

September 30th, 2022

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 5th October 2022 at 7:00 pm** in **Virtual via Zoom**.

Agenda

Agenda

[EC 05.10.22 Agenda.pdf](#)

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1. Apologies

2. Declarations of Interest

3. Q1 Service Plan Performance Reports (Copies attached)

3.1 Waste and Cleansing Services

[Item 3.1 Waste and Cleansing Services Service Plan Performance Report Q1 22-23 DL.pdf](#)

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3.2 Assets and Property Services

[Item 3.2 Assets and Property Services - Service Plan Performance Report Q1 2022-23 DL.pdf](#)

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4. Drinking in Public Bye-Laws and Powers (Report attached)

[Item 4 Pre-Consultation Letter - Review of Drinking in Public Bye-Laws and Powers DL.pdf](#)

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[Item 4 Appendix 1 - LQ letter to all Council Chief Executives re Drinking in Public Bye-laws and Powers..pdf](#)

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[Item 4 Appendix 2 - Articles 68 to 72 Criminal Justice \(NI\) Order 2008.pdf](#)

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5. Recycling Engagement Campaigns Report (Report attached)

[Item 5 Recycling Engagement Campaigns DL.pdf](#)

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[Item 5 Appendix 1 - Policy on Access and Use of Household Recycling Centres.pdf](#)

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[Item 5 Appendix 2 - Policy on Permit System for Householder Access to HRCs Using Transport Other Than Car or Car Plus Small Trailer.pdf](#)

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[Item 5 Appendix 3 - Provision of Kerbside Waste Collection Service version 6 February 2020.pdf](#)

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6. Proposed Street Naming – Craigdarragh Rise, Helen's Bay (Report attached)

7. Proposed Street Naming – Castlebawn Avenue, Castlebawn Close and Castlebawn Gardens, Newtownards (Report attached)

Item 7 Street Naming - Castlebawn Avenue Close and Gardens Newtownards DL.pdf

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8. Grant of Entertainment Licence (Report attached)

Item 8 Grant of Entertainment Licence DL.pdf

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9. Grant of Pavement Café Licence (Report attached)

Item 9 Grant of Pavement Cafe Licence DL.pdf

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10. Building Control Q1 Activity Report (1 April 2022 to 30 June 2022) (Copy attached)

Item 10 Building Control Activity Report Q1 2022-23 DL.pdf

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11. Licencing Q4 Activity Report (1 January 2022 to 31 March 2022)

Item 11 Licensing Service Activity Report Q4 2021-22 DL.pdf

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12. Notice of Motion

12.1 Notice of Motion submitted by Councillor McClean and Alderman M Smith

That Council notes the extraordinary life and achievements of the Rev. John McConnell Auld. 'Con' Auld was noted as a Princeton scholar, classics and divinity teacher, minister, artist, historian, politician, chorister, philanthropist and Mayor of North Down Borough Council; and that in recognition of the extraordinary life of Con Auld and his cultural and political contribution to the Borough and beyond, agrees to the request from his family to provide and site a memorial bench at the earliest opportunity.

12.2 Notice of Motion submitted by Councillor Dunlop and Councillor Douglas

That this Council agrees:

All pedestrians should feel safe on our pavements, yet street clutter can make walking and wheeling unsafe, forcing people onto the road which is dangerous;

Street furniture should be clean, have a purpose and be consistent; and

Street clutter should be removed.

Therefore, Council tasks officers to:

Carry out an audit of street infrastructure including street signage, project information; posts, etc:

Remove historic street clutter which has no current purpose or future benefit;

Ensure relevant signage is cleaned and fit for purpose;

Ensure signs have the appropriately named Council on it, where this applies;

Identify a nominated officer within the Council to lead on the audit to ensure items are listed and removed;
and

Write to the Department for Infrastructure to request they complete a similar declutter across the Borough.

12.3 Notice of Motion submitted by Councillor T Smith and Councillor Cooper

This Council abhors animal cruelty and believes an Animal Abuse Register would be of immense help in preventing those convicted of animal cruelty from owning or breeding animals.

Given the failure of Stormont to introduce a central register for all of Northern Ireland, this Council tasks officers to bring back a report detailing how it can set up a local animal welfare offenders register for this Borough.

12.4 Notice of Motion submitted by Alderman McIlveen and Alderman Armstrong-Cotter

Given the public health issues and the desire to encourage outdoor eating and entertainment in Conway Square, that officers look at humane means to address the pigeon problem in the Square to include a new bylaw to prohibit feeding of the birds in and around the Square to erect in the meantime advisory signs to deter feeding of birds in the area.

13. Any Other Notified Business

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

14. Single Tender Action – Supply of Dennis Eagle Parts (Report attached)

 *Item 14 Single Tender Action Report - Dennis Eagle-Manvik DL.pdf*

Not included

ARDS AND NORTH DOWN BOROUGH COUNCIL

28 September 2022

Dear Sir/Madam

You are hereby invited to attend a meeting of the Environment Committee of the Ards and North Down Borough Council which will be held virtually on Zoom on **Wednesday, 5 October 2022 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. Q1 Service Plan Performance Reports (Copies attached)
 - 3.1. Waste and Cleansing Services
 - 3.2. Assets and Property Services
4. Drinking in Public Bye-Laws and Powers (Report attached)
5. Recycling Engagement Campaigns Report (Report attached)
6. Proposed Street Naming – Craigdarragh Rise, Helen's Bay (Report attached)
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13. Any Other Notified Business

****IN CONFIDENCE****

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MEMBERSHIP OF ENVIRONMENT COMMITTEE (16 Members)

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

Unclassified

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ITEM 3.1**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	5 October 2022
Responsible Director	Director of Environment
Responsible Head of Service	Head of Waste and Cleansing Services
Date of Report	13 September 2022
File Reference	43600
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other X If other, please add comment below:
Subject	Quarterly Performance Update for Q1 – 2022/2023
Attachments	None

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)

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 1 2022-23 is attached.

Key points to note:

- Landfill tonnage has fallen by over 1000 tonnes for the same period in 2021/22.
- The recycling rate has increased by 5.5% for the equivalent period in 2021/22, although still 2% lower than in 2019.
- Overspend relates to covid social distancing measures that were still in place during Q1
- The in-house public realm deep cleaning service did not commence during Q1 on account of delays with the recruitment of staff.

Key achievements:

- The LEAMS Cleanliness index has improved from 73 to 76 for the same period during 2021/22.
- Recycling through the Council HRCs exceeded the 60% target.

Emerging issues:

- There is a definite downward trend in terms of waste arisings resulting in less waste being sent to landfill and an increase in the Council's recycling rate towards pre-covid levels.
- Several waste contracts are subject to annual price reviews during the current year and with RPI around 10%, this will add to budgetary pressures.
- DfI Roads has reduced the frequency of grass cutting on a number of major arterial routes, meaning less opportunity to take advantage of temporary traffic controls to enable litter picking under safe conditions.

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Action to be taken:

- Review of HRC (and kerbside recycling) measures to be carried out. This is the subject of a separate report to this month's Committee meeting.

RECOMMENDATION

It is recommended that the Council notes the report.













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Quarterly Performance Report - Waste and Cleansing Services

Generated on: 13 September 2022

Last Update Q1 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	9,363	10,000
	% of household waste recycled, reused and composted	55%	60%
	Amount (tonnes) of biodegradable waste sent to landfill	4,093	<4,754
	Improve the recycling rate at the Council's HRCs	66	60
	Local Environmental Audit and Measurement Score (LEAMS) (Street Cleansing)	76	75
	Deliver an enhanced Public Realm street washing service in-house	0	3
	Review recycling measures at Household Recycling Centres	No	Yes
	% spend against budget	116.59%	100%
	No of temporary traffic management controls (days) implemented during the quarter	2	5
	% staff attendance	94.24%	95%
	% staff receiving regular team briefings	95%	100%
	Amount (tonnage) of Local Authority Collected Municipal Waste Arisings	24,202	25,000

Unclassified

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ITEM 3.2**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment
Date of Meeting	5 October 2022
Responsible Director	Director of Environment
Responsible Head of Service	Head of Assets and Property Services
Date of Report	22 September 2022
File Reference	43600
Legislation	The 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	Q1 Performance Report: Assets and Property Services
Attachments	None

Context

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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 1 2022-23 is attached.

Key points to note:

- Roadside audits are still suspended due to Covid. This is expected to change when the risk assessment for cleansing vehicles is updated.
- Completion rate for maintenance jobs is slightly behind target, due to staff shortages.
- Staff attendance is slightly below target due to several members of staff being off on long term sick.

Key achievements:

- Church Street offices windows
- Movilla Cemetery Toilet Block refurbishment
- Clandeboye Cemetery Toilet Block refurbishment
- West Winds Community Centre refurbishment
- Spafield Lighting
- Cycle Shelter Installations (Regen Project)

RECOMMENDATION

It is recommended that the Council notes the report.
















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Quarterly Performance Report - Assets and Property Services

Generated on: 22 September 2022

Last Update Q1 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%	0%
	Set Action Plan implementation dates for Sustainable Energy Management Strategy (cumulative)	No	No
	Trial of Biofuel in the fleet completed and results reported back	No	No
	Trial of roof mounted Solar Panels in the fleet completed (cumulative)	Yes	Yes
	No. of roadside audits complete per quarter	0	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	92%	90%
	% of vehicles that pass PSV first time	97%	95%
	% of maintenance jobs completed within timescales	77%	80%
	% maintenance jobs quality assured	14%	10%
	% spend against budget	97.72%	100%
	Internal Customer Feedback surveys completed	No	No
	% questionnaires issued to berth holders	0%	0%

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Performance Data Traffic Light Icon	PI Short Name	Performance Data Current Value	Performance Data Current Target
	Consultation and roll out of Port Marine Safety Code Compliance Document (cumulative)	Yes	Yes
	% staff attendance	88.82%	95%
	% staff receiving team briefings	100%	100%
	% planned training Vs actual completed as per training register (cumulative)	20%	20%
	% Playground inspections are carried out as per schedule	90%	90%
	Planned maintenance of public areas carried out according to the schedule	Yes	Yes

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ITEM 4

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	05 October 2022
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	21 September 2022
File Reference	92019
Legislation	Local Government Act (Northern Ireland) 1972
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below.
Subject	Drinking in Public Bye-Laws and Powers
Attachments	Appendix 1 - Letter from DfC Appendix 2 - Articles 68-72 of the Criminal Justice (NI) Order 2008

1.0 Background

Byelaws were historically introduced by both legacy Councils (as they were across Councils in Northern Ireland), under the provisions of the Local Government Act (NI) 1972.

DfC has policy responsibility for these byelaws and by virtue of Section 91(1) of the Act, they do not have any legal effect until they are confirmed by the Department. Byelaws currently in force across Councils are based upon a model approved by the Department and are consistent across all Councils in terms of offences created and enforcement powers.

The current Drinking in Public Bye Laws have been in existence for some considerable period of time, and as part of the ongoing ASB Legislation Review, the DoJ and DfC are planning a joint public consultation on ASB. The Council's views are being sought on several issues relating to the byelaws (see letter at Appendix 1).

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The Council's views on these issues, or any alternative options suggested, will be used to inform proposals within the consultation document which is expected to be issued early next year. A response is requested by 14 October 2022. Delegated powers were granted at the September meeting of the Council to allow the Environment Committee to agree and issue the response on behalf of the Council to DfC.

2.0 Proposed Response

It is proposed that the following responses are provided to each of the key questions/issues set out in the letter from DfC:

- ***The effectiveness of the operation of the current byelaws prohibiting the consumption of alcohol in public places***

Due to the nature of the offence covered in these byelaws, whereby there is a high probability of aggression, non-cooperation, and obstruction by alleged offenders, Councils have always relied very heavily upon partnership working with PSNI for enforcement - with PSNI officers detecting offences and supplying relevant evidence material/witness statements to Councils who then process prosecution cases through the Courts. PSNI officers are appropriately trained professional law enforcement officers who are experienced in dealing with volatile and potentially aggressive alcohol bye-law offenders, and they have powers of arrest for failure to supply name and address etc. which civilian Council officers do not have. Therefore, whilst the offence of consuming alcohol in a designated public place is contained within a Council administered byelaw, in effect the enforcement of the byelaw cannot be carried out without the key involvement of PSNI.

The level of offence detections and supply of evidence to Councils by PSNI has reduced significantly in recent years, undoubtedly a consequence of diminishing/stretched PSNI resources. The current enforcement powers are also somewhat limited as indicated below, also hampering detections. Therefore, the effectiveness of current byelaws as a means of controlling instances of problematic consumption of alcohol in public places, is now very limited.

- ***Potential additional powers which the Council considers may assist Council officers and PSNI address the problems caused by drinking in public places. Councils may wish to consider having access to enforcement powers e.g. fixed penalty notices.***

For reasons given above, it is difficult to see how additional powers provided under the auspices of modified Council byelaws on this subject, would be effective. Council considers that enactment of powers as envisaged under the Criminal Justice (NI) Order 2008 are much more likely to lead to greater control of problematic instances of alcohol consumption in designated public places, as outlined below.

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- ***The proposals contained in Articles 68-72 of the Criminal Justice (NI) Order 2008, which were to replace the current bye-laws, whether these proposals would address on-street drinking problems.***

It is considered that replacement of a Council administered byelaw with enforcement arrangements and powers set out in Articles 68-72 of the Criminal Justice (NI) Order 2008 is long overdue. As already indicated, the nature of this offence means that it can only be safely and effectively enforced by PSNI.

The expansion of offences as set out in Article 68 would be considered by Council to significantly enhance the effectiveness of addressing the problem. This would allow PSNI officers to not only enforce against actual consumption of alcohol (which it is understood can be difficult to prove especially when alleged offenders are aware that PSNI officers are present in the locality), but also deal with situations where they reasonably believe that alcohol has or is intended to be consumed in a designated public place. It is considered that this adjustment to the threshold of proof in relation to consumption of alcohol in a public place is reasonable, justifiable and proportionate.

The power of a PSNI officer to issue a Fixed Penalty Notice for a prescribed Article 68 offence, as set out under Article 69 of the Order would be considered by Council to significantly enhance the level of enforcement activity and streamline the enforcement process itself. Currently, all alleged offences of alcohol consumption in a public place must be taken through the Courts - which is not necessarily the most appropriate route to deal with Many such incidents, in the first instance.

Council considers that the provisions in Article 70 of the Order mean that it can continue to be meaningfully involved in the regulation of alcohol consumption in public places, by playing a role in deciding which locations within its Borough should become 'designated public places' where consumption of alcohol is to be prohibited.

- ***Further Comments***

The Council is cognisant that whilst it has expressed its views in relation to the nature and range of enforcement powers that should be introduced to more effectively deal with the issue of alcohol consumption in public places, it is the PSNI that would bear responsibility for implementing these powers. It is therefore crucial that the views, support and buy-in of PSNI is secured before any new regime is agreed and taken forward.

The Council and its constituents are considerably exercised by the continued (and in some instances growing) problem of anti-social behaviour fuelled by consumption of alcohol in public places, in particular at certain popular amenity locations in the Borough where the rights of the majority to enjoy such areas are being severely compromised by such a problem. The Council is therefore very supportive of an overhaul of enforcement controls and

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powers in relation to this issue, preferably in the manner outlined in this response.

RECOMMENDATION

It is recommended that the Council agrees to submission of the response outlined in this report, to DfC.

From: Liam Quinn

**Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG**

Telephone: (028) 9082 3140
e-mail: liam.quinn1@communities-ni.gov.uk
Date: 14 September 2022

Dear Chief Executive

DRINKING IN PUBLIC BYE-LAWS AND POWERS

As you may be aware, the Department for Communities (DfC) is a member of the Anti-Social Behaviour (ASB) Legislation Review Delivery Group, alongside representatives from the Department of Justice (DoJ), the Department of Agriculture, Environment and Rural Affairs (DAERA), Police Service of Northern Ireland (PSNI), Northern Ireland Court and Tribunal Service (NICTS), Northern Ireland Housing Executive (NIHE), Northern Ireland Federation of Housing Associations (NIFHA) Belfast City Council (BCC) and Society of Local Authority Chief Executives (SOLACE).

DfC has policy responsibility for Drinking in Public bye-laws which are made under Section 90 of the Local Government Act (Northern Ireland) 1972 (the Act). By virtue of Section 91(1) of the Act, bye-laws do not have any legal effect until they are confirmed by the Department.

As part of the ongoing ASB Legislation Review, DoJ and DfC are planning a joint public consultation on ASB. I am seeking your views on the following:

- the effectiveness of the operation of the current bye-laws prohibiting the consumption of alcohol in public places;
- potential additional powers which the Council considers may assist Council officers and PSNI address the problems caused by drinking in public places. Councils may wish to consider having access to enforcement powers e.g. fixed penalty notices;
- the proposals contained in Articles 68-72 of the Criminal Justice (NI) Order 2008, which were to replace the current bye-laws, whether these proposal would address on-street drinking problems; or



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- whether Articles 68-72 should be amended to include powers of seizure or disposal of open and/or closed containers of alcohol and to have joint enforcement powers as opposed to police-only as it currently stands.

Councils views on these issues, or any alternative options suggested, will be used to inform proposals within the consultation document which is expected to issue early next year.

I would be grateful if you could return your response by 14 October 2022.

Yours sincerely

Liam Quinn
Assistant Director of Local Government and Housing Regulation

Appendix 2

Criminal Justice (NI) Order 2008

Alcohol consumption in designated public places

68.—(1) Paragraph (2) applies if a constable reasonably believes that a person is, or has been, consuming intoxicating liquor in a designated public place or intends to consume intoxicating liquor in such a place.

(2) The constable may require the person concerned—

(a) not to consume in that place anything which is, or which the constable reasonably believes to be, intoxicating liquor;

(b) to surrender anything in his possession which is, or which the constable reasonably believes to be, intoxicating liquor or a container for such liquor.

(3) A constable may dispose of anything surrendered to him under paragraph (2) in such manner as he considers appropriate.

(4) A person who fails without reasonable excuse to comply with a requirement imposed on him under paragraph (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) A constable who imposes a requirement on a person under paragraph (2) shall inform the person concerned that failing without reasonable excuse to comply with the requirement is an offence.

Fixed penalty notice for offence under Article 68

69.—(1) A constable who has reason to believe that a person aged 16 or over has committed an offence under Article 68 may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty in accordance with this Article.

(2) A notice under paragraph (1) may not be given by a constable unless—

(a) in the case of a notice given at a police station, the constable is authorised by the Chief Constable to give notices under this Article;

(b) in the case of a notice given elsewhere, the constable is in uniform.

(3) The Secretary of State may by order—

(a) amend paragraph (1) by substituting for the age for the time being specified in that paragraph a different age which is not lower than 10; and

(b) if that different age is lower than 16 make provision as follows—

(i) where a person whose age is lower than 16 is given a notice, for a parent or guardian of that person to be notified of the giving of the notice; and

(ii) for that parent or guardian to be liable to pay the penalty under the notice;

and an order under sub-paragraph (b) may amend or apply (with or without modification) any statutory provision (including this Part).

(4) Where a person is given a notice under this Article in respect of an offence—

(a) no proceedings may be instituted for that offence before the expiration of the period of 21 days following the date of the notice or such longer period as may be specified in the notice; and

(b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period (or that longer period)

(5) A notice under this Article must—

(a) be in such form as the Secretary of State may by regulations prescribe;

(b) give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence;

(c) state the period during which, by virtue of paragraph (4), proceedings will not be taken for the offence;

(d) state the amount of the fixed penalty; and

(e) state the person to whom and the address at which the fixed penalty may be paid.

(6) The fixed penalty payable in respect of a notice under this Article is such amount (not exceeding one quarter of level 2 on the standard scale) as the Secretary of State may specify by order; and different amounts may be specified for persons of different ages.

(7) Payment of a fixed penalty shall be made to, or at the office of, the clerk of petty sessions specified in the notice under this Article, or to such other person or to or at such other office as the Secretary of State may by order direct.

(8) Sums paid by way of a fixed penalty for any offence shall be treated as if they were fines imposed on summary conviction of that offence.

(9) In any proceedings a certificate that payment of a fixed penalty was or was not made by a date specified in the certificate to or at the office of the appropriate clerk of petty sessions, or to such other person or to or at such other office as the Secretary of State has directed under paragraph (7), shall, if the certificate purports to be signed by the clerk of petty sessions or such other person as the Secretary of State has directed under paragraph (7), be sufficient evidence of the facts stated unless the contrary is proved.

(10) The Secretary of State may by regulations prescribe—

(a) the duties under this Article of persons or offices specified by an order made under paragraph (7); and

(b) the information to be supplied to or by clerks of petty sessions and to such other persons or offices.

(11) In any proceedings for an offence under Article 68, no reference shall be made to the giving of any notice under this Article, or to the payment or non-payment of a fixed penalty under this Article, unless in the course of the proceedings, or in some document which is before the court in connection with the proceedings, reference has been made by or on behalf of the accused to the giving of such notice or, as the case may be, to such payment or non-payment.

Designated public places

70.—(1) A place is, subject to paragraph (2), a designated public place if it is—

- (a) a public place in the district of a council; and
- (b) identified in an order made by that council under paragraph (3).

(2) A place is not a designated public place or a part of such a place if it is—

- (a) licensed premises or a place within the curtilage of such premises;

[F1(aa) a relevant pavement café area;]

- (b) a registered club or a place within the curtilage of such a club; or
- (c) a place at which the sale of intoxicating liquor is for the time being authorised by an occasional licence.

(3) A council may for the purposes of paragraph (1) by order identify any public place in its district if it is satisfied that—

- (a) nuisance or annoyance to members of the public or a section of the public; or
- (b) disorder,

has been associated with the consumption of intoxicating liquor in that place.

(4) The power conferred by paragraph (3) includes power—

- (a) to identify a place either specifically or by description;
- (b) to revoke or amend orders previously made.

(5) The Secretary of State shall by regulations prescribe the procedure to be followed in connection with the making of orders under paragraph (3).

(6) Regulations under paragraph (5) shall, in particular, include provision requiring councils to publicise the making and effect of orders under paragraph (3).

[F2(7) In this Article "a relevant pavement café area" means a public area which—

- (a) is an area shown under section 5 of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 on the plan in a pavement café licence which is in force;

(b)for the time being has temporary furniture on it that under the terms of that licence is permitted to be on that area at that time;

(c)is associated with licensed premises which are—

(i)premises of a kind mentioned in Article 5(1)(a) of the Licensing (Northern Ireland) Order 1996;

(ii)a hotel;

(iii)a guest house in which the business of a restaurant is carried on;

(iv)a restaurant; or

(v)a refreshment room in public transport premises; and

(d)is not subject to an alcohol condition.

(8) For the purposes of paragraph (7)—

(a)the area is “associated with” particular premises if those premises are (or are part of) the premises in respect of which the pavement café licence relating to the area was granted;

(b)the area is “subject to an alcohol condition” if the pavement café licence relating to the area includes a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on the area.】

Effect of Articles 68 and 70 on byelaws

71.—(1) Paragraphs (2) and (3) apply to any byelaw which—

(a)prohibits, by the creation of an offence, the consumption in a particular public place of intoxicating liquor (including any liquor of a similar nature which falls within the byelaw); or

(b)makes any incidental, supplementary or consequential provision.

(2) In so far as any byelaw to which this paragraph applies would, apart from this paragraph, have effect in relation to any designated public place, the byelaw—

(a)shall cease to have effect in relation to that place; or

(b)where it is made after the order under Article 70(3), shall not have effect in relation to that place.

(3) In so far as any byelaw made by a council and to which this paragraph applies still has effect at the end of the period of 3 years beginning with the day on which this paragraph comes into operation, it shall cease to have effect at the end of that period in relation to any public place.

Interpretation of Articles 68 to 71

72. In Articles 68 to 71—

"council" means a district council;

"designated public place" has the meaning given by Article 70(1);

[F1 "guest house ", "hotel", **]** "intoxicating liquor", "licensed premises" **[F2**, "occasional licence", "public transport premises" and "restaurant" **]** have the same meanings as in the Licensing (Northern Ireland) Order 1996 (NI 22);

[F3"pavement café licence", "public area" and "temporary furniture" have the same meanings as in the Licensing of Pavement Cafés Act (Northern Ireland) 2014;**]**

"public place" means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission

"registered club" has the same meaning as in the Registration of Clubs (Northern Ireland) Order 1996 (NI 23).

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ITEM 5

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	05 October 2022
Responsible Director	Director of Environment
Responsible Head of Service	Head of Waste and Cleansing Services
Date of Report	05 September 2022
File Reference	69001
Legislation	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	Recycling Engagement Campaigns
Attachments	Appendix 1 - Policy on Access and Use of Household Recycling Centres Appendix 2 - Policy on Permit System for Householder Access to HRCs Using Vans and Large Trailers Appendix 3 - Policy for the Provision of Kerbside Waste Collection Service

1.0 Background

Members will be aware of the worrying trend over a now prolonged period, of declining recycling rates and increased landfill - as indicated in successive quarterly municipal waste statistics reports during the past couple of years.

The Climate Change Act (NI) 2022 was passed in June this year and introduces a new very challenging recycling target of 70% by 2030. During the past 12 months, our Borough recycling rate slumped to 48.3% (from a previous high of 54.7%); the task ahead of the Borough to meet the new statutory recycling target is therefore very significant indeed and will call for further huge step changes in levels of resident recycling engagement.

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During the last financial year (2021/22), we collected 40,124 tons of waste for landfill. The landfill cost of this at current gate fees/landfill tax rates is almost £4.8M. For each ton of waste receipt that is avoided - by promotion of waste reduction by our residents and/or preventing infiltration of illegitimate waste from our waste management system - the full cost of waste processing is avoided. The unit cost of recycling our major categories of recyclable waste streams is half or less than that of landfill, therefore the saving opportunity by recycling more of what we do collect is extremely significant.

Waste Stream	Cost per Ton
Landfill	£121.60
Blue Bin	£36.38 (net of revenue share)
Separated Garden Compostable Waste (HRCs)	£49.68
Brown Bin Compostable Waste	£63.95

It is anticipated that the cost of disposing of residual (non-recycled waste) will rise sharply above current rates, next year; although the level of increase is yet to be determined depending upon the outcome of procurement exercises and the level of landfill tax rise in April 2023, it is not unreasonable to estimate a potential rise of 20% or more - bearing in mind that landfill tax rises alone are linked to RPI and this is projected to reach up to 18% later this year. Therefore, if landfill levels were to remain on a par with the 2021/22 year, the £4.8M landfill bill could rise to around £5.8M.

If our municipal waste arisings per capita were brought down to the average for other NI Councils, based upon the 2021-22 baseline, this would reduce our total municipal total waste arisings by some 3,240 tons to c88,193 tons. Achievement of the statutory 2030 recycling target of 70% of this lower 'average' total Council tonnage, would result in a landfill figure of 26,458T. This is some 14K tons less than the amount of municipal waste we landfilled last year.

The combined potential savings in terms of avoided waste arisings through both alignment/reduction to average NI Council waste receipt levels and compliance with statutory recycling target for waste we do receive, is estimated at around £1.1M per year. This estimate is based upon current prices and an average cost of recycling across all recyclable waste types of c50% of the cost of landfill. As indicated above, with the ever-increasing focus in the move to a circular economy and a likely rise in the commodity value of recyclables along with the projected rising cost of landfilling and incineration of residual waste, the potential savings are likely to even greater – potentially significantly so.

2021-22 Baseline Municipal Waste Tonnage	91434 T
Tonnage Based Upon NI Council Average	88193 T
Landfill 2021-22 Baseline	40142 T
Landfill Based Upon Alignment with NI Average plus Achievement of New Statutory 70% Recycling Target	26458 T
Disposal Cost Saving from Avoided Waste Receipt (Alignment with NI Council Average)	£354106
Disposal Cost Saving by Achievement of New Statutory 70% Recycling Target	£663000

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Potential Total Estimated Annual Saving in Waste Disposal/Treatment Costs (Alignment with NI Council Average Waste Receipts plus Compliance with New 70% Statutory Recycling Figure	£1.057M
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Following discussions with Party Group Leaders over the past few months, it is now planned that major campaigns will be launched in a bid to address a range of issues that have been identified as adversely impacting our sustainable waste resource management agenda, and to reinvigorate levels of recycling engagement amongst our residents.

As part of the programme, both key elements of our waste management service - the Household Recycling Centre service and the Kerbside Waste and Recycling Collection service - will see a structured and rigorous implementation of various terms and conditions of service use that have been agreed by Council and built up over the past number of years with the aim of minimising landfill and maximising recycling. Whilst these rules around service use have been promoted and enforced to varying degrees in the past, the forthcoming programme will see a much more structured, continuous and consistent application during the course of routine service delivery.

2.0 Household Recycling Centre Service

It is planned that site operational management arrangements will be put in place to ensure that everyone accessing and using our HRCs, does so in compliance with agreed terms and conditions of use of this service. This will include the following resourcing measures to achieve delivery of agreed rules/outcomes:

- Everyone presenting to access all HRCs will be required to show proof of residency within the Borough (such as driving licence, rates bill, utility bill or bank statement showing residential address). Site access points will be restricted and supervised to enforce this rule.
- All prospective site users will be asked on entry to confirm that all items they are bringing for disposal are their own household waste items, arising from their residence within the Borough. Site staff will refuse entry where they have reason to believe that this is not the case, for example the frequency of visits and/or the nature of waste being transported is not consistent with legitimate householder use of the HRC service.
- All prospective site users will be asked if they have separated all recyclable from landfill waste items, otherwise they will be directed to newly designated 'waste sorting areas' on sites.
- Recyclable waste items and mixed waste that may contain recyclable waste, will not be permitted to be deposited in landfill skips; access to all site landfill skips will be continuously monitored/controlled to enforce this rule.
- The number and configuration of waste containers will be reviewed and changed to reflect the new rules and promote the recycling emphasis on site; this will lead to a reduction in landfill skips and an expansion of recycling containers/options on sites.
- Those accessing sites with a van/trailer will be required to apply for a permit and will be asked to produce proof of residency ID along with their valid

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permit at the point of entry; use of the permit to gain access will only be allowed by the householder who has applied for it. They will be asked at the point of entry to confirm that all of the waste they are transporting into the site is their own household waste from their own residence within the Borough. Unloading of waste will be supervised to monitor and enforce conformity with rules. Permit access will be refused where these conditions are not fulfilled.

- Use of Charity access permits will be more rigorously monitored and controlled, to promote greater assurance that all waste brought into our HRCs using such permits is waste arising from within the Borough and is from the charitable operations of charities with a registered base within the Borough. Only designated/nominated persons will be allowed to use the permit on behalf of the authorised charity and those persons will be required to produce proof of ID on entry along with the permit itself. Unloading of charity waste will be supervised to monitor and enforce conformity with rules. Permit access will be refused where these conditions are not fulfilled.
- Where contravention of HRC site access and use rules are breached, future access may be denied for up to 6 months.

The site rules referred to above, largely already agreed by Council over recent years, have been drawn together in policy document format at Appendices 1 and 2.

Additional manpower resourcing will be required to implement these rules rigorously and consistently, and it is proposed that this will be achieved in the short term through deployment of temporary/Agency staff to allow the opportunity to gauge success (impact on waste volumes/recycling rates/waste processing costs).

The weekly cost of the required additional manpower resource is estimated at £6K, although full recovery of this would require a reduction in landfill tonnage of just around 50 tons of waste from all our HRCs (c20%); any waste disposal savings accruing thereafter would be a net financial benefit to Council. Notwithstanding this, the cost of additional manpower can be met in the short term by unbudgeted revenue share from our blue bin processing contract, accrued from higher than projected market value of recyclable materials - therefore no additional budget requirement is anticipated as a consequence of this initiative.

3.0 Kerbside Waste Collection Services

Members will recall that pre-Covid, Council had developed a protocol for monitoring and enforcing compliance with agreed kerbside recycling rules (as set out in the already approved policy document at Appendix 3). The arrangements in place for checking grey bins for recyclable waste items and implementation of a warning sticker system (which could ultimately lead to suspension of the grey bin collection until recycling breaches had been corrected), were necessarily suspended during the pandemic.

It is now planned that a renewed and reinvigorated campaign will be implemented to educate around, monitor and enforce proper use of kerbside recycling services – using the same protocols as those that have already been devised and approved. However, concerted efforts will be made to relaunch this campaign in an even more high profile and robust fashion. Each bin collection crew will assume responsibility

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for monitoring, recording, and reporting grey bin recyclables checks – and supervisors and recycling officers will implement a routine and consistent protocol to promote a sustained focus by householders upon proper use of the various aspects of our kerbside waste and recycling services. The job description of Refuse Collection Vehicle Drivers has been amended in recent times, to emphasise their 'team leader' role as well as several key duties associated with promoting householder engagement in kerbside recycling.

4.0 Recycling Education and Communications

A major communications and education campaign will be developed and delivered by the Waste and Cleansing Department, in collaboration with our Corporate Communications team, for each of these two key elements of service development. It is envisaged that this will include direct mail communications to all homes, clearly setting out the key terms and conditions of use for HRCs and Kerbside Waste Collection Services and providing further key recycling information messages to assist residents in improving their levels of recycling engagement.

The estimated cost of the communications campaign is estimated at £25K, with £5K coming from the Corporate Communications budget and c£20K coming from in year surplus in the blue bin contract costs due to the unbudgeted revenue share.

5.0 Campaign Monitoring and Review

It is proposed that the above campaigns will be implemented as soon as operationally feasible, anticipated to be November 2022. The impact of the campaigns will be carefully monitored and reported to Council next year, with an assessment of the scale of their likely contribution to achieving the new 2030 statutory 70% recycling target as set out in the Climate Change Act (NI) 2022. At that stage, depending upon the success of these measures, other measures such as reorganisation of the kerbside bin collection rotas to prioritise recycling capacity and a HRC booking system may need to be further considered.

RECOMMENDATION

It is recommended that the Council approves the proposals set out in this report, including consolidated policy documents at Appendices 1 and 2.

POLICY COVER SHEET

Policy Title	Access and Use of Household Recycling Centres
Policy/File Reference	
Version	1
Policy Summary	The purpose of this operational document is to set out the terms and conditions of accessing and using the Council's Household Recycling Centres
Responsible Officer(s)	Head of Waste and Cleansing Services Director of Environment
Date of consultation with Unions	
Date of Council approval	
Implementation date	1 November 2022
Appendices attached	None
Next review date	1 November 2023

Revision History:

Version	Changes made by	Date	Reason for change
1	Nigel Martin	November 2022	Policy established

Introduction Over several years a number of rules around access and use of the Council's Household Recycling Centres (HRCs) have been established by the Council to regulate who is permitted to access and use these facilities and how they are used. The overall objective is to maintain a high standard of customer service whilst maximizing the level of sustainable waste resource management, through two key aims:

- Limiting use of HRCs to householders who are resident within the Borough, for disposal of their own household waste.
- Maximising the extent to which waste is appropriately segregated for recycling.

This policy brings sets out terms and conditions of accessing and using the Council's HRCs.

Review Statement

Managers will monitor and review the implementation of this policy and its impact upon the stated objective/aims.

Who Does the Policy Apply To

This policy applies to everyone seeking to access and use any of the Borough's Household Recycling Centres.

Conditions of Site Use

The following rules apply to all waste brought to a Council HRC for disposal:

- It must be placed in the relevant container appropriate for that waste type.
 - Waste items/types that are recyclable at a site must be segregated from non-recyclable waste items and placed in the designated recycling container.
 - Recyclable waste and/or mixed waste that is deemed liable to comprise recyclable waste, will not be permitted in landfill/residual waste containers.
 - Site limitations may mean that the full range of recycling options is not available at every HRC, and where a waste item/type brought to a particular HRC is not recyclable at that site but is recyclable at another HRC facility, the householder may be directed to that alternative facility so that the waste can be recycled.
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Conditions of Site Access

The following rules apply to anyone wishing to access and use the Borough's Household Recycling Centres:

- Only those who are resident within the Borough will be permitted access, for the purpose of disposing of their own household waste.

- Householders will be required to show a valid proof of residential address within the Borough before being permitted entry to a HRC, otherwise they will be denied entry to dispose of waste.
Acceptable forms of proof are:
 - Valid driving licence with home address on it
 - Utility bill, such as electricity or gas, showing an Ards & North Down address (dated within the last 3 months).
 - Annual Rates bill (dated within the last 12 months)
 - Bank statement (dated within the last 3 months)
- Householders must confirm on entry that the waste they are seeking to bring into the HRC for disposal is their own household waste, otherwise they will be denied access to dispose of waste.
- Householders deemed eligible for access will be asked to confirm whether they have segregated recyclable from non-recyclable waste and will be directed to a designated on-site waste sorting area if they have not already pre-sorted their waste for recycling.

Use of Access Permits

Permits issued to householders under the terms and conditions of the Policy on Permit System for Householder Access to HRCs Using Vans and Large Trailers, must only be used to bring their own household waste from their residential property within the Borough. As such the following access rules apply:

- Where access to a HRC using a permit is being sought, the householder to whom the permit has been issued must be present on site, or access will be denied. The permit cannot be given to a third party by a householder for use to gain access purportedly on their behalf.
- As well as producing their valid permit, the householder will be required to produce valid proof of residential address within the Borough, otherwise access will be denied.
- The householder will be required to confirm on entry, that all waste they are seeking to bring into the HRC using the permit, is their own household waste - otherwise access will be denied.
- Unloading of waste brought into a site through use of a permit, will be supervised to monitor compliance with these and other site recycling rules.

Exceptions

Where a householder is unable to comply with any of the terms and conditions set out in this policy for the following reasons, exceptional

arrangements may be applied to facilitate reasonable access to the Council's HRC service. In such circumstances the householder should contact the Council and the recycling team will review their circumstances, assess their eligibility for an exemption and put in place reasonable mitigation measures in the circumstances.

Exception categories:

- Where there is no-one in the household who is deemed able to attend the HRC when that permit is to be used to gain access, by virtue of age, disability or ill health.

Waste Types Accepted at HRCs

Because of their size and licence conditions, the range of materials accepted at the HRCs varies from site to site. Details will be communicated and updated for each site via the Council's normal communication channels.

Where a recyclable waste type/item cannot be accommodated for recycling at a particular HRC site, rather than allowing disposal in the residual waste container the Council reserves the right to direct the site user to an alternative site where that waste type/item can be accepted for recycling.

Waste Types Not Accepted at HRCs

The following items cannot be taken to any of the Council's HRCs. Residents must arrange separate collection and disposal for these items by an approved legally compliant method.

Asbestos (contact an approved registered asbestos removal contractor).

Commercial/Business Waste (the Council provides a separate kerbside waste collection service on request).

Chemicals (contact a specialist contractor licensed to dispose of hazardous liquid wastes).

Dead Animals (further advice available on DAERA website - <https://www.daera-ni.gov.uk/publications/fallen-stock-safe-disposal>)

Agricultural Waste (further advice available on DAERA website - <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/Agricultural%20Waste%20Guidance-august2016.pdf>

Contaminated Fuels - including petrol, diesel, and heating oil (contact a specialist contractor).

Gas Cylinders and Cannisters (contact a local distributor)

Vehicle Tyres (can be disposed of through a local tyre centre).

Construction/Demolition Waste - only Balloo HRC can accept small quantities of DIY and construction waste, providing a resident has completed the work themselves and it is from their own household (contractor/tradesmen generated waste is not accepted). For larger DIY projects the householder should make alternative approved means of disposal, such as private hire of a builder's skip(s).

Site Health and Safety

Members of staff are there to advise and assist site users, and aggressive behaviour by site users towards them will not be tolerated. The following health and safety conditions also apply:

- Children and pets should be always kept inside the vehicle.
- Suitable clothing, gloves and footwear should be worn when using the site.
- Caution must be exercised when moving around the site, especially during adverse weather conditions when surfaces may be slippery.
- Temporary closures during normal opening hours are required to assist with the emptying and changeover of containers in a safe manner.
- Long queues outside the sites can create safety issues for other road users and access issues for service vehicles – vehicles may be asked to move if they are causing an obstruction.
- Walk-ins with items of waste are not permitted in view of safety risks caused with vehicular movements entering, leaving and within the sites.
- Items must be suitably placed (not thrown) in the correct container to avoid breakages and spillages.
- Any spillages must be removed to avoid the creation of trip/slip hazards.
- Once items are deposited in a container, they become the property of the Council and cannot be removed without permission.

Fair Use of HRCs and

The pattern of use of HRCs will be monitored on an ongoing basis, and where a pattern of use is found to be inconsistent with

Penalty for Misuse legitimate/normal householder usage, the Council reserves the right to challenge this.

Where it is deemed that a pattern of HRC use is not reasonably justifiable as legitimate householder use, a site user may be banned from future use of Council HRCs for up to 6 months.

Similarly, where a site user fails to comply with site recycling rules and directions given by site staff in that regard, they may be banned from future use of Council HRCs for up to 6 months.

Site Monitoring

All HRCs are continuously monitored by CCTV and site staff wear body cameras, for the purpose of promoting the safety and security of staff and the public and to assist with the monitoring and enforcement of this policy.

POLICY COVER SHEET

Policy Title	PERMIT SYSTEM FOR HOUSEHOLDER ACCESS TO HOUSEHOLD RECYCLING CENTRES (HRCs) USING TRANSPORT OTHER THAN A CAR OR CAR PLUS SMALL TRAILER
Policy/File Reference	
Version	1
Policy Summary	The purpose of this operational document is to set out the terms and conditions of accessing and using the Council's Household Recycling Centres using vans and large trailers.
Responsible Officer(s)	Head of Waste and Cleansing Services Director of Environment
Date of consultation with Unions	
Date of Council approval	
Implementation date	1 November 2022
Appendices attached	None
Next review date	1 November 2023

Revision History:

Version	Changes made by	Date	Reason for change
1	Nigel Martin	November 2022	Policy established

Introduction This policy brings together all relevant terms and conditions of accessing Council's HRCs using transport other than a car or car and small trailer (dimensions no more than 6ft x 4ft). The overall objective is to maintain a high standard of customer service whilst maximizing the level of sustainable waste resource management, through three key aims:

- Limiting use of HRCs to householders who are resident within the Borough, for disposal of their own household waste.

- Minimising access to HRCs for the disposal of commercial and industrial waste.
- Maximising the extent to which waste is appropriately segregated for recycling.

Review Statement

Managers will monitor and review the implementation of this policy and its impact upon the stated objective/aims.

Who does the policy apply to

This policy applies to everyone seeking to access and use the Borough's Household Recycling Centres using any form of transport other than a car or a car and small domestic type trailer (dimensions no more than 6 ft x 4 ft).

Householders entering HRCs in a car or a car towing a small domestic type of trailer (dimensions no more than 6 ft x 4 ft), do not require a permit.

Permit Types

Two types of HRC Access Permit may be issued under this policy:

- a. A Multi-Use Access Permit. This may only be issued for the transport of compostable garden waste into a HRC using an open large trailer (larger than 6ft x 4 ft). It cannot be used for any other purpose. A Multi-Use Access Permit will be valid for unlimited multi-use access to the designated HRC with household compostable garden waste only, during the calendar year (after which a new permit must be applied for).
- b. A Single-Use Access Permit. This will be required for householder access to a HRC using the following modes of transport:
 - vans
 - 2-door pick-up type vehicles
 - campervans
 - sign written or vehicles bearing company logos
 - trailers larger than 6ft x 4 ft
 - trailers smaller than 6ft x 4 ft that have been modified to transport excess waste beyond design capacity (such as retrofitting of high sides etc.)

A Single Use Access Permit can only be used on one occasion, on the date requested on the application form.

A single use permit will not be issued for lorries, livestock trailers/horseboxes and farm vehicles, and these will not be allowed entry to the HRCs.

- c. Charity Permit. This may only be issued to a registered charity based in the Borough for access to a HRC using an approved form of transport as indicated above for single-use permit. A Charity Permit will be valid for unlimited multi-use access to the designated HRC during the calendar year (after which a new permit must be applied for).

Eligibility

A permit to which this policy applies will only be issued to householders (or registered charity) in the Borough seeking to use a van or larger trailer to bring household waste items from their home (or waste items arising from activities of the charity within the Borough), to a HRC for disposal/recycling.

Up to six HRC **Single Access Permits** will be issued in respect of any individual residential address in the Borough between 1 January and 31 December each year. Each permit will only be valid for a single entry using a van or larger trailer; where disposal of household waste items requires more than one visit, then additional Single Access Permits must be applied for and each one will count towards the total annual allowance of 6 permits for that address.

Only one HRC **Multi-Access Permit** (only for access with compostable garden waste in an open larger trailer), will be issued for any residential address in the Borough; this will last for a maximum of 12 months and will expire on 31 December each year, after which a new permit must be applied for.

Only one **Charity Permit** will be issued per registered charity based within the Borough; this will last for a maximum of 12 months and will expire on 31 December each year, after which a new permit must be applied for.

Using a Single-Use Access Permit

Permits issued to householders must only be used to bring their own household waste from their residential property within the Borough. As such the following access rules apply:

- The permit must be presented to the site attendant at the entrance to the HRC and on the date that is specified on the permit (the

HRC location and date will be those requested on your application form).

- The householder to whom the permit has been issued must be present on site, or access will be denied. The permit cannot be given to a third party by a householder for use to gain access purportedly on their behalf.
- The site attendant will verify the details on the permit (specified HRC location, date of permitted entry and vehicle registration/description) and take the permit for Council's records, before allowing entry to dispose of/recycle household waste items.
- As well as producing their valid permit, the householder will be required to produce valid proof of residential address within the Borough, otherwise access will be denied.
- The householder will be required to confirm on entry, that all waste they are seeking to bring into the HRC using the permit, is their own household waste - otherwise access will be denied.
- Site staff will check that the items offloaded match those specified on the permit and that these are placed in the correct skips for recycling where possible.

Using a Multi-Use Access Permit

- The permit must be presented on every visit to the site attendant, at the entrance to the HRC that is specified on the permit.
- The site attendant will verify the details on the permit (specified HRC location and vehicle registration/description). The permit will be handed back to the permit holder for safe retention and re-presentation on the occasion of each visit.
- As well as producing their valid permit, the householder will be required to produce valid proof of residential address within the Borough, otherwise access will be denied.
- The site attendant will check that only compostable garden waste is being transported into the HRC using the permit, and no other waste type. If a van is being used to tow the trailer, waste will not be permitted to be unloaded from the van itself.

Using a Charity Permit

- The permit must be presented on every visit occasion to the site attendant at the entrance to the HRC that is specified on the permit.

- The permit can only be used by the nominated person, whose details will be specified on the permit.
- The specified permit user will be required to produce a valid form of ID to prove that they are the designated permit user, specified on the permit.
- The site attendant will verify the details on the permit (specified HRC location, vehicle registration/description, designated permit user). The permit will be handed back to the permit holder for safe retention and re-presentation on the occasion of each visit.
- The permit user will be required to confirm on entry, that all waste they are seeking to bring into the HRC using the permit, is waste arising from the legitimate operations of the specified charity and is waste arising from within the Borough only - otherwise access will be denied.
- Site staff will check that the items offloaded match those specified on the permit and that these are placed in the correct skips for recycling where possible.

Exceptions

Where there is no-one in the household who is deemed able (because of age, disability or ill health) to attend the HRC when a permit is to be used to gain access, exceptional arrangements may be applied. In such circumstances the householder should contact the Council and the recycling team will review their circumstances, assess their eligibility for an exemption and put in place reasonable mitigation measures in the circumstances.

Fair Use of Permit System

The pattern of use of HRCs using the permit system will be monitored on an ongoing basis, and where a pattern of use is found to be inconsistent with legitimate/normal householder usage, the Council reserves the right to challenge this.

Where it is deemed that a pattern of HRC use is not reasonably justifiable as legitimate householder use, a site user may be banned from future use of Council HRCs for up to 6 months.

**Site
Monitoring**

All HRCs are continuously monitored by CCTV and site staff wear body cameras, for the purpose of promoting the safety and security of staff and the public and to assist with the monitoring and enforcement of this policy.

**Issue of
Permits**

Applications for permits must be made in the prescribed manner and format in operation at the time.

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POLICY COVER SHEET

Policy Title	Policy for the Provision of Kerbside Household Waste Collection Services
Policy/File Reference	
Version	1
Policy Summary	The purpose of this policy is to outline the main conditions of Council's kerbside Waste Collection Service
Responsible Officer(s)	Director of Environment
Date of Equality Screening	
Date of consultation with Consultative Panel	
Date of consultation with Unions	
Date of Council approval	
Implementation date	December 2015
Appendices attached	
Next review date	June 2022

Revision History:

Version	Changes made by	Date	Reason for change
1	Policy established	December 2015	
2	N Martin	January 2016	Comments following consultation
3	N Martin	February 2016	Amendments following pre-equality screening

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4	N Martin	March 2016	Final version approved by Council
5	N Martin	March 2017	Inclusion of glass collection
6	N Martin	February 2020	Charging arrangements for first and replacement issue of recycling bins

Policy for the Provision of Kerbside Household Waste Collection Services

Introduction The Council has a statutory duty to provide a household waste collection service as defined in the Waste and Contaminated Land (NI) Order 1997. The key objectives of this policy are to:

- Promote sustainable waste resource management;
- Promote compliance with statutory obligations, objectives and targets; and
- Promote delivery of services in a fair and equitable manner across the Borough.

Policy scope The policy sets out how the Council provides its kerbside waste collection services to homes, the conditions of use and, defines what types of waste the householder is permitted to place in each designated bin.

Prospective Impact of Policy The policy is applicable to every household in the Borough that requires a regular waste collection service.

Container Specification The containers used will be of the type and colour specified by the Council as follows:

- Residual waste – 140/240 litre wheeled bin, black/charcoal grey in colour
- Mixed dry recyclables – 140/240/360 litre wheeled bin, blue in colour
- Compostables (food/garden) – 140/240 litre wheeled bin, currently a mixture of brown and green bins, although all new compostable bins will be brown in colour.
- Glass – 40 litre box black in colour/240 litre wheeled bin, red in colour (limited to communal apartments).
- All bins must conform to BS EN 840

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Wheeled Bin Provision

The grey, blue and brown bins are supplied by the Council, free of charge to all new build homes*, on the condition they are used correctly for the designated waste types. Responsibility for the maintenance and upkeep of wheeled bins rests with the householder and it is their responsibility to purchase a replacement as and when required. Where a defective bin has been supplied from the Council and is less than 5 years old, it will be replaced free of charge. Furthermore, if a wheeled bin is damaged as a result of faulty or defective lift equipment on the collection vehicle, a free replacement wheeled bin will be issued by the Council.

The warranty is only applicable to wheeled bins supplied by the Council.

Each household is entitled to one wheeled bin (max. 240 litres) of each type except in the following circumstances:

- Six or more occupants residing permanently in the property
- Additional waste generated as a result of occupant(s) suffering from a medical condition.

In these exceptional circumstances, an additional grey or larger 360 litre blue bin may be provided as deemed by the Council to be most appropriate. The householder will be required to purchase the additional grey bin or larger blue bin from the Council. In such circumstances the Council will seek verification of eligibility/necessity for extra bin capacity.

*Persons moving into an existing house will be expected to purchase their bins at the replacement bin charge or bring the bins from their previous property.

Additional Recycling Containers

Each household is entitled to one glass recycling box, one kitchen waste recycling caddy and a supply of compostable caddy liners (number of liners and frequency of supply as determined from time to time by the Council). Householders may request a second glass recycling box if they experience regular capacity issues between collections.

All first and replacement glass boxes and kitchen waste caddies will be provided free of charge, subject to fair & reasonable use/demand (free provision may be refused where Council is satisfied that the policy is being abused).

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Designation of Materials to be collected

The Council operates a wheeled bin collection system to allow specific materials to be collected separately as follows: -

- **Blue Bin** – Mixed dry recyclables including paper, cardboard, metal containers and foil, plastic containers and drinks cartons (tetrapak type). The specific type and range of materials that must be placed in the blue bin may change from time to time as designated and notified to householders by the Council. Further details on specific materials can be found on the Council website and Bin-Ovation App.
- **Brown/Green Bin** – All compostable waste types - food waste (all types without exception provided any non-biodegradable packaging has been removed), organic garden waste and other types of compostable waste such as paper towels, napkins and tissue, compostable pet waste and bedding. Further details on specific materials can be found on the Council website and Bin-Ovation App.
- **Black Glass Box** – All types and colours of glass bottles and containers. The following materials are not accepted - ceramics, lead crystal, toughened glassware, flat glass panels, double glazing units or broken glass.
- **Grey Bin** – Only for residual household waste that cannot be recycled through the blue, brown/green bin and glass box, or by using the household recycling centres and bring banks. Recyclable waste must not be placed in the grey bin.

The Council reserves the right to refuse to collect any bin that contains the wrong materials; specific details of how the Council chooses to enforce this restriction on bin use will be communicated to householders in conjunction with any particular recycling campaign or service development. In general terms however, where repeat or persistent issues with contamination are noted at the same address despite due notification, the container will not be collected and the householder will be advised to contact the Recycling Officer to discuss resolution of the matter.

The Council reserves the right to place promotional, informational and "contamination" warning stickers on the wheeled bins as a method of direct communication with the householder.

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Kerbside Collection Arrangements

The Council operates a kerbside/roadside collection service. Bins and glass boxes must be presented at the kerbside for collection on the designated collection day from 7.00am. After collection, the bin/box will be returned to the collection point and must be removed by the householder on the day of collection to avoid the potential of theft, damage or causing an obstruction. The Council does not accept any responsibility for damage to, or theft of bins or other property after emptying has taken place.

All waste presented for collection must be contained within a container and no side waste will be accepted, except in specific circumstances as may be notified by the Council to householders.

An assisted collection service is available on request, for any person who has difficulty presenting their bin for collection on medical grounds. Circumstances for eligibility for this service must be validated by supporting documentation from their Doctor or other appropriate Health Care Professional and further information is available on request (refer to the Council's Assisted Lift Collection Policy).

Collection Frequency

The grey, brown and blue wheeled bins are collected fortnightly and the glass box is collected on a four weekly cycle. Full details on collection days can be found on the Council website. Details and reminders can also be obtained through the Bin-Ovation App, available from App Store or Google play store.

The Collection Point

The designated collection point is the nearest adopted road or footpath, as Council vehicles will not normally access private property. For new developments, collection vehicles will not enter until the roads are made up with a bitmac surface and during the construction phase, the Council will agree a suitable collection point with the Site Developer.

Holiday Collection Arrangements

During weeks in which Bank or other Public Holidays fall, the Council will normally provide a collection on the next available collection day. Arrangements for holiday collections are placed in the public notice section of the local press, the Council website and the Council's Borough Newsletter. Details and reminders can also be obtained through the Bin-Ovation App, available from App Store or Google play store.

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Missed Collections

It is the householder's responsibility to ensure that the appropriate container is presented for collection by 7.00am on collection day.

In the event that the collection crew cannot gain access to the street or road due to circumstances beyond their control such as blocked access due to parked cars, road works or a road traffic accident, the Council will provide an alternative collection on the next day.

If a householder fails to present their bin for collection on the appropriate day, the Council is under no obligation to make alternative collection arrangements.

Damaged, overloaded and/or grossly contaminated wheeled bins will not be collected by the Council.

Definition of a newly built property

The Council will provide the first set of wheeled bins and other recycling containers to all newly built properties in the Borough. 'New build' is a term that denotes new construction as opposed to the renovation or refurbishment of existing structures. A new build home is usually considered one that has been built in the past two years but has never been owned or lived in.

Policy Review and Amendment

This policy will be reviewed and amended as necessary to reflect the ongoing service developments and changes implemented under the Council's Sustainable Waste Resource Management Strategy and to take account of any other related policy/strategy considerations.

Unclassified

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Item 6**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	05 October 2022
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	07 September 2022
File Reference	FP/2022/1878/MAST / 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 – Craigdarragh Rise, Helen's Bay
Attachments	None

A small development comprising three dwellings is currently under construction on lands at Craigdarragh Road, Helen's Bay.

The developer has suggested the name Craigdarragh Rise which is accessed off the existing Craigdarragh Road and is in keeping with the general neighbourhood.

RECOMMENDATION

It is recommended that the Council adopts the street name Craigdarragh Rise.

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

Unclassified

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Item 7

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	05 October 2022
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	12 September 2022
File Reference	FP/2022/1783/MAST / 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 – Castlebawn Avenue, Castlebawn Close and Castlebawn Gardens, Newtownards
Attachments	None

A development comprising 108 dwellings is currently under construction on lands at Castlebawn Drive, Newtownards

The developer has suggested the names Castlebawn Avenue, Castlebawn Close and Castlebawn Gardens. The development is accessed off the existing Castlebawn Drive and is in keeping with the general neighbourhood.

RECOMMENDATION

It is recommended that the Council adopts the street names Castlebawn Avenue, Castlebawn Close and Castlebawn Gardens.

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

Unclassified

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Item 8

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment
Date of Meeting	05 October 2022
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	22 September 2022
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	Grant of Entertainment Licence
Attachments	None

An application has been received for the grant of an entertainment licence as follows:

First & Last Bar, 42-44 Bridge Street, Comber

Applicant: Mr Gary McKee, Bridge Street, Comber.

Days and Hours: Monday to Sunday during the permitted hours when alcohol may be served on these premises under the Licensing (NI) Order 1996.

Type of entertainment: Indoor dancing, singing and music or any other entertainment of a like kind; Billiards, pool, snooker or any similar game.

Unclassified

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Comment

The above application has been publicly advertised and no objections have been received.

The PSNI and NIFRS have also advised that they have no objections.

RECOMMENDATION

It is recommended that the Council grants the application.

Unclassified

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ITEM 9

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	05 October 2022
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	22 September 2022
File Reference	LR PCL47 / 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 Licence
Attachments	None

The following application has been received for the grant of a Pavement Café Licence:

1. Meadowbank Social Club

Applicant: Mr Ivan Moore, Manor Street, Donaghadee.

Venue: 38 The Parade, Donaghadee

Day and hours of use:

Monday to Sunday from 11am to 11pm.

Comment

The application has been publicly displayed on the relevant premises for 28 days as required by the Order. No objections have been received.

Unclassified

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DFI Roads, PSNI and the Planning Service have been consulted. 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 the Council grants the above licence.

Unclassified

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

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	05 October 2022
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	26 September 2022
File Reference	BC01
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: If other, please add comment below:
Subject	Building Control Q1 Activity Report (1 April 2022 to 30 June 2022)
Attachments	None

1.0 Introduction

The information provided in this report covers, unless otherwise stated, the period 1 April 2022 to 30 June 2022 (Quarter 1). 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

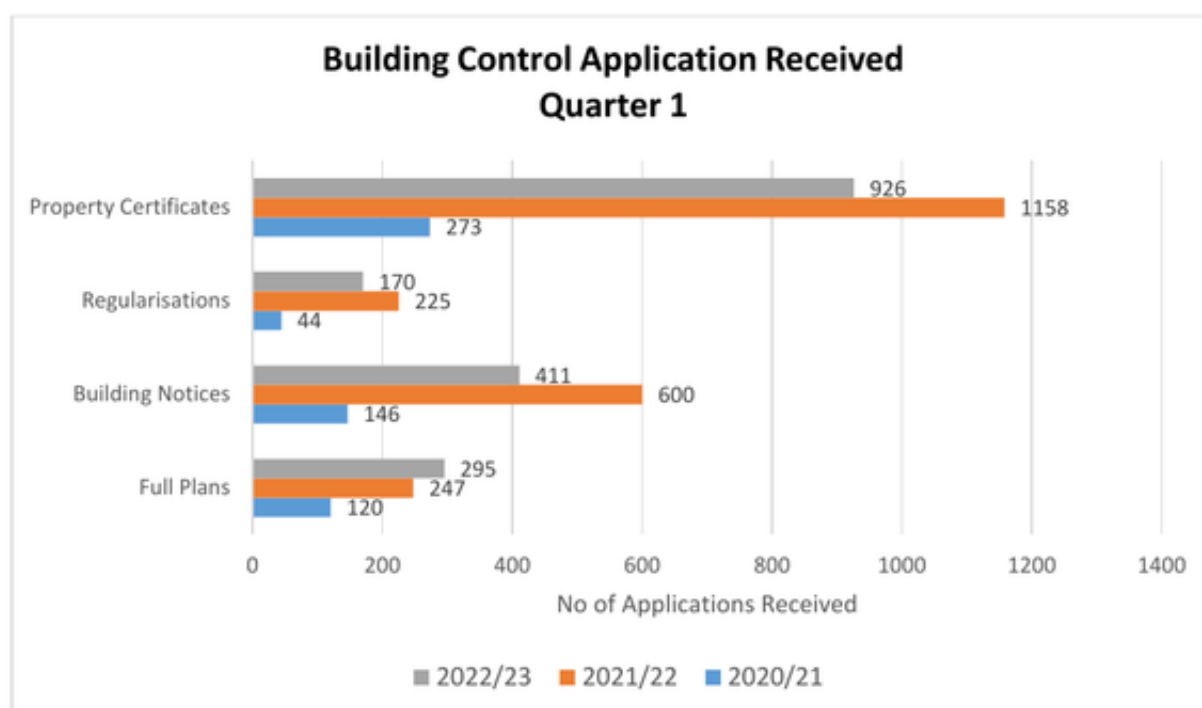
Full Plan applications are made to Building Control for building works to any commercial building, or for larger schemes in relation to residential dwellings.

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 01/04/2022 – 30/06/2022	01/04/2021- 30/06/2021	01/04/2020 – 30/06/2020
Full Plan Applications	295	247	120
Building Notice Applications	411	600	146
Regularisation Applications	170	225	44
Property Certificate Applications	926	1158	273



Unclassified

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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 is no internal means to control the number of applications received.

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 01/04/2022 – 30/06/2022	Same quarter last year	Comparison	Average number of days to turnaround plan
Domestic Full Plan Turnarounds within target (21 calendar days)	57.8%	63%	↓	23
Non-Domestic Full Plan Turnarounds within target (35 calendar days)	62.7%	70%	↓	31

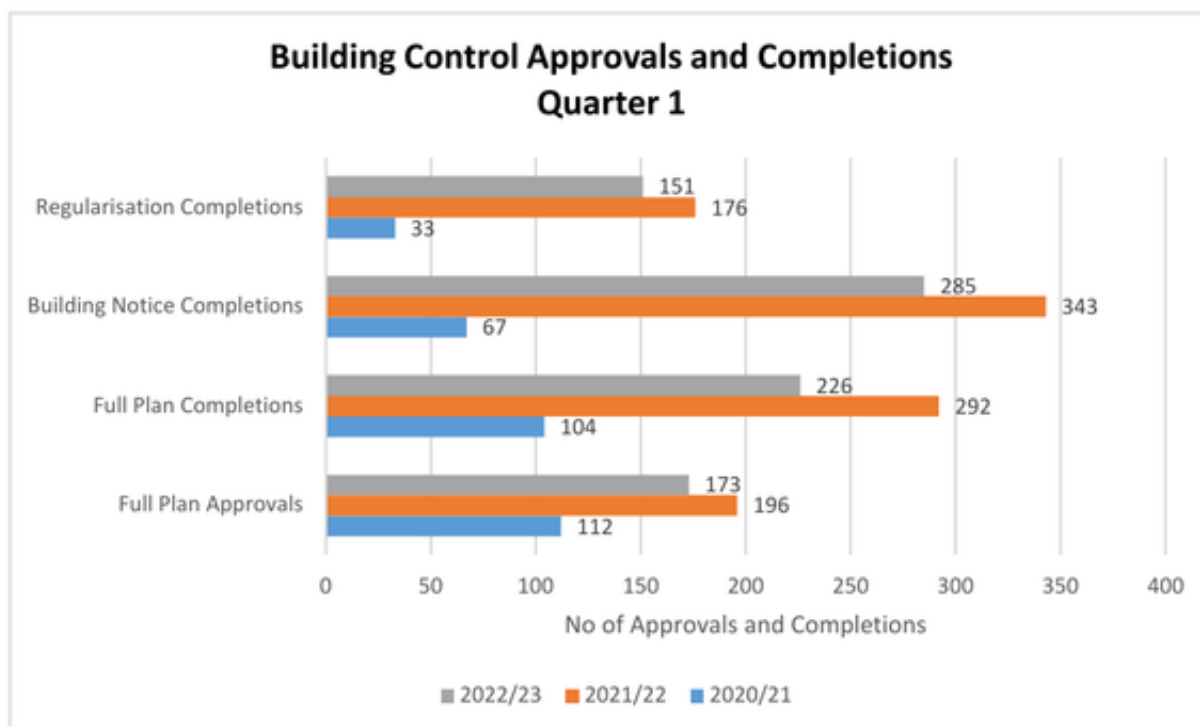
4.0 Regulatory Approvals and Completions

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 01/04/2022 – 30/06/2022	01/04/2021 – 30/06/2021	01/04/2020 – 30/06/2020
Full Plan Approvals	173	196	112
Full Plan Completions	226	292	104
Building Notice Completions	285	343	67
Regularisation Completions	151	176	33

Unclassified

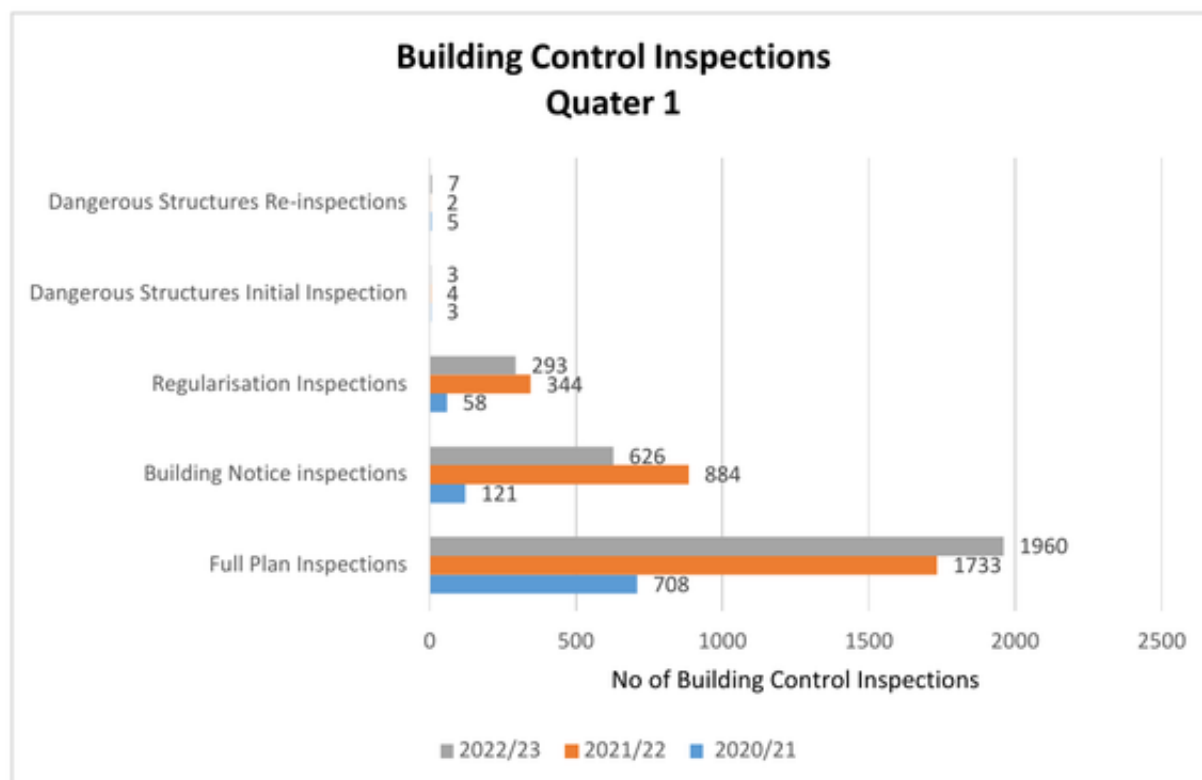


5.0 Inspections

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 all for improvement or enforcement.

	Period of Report 01/04/2022 - 30/06/2022	01/04/2021 – 30/06/2021	01/04/2020 – 30/06/2020
Full Plan Inspections	1960	1733	708
Building Notice Inspections	626	884	121
Regularisation Inspections	293	344	58
Dangerous structures initial inspection	3	4	3
Dangerous structure re-inspections	7	2	5
Total inspections	4622	2967	865

Unclassified

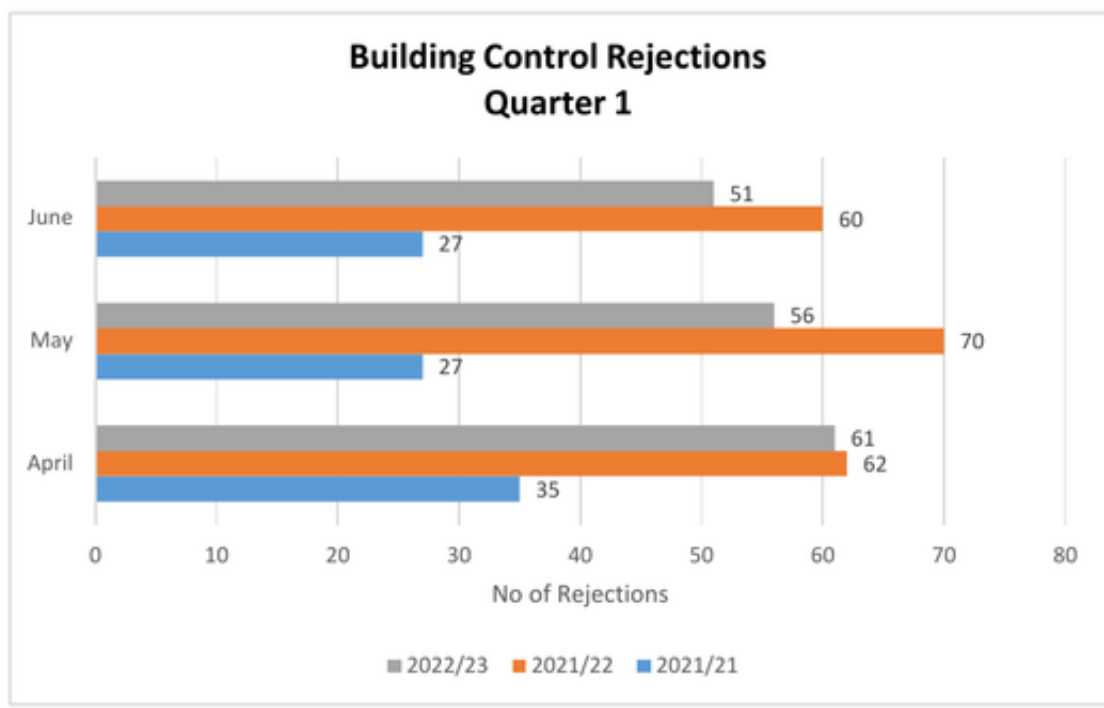


6.0 Non-Compliance

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 01/04/2022 – 30/06/2022	01/04/2021 – 30/06/2021	01/04/2020 – 30/06/2020
Full Plan Rejection Notice	168	192	89
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 11**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Environment Committee
Date of Meeting	05 October 2022
Responsible Director	Director of Environment
Responsible Head of Service	Head of Regulatory Services
Date of Report	23 September 2022
File Reference	LQR / 90100
Legislation	
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	Licensing Service Activity Report -Quarter 4 (2021/2022)
Attachments	None

Introduction

The information provided in this report covers, unless otherwise stated, the period from **1 January 2022 to 31 March 2022**. The aim of the report is to provide members with details of some of the key activities of the Licensing Service, the range of services it provides along with details of level of performance.

Unclassified

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Applications Received

The Service deals with a wide range of licensing functions which require the officers to consult with the PSNI, NIFRS and a range of other internal Council Sections in making their assessment of an application.

	Period of Report 1 Jan to 31 March 2022	Same quarter last year 1 Jan to 31 March 2021
Entertainment Licence	33	28
Cinema Licence	0	0
Amusement Permits	2	2
Marriage & Civil Partnership Place Approval	2	0
Pavement Café Licence	0	1
Street Trading Licence	0	4
Lottery Permits	8	2

Most of the licences issued are for renewals and hence the workload is constant year on year. Renewing a licence still entails considerable work to access the application and consult with the other bodies.

Regulatory Approvals

This is the number of licences, approvals and permits that have been processed and issued.

	Period of Report	Same quarter last year
Entertainment Licence	31	7
Cinema Licence	0	0
Amusement Permits	2	2
Marriage & Civil Partnership Place Approval	3	0
Pavement Café Licence	1	0
Street Trading Licence	0	1
Lottery Permits	9	8

Town Centre CCTV

Incidents have been reported via the Town Centre CCTV system as indicated below, during the period of this report.

Incident	Bangor	Newtownards
Assault	5	
Missing person		1
Criminal damage		2
Hit and Run		1

Unclassified

A Review Team was established in January to review the current system and to look at options for the future. This was the subject to a report and recommendation to the September 2022 meeting of the Environment Committee.

Off Street Car Parking

Whilst the Off Street Car Parks usage has been steadily increasing since the lifting of the Covid-19 restrictions, they have not fully returned to pre Covid levels. An indication of the activity in the car parks is shown by considering the level of PCN's issued.

PCN's Issued

	Period of Report	Same quarter last year
Bangor	231	73
Holywood	259	64
Newtownards	300	76
Total	790	213

The Car Parking Strategy has still to be implemented and offers an opportunity to maximise the value of this valuable asset. As Members will be aware there is a problem with the legislation introduced by the DfI in 2015 and that prevents Councils from changing their Car Parking Orders. This mainly prevents us from changing Tariffs and introducing EV charging etc on our sites. The DfI has now recognised the problem and is establishing a Working Group to look at ways to amend the legislation.

RECOMMENDATION

It is recommended that the Council notes the report.