

**ENVIRONMENTAL SERVICES COMMITTEE MEETING  
TUESDAY 7 NOVEMBER 2017**

**Table of Recommendations**

<b>No</b>	<b>Item</b>	<b>Summary of Key Recommendations</b>
<b>1</b>	Apologies	<b><i>Councillors McCaul</i></b>
<b>2</b>	Declarations of Interest	<b><i>Councillor Mulholland – Item 10 and Item 15</i></b>
<b>3</b>	Minutes of Environmental Services Committee Meeting held on 3 October 2017	<b><i>Approve</i></b>
<b>4</b>	Licencing Items for Decision	<b><i>Approve Items 4.1-4.5 inclusive</i></b>
<b>5</b>	Draft Service Level Agreement DAERA Funded Animal Welfare Service	<b><i>Approve</i></b>
<b>6</b>	Information Sharing Protocol with Landlord Registration Registrar	<b><i>Approve</i></b>
<b>7</b>	Standby Fixed Generator Installation – Cloonavin and Mobile Generator for Business Continuity & Emergency Response to Serve Other Council Facilities	<b><i>Approve Include Riada House, Ballymoney in process Look at 2<sup>nd</sup> hand generators with fixed term guarantees</i></b>
<b>8</b>	Update to Scheme of Authorisation and Delegation of Powers	<b><i>Approve Typing error ‘District’ to read ‘Borough’</i></b>

<b>9</b>	Cushendall Sea Defence Wall	<b>Approve</b>
<b>10</b>	Consultation on Regulations Restricting the Age of Sale of Nicotine Inhaling Products to Over Eighteens	<b>Approve</b>
<b>11</b>	HMO Regulation: Draft HMO Guidance for Councils	<b>Approve</b>
<b>12</b>	Licensing Items Report	<b>For Information</b>
<b>13</b>	Public Health Agency – Renewal of Contracts 2017-18	<b>For Information</b>
<b>14</b>	Sunbed Underage Sales Test Purchase	<b>For Information Automatic re-testing for non-compliance</b>
<b>15</b>	Tobacco Underage Sales Test Purchase Exercise	<b>For Information Automatic re-testing for non-compliance</b>
<b>16</b>	Capital Projects Delivery Update	<b>For Information Report to be brought back to Committee quarterly</b>
<b>17</b>	Matters for Reporting to Partnership Panel (Local Government side)	<b>None</b>
<b>18</b>	Correspondence	<b>None</b>
<b>19</b>	Report of a Fatal Accident at Five5 Moto Sport Magilligan MX Track on 25 <sup>th</sup> August 2016	<b>Approve</b>
<b>20</b>	Outline Business Case (OBC) for the Development of Waste Management Infrastructure for Kerbside Collected Recyclates	<b>Approve Wording of recommendation changed</b>
<b>21</b>	Any Other Relevant Business (notified in accordance with Standing Order 12 (o))	

	<b>21.1</b> Update regarding the unsightly and unsafe wetlands area of the Riverside Park, Ballymoney and to discuss options for improvement before Spring/Summer 2018.	<b><i>Hold workshop after December 2017 Committee Meeting</i></b>
	<b>21.2</b> To ask the relevant officer how many fines have been issued for dog fouling in the last 12 months in the Ballymoney area.	<b><i>Report on no of fines in each area to be brought back to Committee December 2017 Report on Ballycastle Seafront CCTV Scheme to be brought back to Committee February 2018</i></b>
	<b>21.3</b> To ask the relevant officer to proceed with the installation of a bus shelter in the village of Balnamore.	<b><i>Progress report to be brought back to Committee January 2018</i></b>
	<b>21.4</b> To outline the Council policy on enforcement regarding non-payment of parking at Sandhill Drive Motorhome Park facility, Portrush	<b><i>Refer to December 2017 Leisure and Development Committee Meeting</i></b>
	<b>21.5</b> Unauthorised grazing on Council land on the football green at Glenmanus Park, Portrush	<b><i>Refer to December 2017 Leisure and Development Committee Meeting Look at possibility or erecting signage</i></b>

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

**In the Chair:** Councillor McLean

**Members Present:** Aldermen: Campbell and King  
Councillors: Callan, Chivers, Douglas, Fielding,  
Holmes, Hunter, Loftus, MA McKillop, Mulholland,  
Watton, Wilson and Stevenson

**Officers Present:** A McPeake, Director of Environmental Services  
D Allen, Committee and Member Services Officer

**In Attendance:** Press (2 No)

**1. APOLOGIES**

Apologies were recorded for Councillor McCaul.

**2. DECLARATIONS OF INTEREST**

Declarations of Interest were recorded for Councillor Mulholland Item 10 - Consultation on Regulations Restricting the Age of Sale of Nicotine Inhaling Products to Over Eighteens and Item 15 - Tobacco Underage Sales Test Purchase Exercise.

\* Councillor Douglas joined the meeting at 7:03pm.

\* Councillor Callan joined the meeting at 7:05pm.

**3. MINUTES OF ENVIRONMENTAL SERVICES COMMITTEE MEETING  
HELD 3 OCTOBER 2017**

The Chair advised that the minutes of the above meeting were approved at the Council Meeting on 24 October 2017.

**4. LICENSING ITEMS**

**4.1 Grant of Annual Indoor Entertainments Licence**

<b>Premises:</b>	Hilltop Holiday Park - The Hub, 60 Loguestown Road, Portrush
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<b>Application:</b>	Grant of an Annual Entertainment Licence for Hilltop Holiday Park  Days and times on which it is applied to provide entertainment:  Monday – Sunday 11:00hrs - midnight  30 September 2017 – 18:00hrs to 01:30hrs
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**It is recommended** to Grant an Annual Indoor Entertainments Licence subject to compliance with any recommendations of the Councils licensing department inclusive of the following special conditions:

- (i) No representations
- (ii) No objections from PSNI or NIFRS

#### 4.2 Grant of Annual Indoor Entertainments Licence

<b>Premises:</b>	St Canice's GAA Social Club, 13 Garvagh Road, Dungiven
<b>Application:</b>	Grant of Annual Indoor Entertainment licence for St Canice's GAA Social Club  Days and times on which it is applied to provide entertainment:  Monday – Saturday 11:00hrs – 01:00hrs Sunday 12:00hrs – Midnight

**It is recommended** to Grant an Annual Indoor Entertainments Licence subject to compliance with any recommendations of the Councils licensing department inclusive of the following special conditions:

- (iii) No representations
- (iv) No objections from PSNI or NIFRS

#### 4.3 Grant of Annual Indoor Entertainments Licence

<b>Premises:</b>	Crusoe's Coffee Shop
<b>Application:</b>	Grant of licence for Crusoe's Coffee Shop, 1 <sup>st</sup> Floor, 29 Sea Road Castlerock

	Days and times on which it is applied to provide entertainment: Monday – Sunday 18:00 – 23:00
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**It is recommended** to Grant an Entertainments Licence for a further six month period.

#### 4.4 Grant of Annual Indoor Entertainments Licence

<b>Premises:</b>	Kilrea Golf Club, 47A Lisnagrot Club, Kilrea, Coleraine, BT51 5SF
<b>Application:</b>	Grant of Annual Entertainments licence for Kilrea Golf Club  Days and times on which it is applied to provide entertainment:  Monday - Thursday 19:00hrs - 23:00hrs Friday – Saturday 19:00hrs – 01:00hrs

Members were reminded that this application was considered during the October 2017 meeting. As recommended to Committee Grant of Licence was subject to no objections being received from members of the public during the statutory public consultation period (closing on 12<sup>th</sup> October after the Committee meeting).

A written objection had been received, within the statutory period and as such the application should be heard by full Council.

**It was recommended** that this application be deferred to the Council meeting on 19<sup>th</sup> December 2017 which time both the applicant and objector will be given an opportunity to address Council.

The Director of Environmental Services informed Members that since the writing of the report and this Committee meeting the objection had been withdrawn subject to certain measures being put in place.

**It is, therefore, recommended** to Grant an Annual Indoor Entertainments Licence subject to compliance with any conditions set by the Councils licensing department.

#### 4.5 Grant of Petroleum Licence

<b>Premises:</b>	New Filling Station, Ballyquin Road, Limavady
<b>Application:</b>	Application has been received for the grant of a petroleum licence at a greenfield site located at Ballyquin Road Limavady. The application is for two number 60,000 litres compartmentalised tanks.  Full planning permission has been granted.

**It is recommended** to Grant the Petroleum Licence subject to compliance with the requirements of The Petroleum (Consolidation) Act (Northern Ireland) 1929 and any recommendations of the Councils licensing section.

**AGREED** – to recommend that Council approve recommendations therein at Items 4.1 - 4.5 inclusive.

**5. DRAFT SERVICE LEVEL AGREEMENT DAERA FUNDED ANIMAL WELFARE SERVICE**

Report and Appendix circulated.

A revised Service Level agreement has been prepared by Mid and East Antrim Borough Council for 2017-2018. Minor amendments have been made to accommodate information sharing in line with the requirements of Data Protection Act 1998.

A copy of the service level agreement which has been agreed by the Project Board and each of the sub regional lead Councils may be found at Appendix 1 to this report.

**It is recommended** that Causeway Coast and Glens Borough Council grant authority to the Head of Health & Built Environment to sign the Service Level Agreement at Appendix 1 (previously circulated).

**AGREED** - to recommend that Causeway Coast and Glens Borough Council grant authority to the Head of Health & Built Environment to sign the Service Level Agreement at Appendix 1 (previously circulated).

**6. INFORMATION SHARING PROTOCOL WITH LANDLORD REGISTRATION REGISTRAR**

Report and Appendix circulated.

This protocol outlines the arrangement between the Landlord Registration Registrar for Northern Ireland and the Causeway Coast & Glens Council, as required by Regulation 9 of The Landlord Registration Scheme Regulations (Northern Ireland) 2014.

The purpose of this document is to ensure there is a protocol for the sharing of certain personal data collected by the Registrar in its role as Data Controller of the Landlord Registration Scheme, where that personal data is needed for the purposes of enabling or assisting a council in the exercise of its functions under any provision of the Private Tenancies (Northern Ireland) Order 2006 and Article 54 of the Rent (Northern Ireland) Order 1978, as per The Landlord Registration Scheme Regulations (Northern Ireland) 2014.

A copy of the protocol may be found at Appendix 1 to this report (previously circulated).

The Agreement shall take effect from the date of signature by both parties and may only be amended with consent of both parties.

**It is recommended** that the Information Sharing protocol be signed on behalf of Causeway Coast and Glens Borough Council by the Head of Health and Built Environment and returned to the Landlord Registration Registrar.

Proposed by Alderman King  
Seconded by Councillor Wilson

**AGREED** - to recommend that the Information Sharing protocol be signed on behalf of Causeway Coast and Glens Borough Council by the Head of Health and Built Environment and returned to the Landlord Registration Registrar.

## **7. STANDBY FIXED GENERATOR INSTALLATION – CLOONAVIN AND MOBILE GENERATOR FOR BUSINESS CONTINUITY & EMERGENCY RESPONSE TO SERVE OTHER COUNCIL FACILITIES**

Report circulated.

The purpose of this report is to request permission to progress to Stage 2 of a procurement process tender for the equipment above.

A review of the electricity supply has been undertaken of the Cloonavin facility. The offices are served by an existing 160kva mains incoming electricity service. Should the mains supply fail there is currently no back

up supply which has consequences for business continuity and the operation of the building as a designated Emergency Management Control Room in the event of a local emergency when Council's emergency plan requires to be activated.

With respect to two of the Council's designated Emergency Support Centres, there is no permanent alternative electricity supply in the event of a mains failure, for business continuity purposes and to ensure availability in the event of an emergency it is suggested that an adequately rated mobile generator and appropriate connectors be provided.

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

**It is recommended** that approval be given to progress the purchase of standby generators by developing detailed design and specification necessary for the procurement process.

\* Councillor Loftus joined the meeting at 7:12pm.

Councillor Wilson was concerned that the cost of providing this was excessive and enquired as to whether Council could look to purchase second hand generators with fixed term lifespans. The Director of Environmental Services confirmed that this would be considered.

#### **Amendment**

Proposed by Councillor Stevenson

Seconded by Councillor Campbell

- to recommend that approval be given to progress the purchase of standby generators by developing detailed design and specification necessary for the procurement process and that Riada House, Ballymoney is included in this process.

The Chair put the amendment to the Committee to vote. 8 Members voted for, 7 Members voted against and 0 Members abstained. The Chair declared the amendment carried.

**AGREED** - to recommend that approval be given to progress the purchase of standby generators by developing detailed design and specification necessary for the procurement process and that Riada House, Ballymoney is included in this process.

## **8. UPDATE TO SCHEME OF AUTHORISATION AND DELEGATION OF POWERS**

Report circulated.

Further to previous reports to Shadow Council, SC 150326 item 5.2, Organisational Development Committee, OD 150312 item 5.5, ES 150804 item 12 and ES 161206 item 6 that a scheme of officer authorisation and delegated items was approved.

Within the scheme of delegation the applicable environmental health and building control legislation was listed. As new legislation can be introduced or amended at any time it has been necessary to regularly obtain Council approval to amend said list of legislation which is time consuming and can cause delays in appropriately authorising staff.

Delegated powers of the Chief Executive, Director of Environmental Services and Head of Health and Built Environment do not extend to the issue of approvals for establishments subject to Regulation (EC) 853/2004.

Effective delegation of powers, functions and duties to appropriate staff ensures efficient regulatory activities can be performed by the Environmental Services Department in accordance with the Causeway Coast & Glens Borough Council Enforcement Policy.

**It is recommended** that Council:

- (1) Amends the Scheme of Authorisation and Delegation of Powers to include all future, new or amended, Environmental Health and building control legislation.
- (2) Delegates the power to issue approvals for establishments subject to Regulation (EC) 853/2004 on behalf of Council as further specified in Regulation 5 of the Food Hygiene Regulations (Northern Ireland) 2006 to the Chief Executive, Director of Environmental Services and Head of Health and Built Environment.

Alderman Campbell notified the Chair of an error within the report indicating that the word '*District*' should read '*Borough*'. The error was noted.

**AGREED** - to recommend that Council:

- (1) Amends the Scheme of Authorisation and Delegation of Powers to include all future, new or amended, Environmental Health and building control legislation.

- (2) Delegates the power to issue approvals for establishments subject to Regulation (EC) 853/2004 on behalf of Council as further specified in Regulation 5 of the Food Hygiene Regulations (Northern Ireland) 2006 to the Chief Executive, Director of Environmental Services and Head of Health and Built Environment.

## 9. CUSHENDALL SEA DEFENCE WALL

Report circulated.

The Committee received a report requesting permission to progress to Stage 2 of the Capital Programme Management System (development of detailed designs and specifications and progression of procurement process).

In July 2017 it was reported that a section of the existing sea defence wall at Cushendall had failed. (Appendix A for Photographs of Failure and Location Details, previously attached). The Capital Works Department attended site and made safe by relocating the footpath and isolating the affected area.

Officers investigated probable causes of the failure and instigated site investigation to inform potential solutions. It has been concluded that without intervention further erosion will take place impacting on public safety and amenity in the adjacent area.

Various replacement options have been explored and further refined after consultation with Statutory Bodies. The preferred option has been costed as part of a feasibility review – this being a reinforced concrete wall bedded on rock and supplemented with scour protection to mitigate against future undermining of the wall.

It is also proposed to carry out remedial works to the sections of wall either side of the current failure (including adjoining the footbridge) where there is scouring evident. The costs from the feasibility study of the above solution is £200,000.00 which includes an allowance of 15% for optimism bias.

Subject to the completion of Stage 2 and Council approval to progress to Stage 3, it is envisaged works could commence Spring 2018 with completion Summer 2018.

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

On completion of Stage 2 a full tender report will be brought back to Council to allow the final investment decision to be made.

Members thanked the Director of Environmental Services and his team for the speedy response and updates in this matter.

Councillor MA McKillop raised concerns over the play park side of the beach where seaweed and sand had gathered and that stones were falling away from the wall. The Director of Environmental Services informed Members that once the sand had disappeared the wall would be assessed and re-pointed.

Proposed by Councillor MA McKillop  
Seconded by Councillor Mulholland and

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

#### **10. CONSULTATION ON REGULATIONS RESTRICTING THE AGE OF SALE OF NICOTINE INHALING PRODUCTS TO OVER EIGHTEENS**

Report and appendix circulated.

While e-cigarette use is regarded as safer than tobacco use, the long-term effects are still unknown. E-cigarettes do not contain many of the harmful components of tobacco, however they contain nicotine, which is highly addictive and according to the World Health Organisation (WHO), exposure to nicotine whilst in adolescence can lead to long term consequences for brain development. As a result, WHO recommends that the sale and/or distribution of e-cigarettes to minors is banned.

The Department of Health is therefore proposing to introduce legislation in order to bring these products into line with other age-restricted products such as tobacco and alcohol and is undertaking a consultation exercise, to seek views from interested parties on draft legislation. The consultation documents may be found at <https://www.health-ni.gov.uk/consultations/regulations-restricting-age-sale-nicotine-inhaling-products-over-eighteens>

In Northern Ireland, at present, there are no restrictions on the sale of e-cigarettes. This is not the case in the rest of the UK where they are now prohibited for sale to under eighteens. A number of e-cigarette products are marked by their manufacturers as only suitable for use by adults and

most responsible retailers will refuse to sell them to under eighteens, however, a consistent approach in the form of a minimum age of sale requirement is preferable.

The regulations propose two new offences: the sale of nicotine inhaling products to a person under the age of 18; and the offence of purchasing a nicotine inhaling product on behalf of a person under the age of 18 (i.e. proxy purchasing). A response has been prepared to the consultation document, and may be found at Appendix 1.

**It is recommended** that members support the proposed response to this consultation.

**AGREED** - to recommend that Council support the proposed response to this consultation.

## 11. HMO REGULATION: DRAFT HMO GUIDANCE FOR COUNCILS

Report and appendix circulated.

On 4 October 2017 the Department of Communities consulted with all 11 Councils in Northern Ireland with a view to getting comment on the draft guidance on HMO's for Councils. A response was requested by 27 October 2017.

The HMO Bill received Royal Assent on the 12 May 2016. The Department of Communities are continuing to work on the regulations that will accompany this Act as they move forward with the transfer of the function to Council possibly in 2018. These regulations will provide further detail on the operation of the scheme and will be supported by this guidance prior to the commencement of the licensing scheme.

A response has been prepared and can be found at Appendix 1 (previously circulated).

**It is recommended** that Members support the response to this consultation.

**AGREED** - to recommend that Council support the response to this consultation.

## 12. LICENSING ITEMS REPORT

Information report circulated.

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

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

### **12.2 Petroleum (Regulation) Acts (NI) 1929 and 1937 Petroleum Spirit Licence**

4 applications for the renewal of Petroleum Spirit Licences had been received, acknowledged and processed during the report period.

### **12.3 The Marriage (NI) Order 2003**

1 application for the approval of premises as a location for a Civil Marriage had been received during the report period.

### **12.4 The Civil Partnership Act 2004**

1 application for the approval of premises as a location for Civil Partnership had been received during the report period.

### **12.5 Licensing (Northern Ireland) Order 1996 Liquor Licence**

11 applications for grant, renewal, transfer or grant of an occasional Intoxicating Liquor Licence had been received and acknowledged to Court Service during the report period.

### **12.6 Cinemas (Northern Ireland) Order 1991**

1 application to exhibit a locally produced film which has been as yet unclassified by the British Board of Film Censors had been received, acknowledged and processed with the condition that 'no person under the age of 18 shall be admitted to the exhibition' applied during the report period.

### **12.7 Shops (Sunday Trading & C.) (Northern Ireland) Order 1997 Designation of Ballycastle as a Holiday Resort**

Further to Members queries research has indicated that as of 1<sup>st</sup> June 1999 Moyle District Council agreed that Ballycastle be designated a Holiday resort for the purposes of Article 6 of The Shops (Sunday Trading &c.) (Northern Ireland) Order 1997.

As such Large shops (that is those with a floor area greater than 280sq m) located in Ballycastle may notify Council of their intention to open at any time on Sunday on up to 18 Sundays (Other than Easter Sunday) between 1 March and 30 September in any Calendar year.

The Environmental Services Department will maintain a register of large shops in the designated Holiday Resorts of Portrush, Portstewart and Ballycastle availing of this relaxation of the specified opening times.

### **12.8 Street Trading Act (NI) 2001 Prosecution for Illegal Street Trading**

The Environmental Services Department of Causeway Coast and Glens Borough Council has successfully taken a prosecution against an individual for illegal street trading. This individual had been illegally street trading in an ice cream van throughout various parts of the Borough including Kilrea, Ballymoney, Coleraine and Ballintoy. The case was heard at Coleraine Magistrates Court on Friday 6<sup>th</sup> October 2017. The defendant did not appear in court but was fined £250, ordered to pay £50 Legal costs, £56 Court costs and a £15 Offender Levy imposed.

The information report was noted.

### **13. PUBLIC HEALTH AGENCY – RENEWAL OF CONTRACTS 2017-18**

Information report circulated.

Accident Prevention (PHA - North)	£44,335.00
Poverty Co-Ordinator (PHA - North)	£43,802.00
Energy Efficiency Advice Service (PHA - North)	£32,116.00

The Public Health Agency have confirmed the continuation of funding of the above posts on the same terms and conditions as previous, up to 31<sup>st</sup> March 2018. The funders have set out indicators against which performance will be measured for each of the service areas, with returns to be submitted on a quarterly basis.

The information report was noted.

### **14. SUNBED UNDERAGE SALES TEST PURCHASE EXERCISE**

Information report circulated.

District Councils have a statutory duty to enforce the provisions of The Sunbeds Act (Northern Ireland) 2011 which came into effect in May 2012. The Act prohibits the use/sale and/or hire of sunbeds to persons under the age of 18. The aim of the legislation is to reduce the likelihood of the use/ sale and or hire of sunbeds being made to children.

To raise awareness of the above legislation and assess compliance by sunbed premises across the Borough a test purchase exercise was conducted on 23 August 2017 by Council Environmental Health Officers.

The test purchase guideline document is based on the procedures used by Councils to carry out similar exercises in relation to tobacco products and volatile substances. All test purchase exercises are therefore carried out in accordance with Local Government Regulation (formerly LACORS) "Code of Best Practice" on test purchasing as endorsed by the Home Office. The test purchase involved sending a young person under 18 years of age, on this occasion a 16 year old child, into a sunbed premises to ask to buy a sunbed session.

Council's Environmental Health Officers have been working with sunbed premises in the Borough since the legislation was introduced to make them all aware of the new legislation and its implications for them. This included personal visits, written information and prevention visits to the premises.

All sunbed premises are written to once per year reminding them of their legal obligations prior to the test exercise taking place with guidance on how to prevent a sale to an underage child. Within said letter the sunbed premises owner was also informed that a test purchase exercise was

The test purchase exercise was carried out across the Borough on 23 August 2017. A total of 10 premises were selected. One premises sold a sunbed session to the child and was subsequently issued with a Fixed Penalty Notice which was paid.

This was the third test purchase exercise of sunbeds within the Borough and demonstrates this activity is necessary to ensure young people are protected from the known health risks associated with exposure to sunbeds. Enforcement action is taken where non compliances are detected.

The high compliance rate in the 9 other premises where no sale was made can be attributed to the diligence shown by sunbed premises owners in applying the legislation working closely with Environmental Health Officers and the ongoing commitment shown by Council in this education and enforcement programme.

Proposed by Councillor Holmes  
Seconded by Councillor Hunter and

**AGREED** - to recommend that any premises to be written to for non-compliance of legislation, be automatically selected to be re-tested.

The information report was noted.

## 15. TOBACCO UNDERAGE SALES TEST PURCHASE EXERCISE

Information report circulated.

District Councils in Northern Ireland have a statutory duty to enforce the legislation relating to the sale of certain age-restricted products such as cigarettes and tobacco products.

The Children and Young Persons (Protection from Tobacco) (NI) Order 1991 and Children & Young Persons (Sale of Tobacco) Regulations (NI) 2008 make it an offence to supply any cigarettes or tobacco products to any person under the age of 18. Both the sales person and the business owner can be liable for any illegal sales, even if they thought the purchase was being made on behalf of an adult, or if the person looked like they were over 18.

The Tobacco Advertising and Promotion (Display) Regulations (NI) 2012 make it an offence to display tobacco products on sale in public view in all retailers of tobacco. Where appropriate, age checks **must** be carried out before any tobacco product is shown to a customer who asks to buy or asks for information about a tobacco product. Temporary display is permitted following requests to purchase tobacco products by customers over 18; incidental displays while staff are actively assessing stock levels, restocking, undertaking staff training, cleaning, maintaining or refurbishing the storage unit or upon request by an enforcement officer.

To raise awareness of the above legislation and assess compliance by commercial premises a test purchase exercise was conducted on 23 September 2017 across the Coleraine and Moyle legacy council areas.

All test purchase exercises are carried out in accordance with Local Government Regulation (formerly LACORS) "Code of Best Practice" on test purchasing as endorsed by the Home Office. The test purchase involved sending a young person under 18 years of age into retail premises to ask for cigarettes or a cigarette lighter refill canister containing butane.

As per Council procedure all retailers selling relevant products are written to once per year reminding them of their legal responsibilities with guidance on how to prevent the underage display/sale of age restricted goods.

The test purchase exercise was carried on 23 September 2017. A total of 14 premises were visited and tested for tobacco sales. All premises refused sales to the child for cigarettes.

This represents a 100% compliance rate by the retailers tested in relation to the selling of tobacco to an underage person. Similar exercises have been conducted across the legacy council areas in the past with varying degrees of success but it is reassuring to note the high compliance rate on this occasion.

The high compliance rate for the exercises undertaken can be attributed to the diligence shown by retailers in applying the legislation when conducting sales of age restricted products, working closely with Council officers and the ongoing commitment shown by Council in this education and enforcement programme.

Proposed by Councillor Holmes  
Seconded by Councillor Hunter and

**AGREED** - to recommend that any premises to be written to for non-compliance of legislation, be automatically selected to be re-tested.

The information report was noted.

## 16. CAPITAL PROJECTS DELIVERY UPDATE

Information report and appendix circulated.

The Committee was provided with an update in relation to the current status of the delivery of Capital Projects in accordance with the Capital Programme Management System.

During the August 2017 Environmental Services Committee Meeting, Members requested an update on all current Capital Projects.

Details are attached at Appendix A (previously circulated).

Members requested that this report be updated and brought to the Committee on a quarterly basis to also include further details on projects which had not proceeded.

The information report was noted.

## **17. MATTERS FOR REPORTING TO PARTNERSHIP PANEL (LOCAL GOVERNMENT SIDE)**

There were no matters to report.

## **18. CORRESPONDENCE**

There was no correspondence.

**AGREED** – to Change the Order of Business, Item 21 Any Other Relevant Business to be taken before Item 19.

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

In accordance with Standing Orders 12(o) the following Members gave notice of items to be considered:

### **21.1 Riverside Park, Ballymoney (Councillor Wilson)**

Update regarding the unsightly and unsafe wetlands area of the Riverside Park in Ballymoney and to discuss options for improvement before Spring/Summer 2018.

The Director of Environmental Services confirmed that a site meeting had taken place.

**AGREED** - to recommend that a workshop be held after the Environmental Services Committee Meeting in December to discuss a plan and strategy to look at areas that may be further developed.

### **21.2 Dog Fouling, Ballymoney Area (Councillor Wilson)**

To ask the relevant officer how many fixed penalty fines have been issued for dog fouling in the last 12 months in the Ballymoney area.

The Director of Environmental Services informed Members that there had been no fixed penalty fines issued in the Ballymoney area, but there had been a substantial decrease in complaints made being 63 No. in 2015/16, 69 No. in 2016/17 and to date for 2017/18 there had only been 12 No. reported complaints.

Members informed the Director of Environmental Services that the public had been taking their complaints direct to Elected Members and not through the complaints system to Council.

Councillor Callan requested that a report on the number of fines issued and in which area, be regularly reported back to the Committee.

The Director of Environmental Services confirmed that this information would be brought back to the Committee in December 2017.

Members suggested that enforcement officers should regularly check problem areas and fines be imposed. Some Members also suggested that Council invest in CCTV to help catch the offenders.

The Director of Environmental Services informed Members that a pilot CCTV scheme was currently taking place on the seafront in Ballycastle, not just specifically for dog fouling but covering, litter dropping, anti-social behaviour etc. and a report would be brought back to the Committee in February 2018.

### **21.3 Bus Shelter, Balnamore (Councillor Wilson)**

To ask the relevant officer to proceed with the installation of a bus shelter in the village of Balnamore.

In 2013 and 2014 when this issue was raised there were some issues and obstacles preventing the installation of the bus shelter, such as infrastructure and anti-social behaviour.

The Director of Environmental Services informed Members that this project now meets the required criteria. Infrastructure had been upgraded and anti-social behaviour greatly reduced but approval and buy in from stakeholders was needed. He also explained that there was a paper pending approval through Translink to take on the bus shelters and approval of new ones and that they should be provide information in the meantime.

Councillor Wilson stated that as there was no Community Association in Balnamore he would be happy to spearhead this project.

The Director of Environmental Services confirmed that a progress report would be brought back to the Committee in January 2018.

## **21.4 Non Payment of Parking (Councillor Fielding)**

To outline the Council policy on enforcement regarding non-payment of parking at Sandhill Drive Motorhome Park facility, Portrush.

Councillor Fielding stated that Sandhill Drive Motorhome facility was not a car park, therefore did not come under the remit of car parking attendants.

The Director of Environmental Services explained that this was installed by Coleraine Borough Council and that the management and enforcement would be through the Tourism section.

**AGREED** – to recommend this be referred to the December 2017 Leisure and Development Committee for consideration.

### **MOTION TO PROCEED ‘IN COMMITTEE’**

Proposed by Councillor Wilson

Seconded by Councillor Stevenson and

**AGREED** - that the Committee proceed to conduct the following business ‘In Committee’.

\* Press left the meeting at 8.02pm.

## **21.5 Unauthorised Grazing on Council Land (Councillor Fielding)**

Unauthorised grazing on Council land on the football green at Glenmanus Park, Portrush.

Councillor Fielding enquired as to whether ‘No Grazing’ signs could be erected.

The Director of Environmental Services informed Members that this item would fall under Leisure and Development as pitches and grounds.

**AGREED** – to recommend this be referred to the December 2017 Leisure and Development Committee for consideration and to look at the possibility of erecting signage.

## 19. REPORT OF A FATAL ACCIDENT AT FIVE5 MOTO SPORT MAGILLIGAN MX TRACK ON 25<sup>TH</sup> AUGUST 2016

The Committee received a confidential report providing details on a fatal accident at Five5 Moto Sport, Magilligan MX Track which occurred on 25 August 2016.

An investigation into the cause of the accident was conducted by the Environmental Health Department with regard to the Health and Safety at Work (NI) Order 1978 and a complete report has been produced to be forwarded to the Senior Coroner for his information.

**It is recommended** that Council consider not pursuing formal proceedings against the proprietor as a consequence of this fatal accident. It is recommended that the following actions are taken:

- Further correspondence to the operator advising of the outcomes of the investigation
- Summary report to all District Councils making them aware of this fatality and the conclusions within the Investigating Officer's report
- Correspondence is issued to moto cross industry bodies on the outcomes of the investigation and in particular in relation to Minimum Standard for Practice Tracks
- Council to consider if it should lobby Central Government to instigate a licensing regime for those providing venues for motorsport activities such as go-karting tracks, stock car racing tracks, moto cross and quad bike tracks to ensure minimum standards of safety to protect participants and spectators
- Details of the accident to be recorded in premises file
- Further meeting with the next of kin of the deceased as regards Council's decision.

Discussion took place on the remit of Council, Health and Safety at Works Order and the recommended actions stipulated.

Upon a query from Councillor Mulholland the Director of Environmental Services informed Members that he would consider if the summary report to be sent to all Councils in Northern Ireland should be extended outside Northern Ireland.

Proposed by Councillor Stevenson  
Seconded by Councillor Holmes and

**AGREED** - that Council consider not pursuing formal proceedings against the proprietor as a consequence of this fatal accident. It is recommended that the following actions are taken:

- Further correspondence to the operator advising of the outcomes of the investigation
- Summary report to all District Councils making them aware of this fatality and the conclusions within the Investigating Officer's report
- Correspondence is issued to moto cross industry bodies on the outcomes of the investigation and in particular in relation to Minimum Standard for Practice Tracks
- Council to consider if it should lobby Central Government to instigate a licensing regime for those providing venues for motorsport activities such as go-karting tracks, stock car racing tracks, moto cross and quad bike tracks to ensure minimum standards of safety to protect participants and spectators
- Details of the accident to be recorded in premises file
- Further meeting with the next of kin of the deceased as regards Council's decision.

## **20. OUTLINE BUSINESS CASE (OBC) FOR THE DEVELOPMENT OF WASTE MANAGEMENT INFRASTRUCTURE FOR KERBSIDE COLLECTED RECYCLATES**

Confidential report and appendix circulated.

The Committee received a confidential report and appendix, the purpose of which was to advise Members of the progress and outcome of work undertaken by the Five Councils with regards to the preparation of an OBC for the Development of Waste Management Infrastructure for Kerbside Collected Recyclates and to seek approval for the commissioning of a Full Business Case (FBC) for this work.

The Director of Environmental Services informed Members that the wording of the recommendation had been changed to read '*... and proceed to appoint a team of consultants ...*'.

**It is recommended** that Members are requested to note the content of this paper and to agree that Council officials draw up detailed terms of reference and proceed to appoint a team of consultants to prepare a Full Business Case for the Development of Waste Management Infrastructure for Kerbside Collected Recyclates on behalf of the participating Councils.

Points discussed included the fire detection system and cost, market price and income, gate fee price, additional Councils coming on board and the Full Business Case.

\* Councillor Mullholland and Councillor MA McKillop left the meeting at 8.35pm during consideration of this item.

The Director of Environmental Services confirmed that all the participating Councils propose to take this report to their respective Committee before the end of November 2017. Once approval is obtained appointment of Consultants would take place by late Spring 2018.

Proposed by Alderman King  
Seconded by Councillor Mulholland and

**AGREED** - that Members are requested to note the content of this paper and to agree that Council officials draw up detailed terms of reference for the appointment of a team of consultants to prepare a Full Business Case for the Development of Waste Management Infrastructure for Kerbside Collected Recyclates on behalf of the participating Councils.

#### **MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Councillor Campbell  
Seconded by Councillor Stevenson and

**AGREED** – that the Committee proceed to conduct the following business 'In Public'.

There being no further business the Chair thanked everyone for their attendance and the meeting concluded at **8.45pm**.

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Chair