="checkbox"/> If other, please add comment below:
Subject	Proposed Street Naming – Tullygarvan Mill, Ballygowan
Attachments	None

A small development comprising of a combination of 4 apartments and 6 townhouses is currently under construction adjacent to 44 Ballyknockan Road, Killinchy.

The developer has suggested the name Tullygarvan Mill, Ballygowan, due to the existing building formerly being the Tullygarvan Flax Spinning Mill and is known by the local community as the Tullygarvan Mill which is in keeping with the general neighbourhood.

RECOMMENDATION

It is recommended that the street name of Tullygarvan Mill be adopted for this development.

That the Council accepts the general name and delegates acceptance of suffixes to the Building Control department.

Unclassified

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ITEM 12

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	12 June 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	25 May 2023
File Reference	LR 100 / 90101
Legislation	The Betting, Gaming, Lotteries and Amusements (NI) Order 1985
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Confirmation of Provisional Amusement Permit
Attachments	None

Premises: Oasis Gaming, 39 High Street, Newtownards

Applicant: Mr Martin Trimble, Gowan Heights, Belfast
Mr Gerald Steinberg, Ailsa Road, Holywood

The Council granted a provisional Amusement Permit for the above premises on 10 October 2022.

A **provisional licence** application is made before the premises are completed. Once completed to the Council's satisfaction the application will need to be brought back to the Council to confirm it.

The permit holder has advised that they hope to finish the premises to the satisfaction of the Council by 5 July 2023 and would hope to open the premises to the public on that date.

Unclassified

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It is proposed that the Provisional Amusement Permit is confirmed pending the provision of a satisfactory Building Control Completion Certificate.

RECOMMENDATION

It is recommended that the Council agrees to confirm the Provisional Amusement Permit once a Building Control Completion Certificate is provided.

Unclassified

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ITEM 13**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	14 June 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	25 May 2023
File Reference	LR 100 / 90101
Legislation	The Local Government (Miscellaneous Provisions) (NI) Order 1985
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Outdoor Entertainment Licence
Attachments	None

Applications for outdoor entertainment licences have been received from:

Castle Espie, 78 Ballydrain Road, Comber

Applicant: Paul Whitcombe, 24 Woburn Drive, Millisle

The proposal is for an audience of less than 500 on 14 unspecified days.

No objections have been received to this application from local residents.

Type of entertainment: Public musical / theatrical entertainment events to be held wholly or mainly in the open air.

Walled Garden, Bangor Castle

Applicant: Mr Kieran Gilmore, 16 Quay Street, Bangor

Unclassified

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Days and Hours: 16 – 19 August 2023 between the **hours** of 12 noon and 11pm and 12 noon to 10pm on Sunday.

Type of entertainment: A public musical event to be held wholly or mainly in the open air as part of the Open House Festival.

RECOMMENDATION

It is recommended that these licenses are granted with the condition that they will not be issued until the licensees provide and implement Event Management Plans to the satisfaction of the PSNI, NIFRS and Council Officers.

Unclassified

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ITEM 14**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	14 June 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	25 May 2023
File Reference	LR PCL / 90101
Legislation	Licensing of Pavement Cafés Act (NI) 2014
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Grant of Pavement Café Licenses
Attachments	None

The following applications have been received for the grant of a Pavement Café Licence:

1. The Willow Tree, 10-12 The Square, Comber

Applicant: Mrs Carole Spratt, 15 Dalton Park, Comber

Day and hours of use:

Monday - Saturday 09:00 – 17.00
 Sunday 09:00 – 15.00

2. Sandwiches, 55 High Street, Bangor

Applicant: Mrs Marlene Base, 8 Coulters Hill Lane, Kircubbin

Day and hours of use:

Unclassified

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Monday - Saturday 09:00 – 16.00

3. The Narrows, 12 Shore Road, Portaferry

Applicant: Mr Krystof Piorek, 16 Shore Road, Portaferry

Day and hours of use:

Monday - Sunday 08:30 – 21:30

4. Nugelato Ice Cream Boutique, 62 High Street, Bangor

Applicant: Mr Nicky Pell, 5 Evesham Lane, Bangor

Day and hours of use:

Monday - Sunday 13:00 – 22:00

5. The Portaferry Hotel, 10 The Strand, Portaferry

Applicant: Kieran Quinn, 12 Millview, Portaferry

Day and hours of use:

Monday - Sunday 11:00 – 21:00

Comment

The applications have been publicly displayed on the relevant premises for 28 days as required in the legislation. No objections have been received.

DFI Roads and the Planning Service have been consulted and were necessary the PSNI. No objections have been raised to these applications.

Under the agreed conditions of licence, the pavement cafes will be required to:

- only use the agreed area to be outlined in the licence,
- provide only the approved furniture,
- completely remove any furniture from the pavement at the end of each day's trading
- keep the area used for the café to be kept clean of litter and liquid spills.

RECOMMENDATION

It is recommended that that the Council grants the above licences.

Unclassified

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ITEM 15

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	14 June 2023
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	25 May 2023
File Reference	LR 100 / 90101
Legislation	Street Trading Act (NI) 2001
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Grant of Street Trading Licence
Attachments	None

An application has been received for the grant of a Stationary Street Trading Licence to trade at designated sites within the Borough:

Applicant: Olivia Georgina Irvine

Address: 2 Moyle Hill, Ballywalter

Goods to be supplied: Hot beverages, soft drinks, tray bakes.

There are no objections to this application.

RECOMMENDATION

It is recommended that the Council grants the Street Trading Licence.

**From the Permanent Secretary
Dr Julie Harrison**

Stephen Reid
Chief Executive
Ards and North Down Borough Council
City Hall,
The Castle,
Bangor,
BT20 4BT

Via email:
catherine.mcdowell@ardsandnorthdown.gov.uk

Room 701
Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB
Telephone: (028) 9054 1175
Email: perm.sec@infrastructure-ni.gov.uk

Your reference:
Our reference: SCORR-0146-2023
06 April 2023

Dear Stephen,

Unclaimed Bins on Public Footways

Thank you for your letter of 13 March 2023 regarding the issue of bins being left on footways within the Ards and North Down Borough Council Area Borough.

I understand there has been previous correspondence on this issue between Council and the Department.

I appreciate this can be a problematic issue, in so far as many individuals have no other reasonable alternative due to limitations on or the absence of outside storage capacity within the confines of their property.

The Department considers that only those bins which are 'placed' on public roads or footways on a permanent basis, or are not removed or retrieved for long periods after they have been emptied, are considered to represent an obstruction, especially if the footways or roads are limited in width.

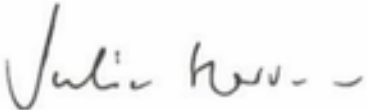
Causing an obstruction of the public road, including a footway, is an offence under Article 88 of The Roads (Northern Ireland) Order 1993. However, enforcement under this Article is a matter for the PSNI. As such, the Department is not in a position to actively carry out enforcement.

The Department does, and will continue to, encourage individuals who 'place' bins on roads or footways where they have the potential to cause an obstruction, to remove them in a timely manner or locate them as considerately as possible. As refuse collection is a council function, there is also an onus on councils to ensure their operatives take sufficient time to return the empty bins in an orderly and considerate fashion after they have been emptied and to remind the public of the need to remove

their bins from the public road as soon as possible after emptying, in order to minimise the impact and inconvenience on footway users.

The Department would be happy to support councils with the promotion of any campaign to raise awareness of the issue or to introduce enforcement powers aimed at addressing the issue.

Yours sincerely,

A handwritten signature in black ink that reads "Julie Harrison". The signature is written in a cursive style with a horizontal line at the end.

JULIE HARRISON