

**ENVIRONMENTAL SERVICES COMMITTEE MEETING  
TUESDAY 10 DECEMBER 2019**

**Table of Recommendations**

<b>No</b>	<b>Item</b>	<b>Summary of Key Recommendations</b>
<b>3.</b>	Minutes of Meeting Held Tuesday 12 November 2019	<b><i>Confirmed</i></b>
<b>4.</b>	Entertainments Licensing Report	<b><i>Grant</i></b>
<b>5.</b>	Sampling Policy	<b><i>Adopt</i></b>
<b>6.</b>	Harbour & Marina Fees 2020-21 – Charging Amendments – Changes Of Terms & Conditions	
<b>6.1</b>	Increase Proposals to Harbour and Marina Baseline Charges	<b><i>Approve Option B (5% increase)</i></b>
<b>6.2</b>	Amendments and Additions to Charging Schedule	<b><i>Approve measures A, B, C &amp; D</i></b>
<b>6.3</b>	Amendments to Harbour and Marina terms and conditions	<b><i>Approve</i></b>
<b>7.</b>	Environmental Services Business Plans	<b><i>Approve</i></b>
<b>8.</b>	Amusement Permit Renewals	<b><i>Information</i></b>
<b>9.</b>	Entertainment Licence Renewals	<b><i>Information</i></b>
<b>10.</b>	Licences Issued Under Delegated Authority	<b><i>Information</i></b>
<b>11.</b>	Petroleum Spirit Licence Renewals	<b><i>Information</i></b>
<b>12.</b>	Society Lottery Registrations	<b><i>Information</i></b>
<b>13.</b>	Street Trading Licence Renewals	<b><i>Information</i></b>
<b>14.</b>	Sunbed Underage Sales Test Purchase Exercise	<b><i>Information</i></b>

15.	Tobacco Underage Sales Test Purchase Exercises	<b>Information</b>
16.	Notice of Motion Proposed By Councillor Holmes, Seconded By Councillor Hunter (Referred From Council Meeting 1 October 2019)	<b>Support Amended Notice of Motion</b>
17.	Any Other Relevant Business (Notified In Accordance With Standing Order 12 (O))	
	17.1 Councillor Wilson	<b>Information</b>
	17.2 Councillor MA McKillop	<b>Defer</b>
18.	Future Council Cemetery Provision - Ballywillan	<b>Subject to Planning, complete purchase to land adjacent to Ballywillan Cemetery for £80,000 plus costs £1,600</b>
19.	Use of Council Assets by Outside Bodies	<b>Additional information to be brought back</b>  <b>Defer</b>
20.	Replacement of Excavator	<b>Approve Option 2, purchase new excavator at a cost of £23,000 (with sales proceeds of £17,000 + additional £6,000)</b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE  
ENVIRONMENTAL SERVICES COMMITTEE  
CIVIC HEADQUARTERS, COLERAINE ON  
TUESDAY 10 DECEMBER 2019 AT 7:00PM**

**In the Chair:** Councillor Mulholland

**Members Present:** Alderman Boyle, Fielding, Finlay, and Robinson;  
Councillors Beattie, Holmes, Hunter, McLean,  
McMullan, Wallace and Wilson

**Officers Present:** A McPeake, Director of Environmental Services  
A Mullan, Head of Operations  
G Doyle, Head of Estates  
J Richardson, Head of Capital Works, Energy and Infrastructure  
J Morton, Harbour Master  
K Mailey, Harbour Master Assistant  
S Duggan, Civic Support & Committee and Member Services Officer

**In Attendance:** Press (1 No)

**1. APOLOGIES**

Apologies were recorded for Councillors Anderson and McLaughlin.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES OF MEETING HELD TUESDAY 12 NOVEMBER 2019**

The Minutes of the meeting held Tuesday 12 November 2019 were confirmed as a correct record.

**4. ENTERTAINMENTS LICENSING REPORT**

Report, previously circulated.

**Grant of Indoor Entertainment Licence**

**Licence No:** EL156

**Premises:** Ballycastle High School, 33 Rathlin Road, Ballycastle

**Application:** Grant of Indoor Entertainment Licence

Days and times on which it is applied to provide entertainment:

Monday – Saturday 18:00hrs to 01:00hrs

**PSNI and NIFRS:** No objections

**Recommendation**

Grant of an Entertainment Licence subject to compliance with any recommendations of the Councils licensing department.

Proposed by Alderman Boyle  
Seconded by Councillor Wilson and

**AGREED** – to recommend that Council grant an Entertainment Licence subject to compliance with any recommendations of the Councils licensing department.

**Licence No:** EL398

**Premises:** Glenariffe Community & Recreation Centre, 208 Garron Road, Glenariffe

**Application:** Grant of Indoor Entertainment Licence

Days and times on which it is applied to provide entertainment:

Monday – Thursday 11.00hrs to Midnight  
Friday – Saturday 11.00 hrs to 01.00hrs

**Representations** None received

**PSNI and NIFRS:** No objections

**Recommendation**

Grant of an Entertainment Licence subject to compliance with any recommendations of the Councils licensing department.

Proposed by Alderman Boyle  
Seconded by Councillor Wilson and

**AGREED** – to recommend that Council grant an Entertainment Licence subject to compliance with any recommendations of the Councils licensing department.

**Licence No:** EL399

**Premises:** Cultúrlann Léim An Mhadiadh, 38 Irish Green Street,  
Limavady

**Application:** Grant of Indoor Entertainment Licence

Days and times on which it is applied to provide  
entertainment:

Monday – Sunday 09:00hrs to 01:00hrs

**Representations:** Closing date 21/11/19

**PSNI and  
NIFRS:** No objections

### **Recommendation**

Grant of an Entertainment Licence subject to compliance with any  
recommendations of the Councils licensing department inclusive of the  
following special conditions:

No representations.

Proposed by Alderman Boyle  
Seconded by Councillor Wilson and

**AGREED** – to recommend that Council Grant of an Entertainment Licence  
subject to compliance with any recommendations of the Councils licensing  
department inclusive of the following special conditions: No representations.

**Licence No:** EL065

**Premises:** Me and Mrs Jones, 1-7 The Diamond, Portstewart

**Application:** Grant of Indoor Entertainment Licence

Days and times on which it is applied to provide  
entertainment:

Monday – Saturday: Midday to 01:00hrs  
Sunday: Midday to Midnight

**Representations:** No responses

**PSNI and  
NIFRS:** No objections

### **Recommendation**

Grant of an Entertainment Licence subject to compliance with any recommendations of the Councils licensing department.

Proposed by Alderman Boyle  
Seconded by Councillor Wilson and

**AGREED** – to recommend that Council grant an Entertainment Licence subject to compliance with any recommendations of the Councils licensing department.

## **5. SAMPLING POLICY**

### **\* Alderman Robinson joined the meeting at 7.03PM.**

Report, previously circulated.

In Northern Ireland the responsibility for the enforcement of food safety and hygiene legislation rests with the Food Standards Agency Northern Ireland (FSA) and the 11 District Councils.

Councils in NI recognise the important contribution food sampling makes to the protection of public health and the food law enforcement functions of District Councils.

Council's Food Sampling Policy has been updated and is intended to guide the Environmental Health Department in developing sampling programmes for the Food Service and to help provide a regional focus for microbiological sampling of foodstuffs and sampling for food standards.

A copy of the updated Food Sampling Policy is attached as Appendix 1 (circulated).

**It is recommended** that the Food Sampling Policy is adopted.

Proposed by Councillor Hunter  
Seconded by Councillor McLean and

**AGREED** – to recommend that Council adopt the Food Sampling Policy.

## **6. HARBOUR & MARINA FEES 2020-21 – CHARGING AMENDMENTS – CHANGES OF TERMS & CONDITIONS**

Report, previously circulated, presented by the Director of Environmental Services.

## 6.1 Increase Proposals to Harbour and Marina Baseline Charges (Item 1)

Council's Infrastructure department manages Harbour & Marina facilities throughout the borough. The annual income generated from vessel berthing is circa £235k. The harbour and marina overall gross annual income is projected at £330k with an annual life cycle costing of circa £743k

Proposed increase options A, B or C were presented in tables (circulated), based on current charges 1<sup>st</sup> April 2019-31<sup>st</sup> March 2020.

Increase options of 2.5%, 5% or 7.5% are for council decision.

Council to **recommend** approval of either option A, B or C

During discussion, the Director of Environmental Services clarified capital investment in Harbours had been significant, a marginal increase of 5-7%, in fees was within market value and reasonable.

The Head of Capital Works, Energy and Infrastructure responded to detail within the report. He clarified waiting list numbers at each of the harbours, the harbours cost Council £745,000 per annum and an additional £25,000 each marina per m<sup>3</sup> dredged to the Crown Estate.

Proposed by Alderman Boyle  
Seconded by Alderman Robinson

**AGREED** – to recommend that Council approve Option B (5% increase)

The Chair put the motion to the Committee to vote.

10 Members voted For; 0 Members voted Against; 0 Members Abstained.

The Chair declared the motion carried.

## 6.2 Amendments and Additions to Charging Schedule (Item 2)

In addition to the increase options above the following recommendations are made;

A. **It is recommended** that fees are charged for all items stored on Council property. Throughout all Council harbours there are personal or business related items deposited or stored. The type and quantity and location of these items pose H&S risks especially where public have access to the area. The proposed charges will assist with managing the location, type and volume of equipment present. Charges of £15.00/m<sup>2</sup> per year or £2.00/m<sup>2</sup> per month will apply to goods stored on Council property.

B. **It is recommended** to implement a scaled charges for customers starting, part season or terminating contracts early. Currently a pro

rata fee is applied. The scaled charges will protect Council from losing potential income in between contracts. (table circulated)

- C. Since its construction, a section of pontoon at Coleraine Marina has been designated for small craft only and can accommodate around 20 small traditional rowing style vessels. The berths are adjacent to the riverbank in shallow water (map circulated).

The current fee applied averages £35.70/mtr for Annual and £25.20/mtr for summer. The current fee is considerably low (circa 20%) in relation to other standard berths at the marina, £183.75/mtr. To reduce the disparity between a standard berth and the restricted small craft berths, it is proposed that the current fee is increase to £73.50/mtr for annual and £48.30/mtr for summer contracts. The proposed increase will equate to 40% of the main pontoon fees due.

The area was dredged in spring 2018 as part of a maintenance project which has enhanced access to the small berths. A minimum vessel length of 5 mtrs will apply to all vessels when calculating fees. The proposed fee increase will bring an additional income of circa £2k.

- D. Currently harbour vessels refuel in bulk from either Council supplies or by private arrangement from a road tanker. Currently access for tanker refuelling is unregulated and is not monitored. To reduce environmental risk, it is recommended that Council manage this operation by regulating suppliers on Council property. Only approved companies will be permitted to trade with harbour customers. A charge of 2 pence/ltr is recommended for every ltr sold. Companies supplying fuel will be required to be registered annually, provide insurance and risk assessment, complete monthly returns and demonstrate good practice when fuelling.

**It is recommended** that Council approve measures - A, B, C & D

The Director of Environmental Services responded to questions and clarified detail surrounding refuelling.

Proposed by Councillor Holmes  
Seconded by Councillor Beattie

**AGREED** – to recommend that Council approve measures A, B, C and D.

The Chair put the motion to the Committee to vote.

9 Members voted For, 0 Members voted Against, 0 Members Abstained.

The Chair declared the motion carried.



### **6.3 Amendments to Harbour and Marina terms and conditions (Item 3)**

In preparation for the 2020-2021 season Harbour and Marina terms and conditions have been reviewed. Several amendments have been made and are highlighted in the attached document.

**It is recommended** that Council approve amendments to Harbour and Marina terms and conditions.

Proposed by Councillor McLean  
Seconded by Councillor McMullan and

**AGREED** – to recommend that Council approve amendments to Harbour and Marina terms and conditions.

## **7. ENVIRONMENTAL SERVICES BUSINESS PLANS**

Report, previously circulated to present the 2019/2020 Environmental Services Business Plans for consideration and approval.

As Council enters the first year of the new Council term, this plan provides the current plans which officers have been using and which will assist with the strategic and corporate planning scheduled in November 2019.

The business plans represent a continuation of work from the 18/19 period for:

- Estates
- Health & Built Environment
- Infrastructure
- Operations

The plans for each of the aforementioned service area are developed based upon:

- The emerging actions from the Community Planning Process.
- The Council's exiting Corporate Plan.
- Endorsed service area strategies.
- Relevant Central government strategies and policies.
- Council decisions and direction from the 2018 / 19 period.

### **The Purpose of the Plans**

The purpose of the annual business plans is to:

- Give a clear sense of what the service is for and the challenges it faces.
- Show how it is supporting Council's priorities.

- Show how it is contributing to the efficiency drive and transformation of service delivery.
- Show how it is aligning its resources to meet the challenges ahead.
- Help us to hold ourselves to account and ensure we deliver for Council and its residents.
- Bring key information together in one place about the service, which Members, staff and stakeholders can understand.

### **Financial Position**

The table below shows the budget for 2019/20 and the ground up budgeting process which was assisted by PwC during the summer period. Each service area has been asked to provide efficiency proposals to mitigate against projected deficit at year end. These proposals have been presented to Members with further papers requested to assist Members decision making in the following months.

<b>Service Area</b>	<b>2019/20 Budget (£'m)</b>	<b>2019/20 Ground Up Budget (£'m)</b>	<b>2019/20 Variance (£'m)</b>
<b>Estates</b>	3.85	3.85	0.00
<b>Health &amp; Built Env.</b>	2.11	2.13	0.02
<b>Infrastructure</b>	(0.37)	(0.10)	0.27
<b>Operations</b>	16.44	17.32	0.88
<b>Business Support</b>	0.56	0.56	0.00
<b>Cent. ES Management</b>	0.13	0.13	0.00
<b>ES Total</b>	<b>22.73</b>	<b>23.88</b>	<b>1.16</b>

### **Recommendation**

The committee is asked to consider and approve the proposed business plans for the remainder of 2019 / 20 period, providing a focus for officers responsible for delivering Environmental Services.

Following concerns raised regarding detail within the Business Plans presented, the Director of Environmental Services provided the following responses;

- reports would be brought back on Route Optimisation proposals and measures to increase recycling and improve services and would be subject to any Council decision;

- the current street cleansing trial and its impact would be assessed and following consultation, a decision made on whether to continue with it, or not;
- confirmed he was content to explore public convenience cleansing operations and the use of Town Hall staff within the vicinity of public conveniences with the relevant Department Manager with responsibility;
- that the Estates restructure would be adopted within the Business Plan;
- 3<sup>rd</sup> party commercial tender for waste collection services was a significant piece of work to be explored with Members' consultation;
- employee terms and conditions had been resolved in relation to 'task and finish' operations. However, other elements of terms and conditions still needed to be harmonised.

The Head of Capital Works, Energy and Infrastructure advised a Policy would shortly be brought to Council regarding cost recovery surrounding car parks and commercial ventures.

Councillor McMullan expressed his dissatisfaction with the review of garages.

\* **Alderman Finlay left the meeting at 7.50PM and returned at 8.03PM.**

\* **Councillor Wilson left the meeting at 8.05PM.**

Proposed by Councillor Holmes  
Seconded by Alderman Boyle and

**AGREED** – to recommend that Council approve the proposed business plans for the remainder of 2019 / 20 period, providing a focus for officers responsible for delivering Environmental Services.

The Chair put the motion to the Committee to vote.

10 members voted For.

The Chair declared the motion carried.

## **8. AMUSEMENT PERMIT RENEWALS**

Information report, previously circulated.

### **The Betting, Gaming, Lotteries and Amusements (NI) Order 1985**

#### **Renewal of an Amusement Permit**

The undernoted application for renewal of an amusement permit has been received and processed during the report period.

<u>Licence No:</u>	<u>Name of Premises</u>
AP017	Bentley Leisure Casino

## 9. ENTERTAINMENT LICENCE RENEWALS

Information report, previously circulated.

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

The undernoted applications for an entertainment licence have been received, acknowledged and processed during the report period.

<u>Unique Reference Number</u>	<u>Name of Premises</u>
EL154	Billy Church Hall
EL174	Mary McBrides Ltd
EL032	Coronation Sports & Social Club
EL225	Ballyweaney Presbyterian Church Hall
EL216	Finvoy Presbyterian Church Hall
EL038	Exodus Nightbase
EL253	St Olcan's Parish Centre
EL088	Coleraine Royal British Legion
EL281	Cross & Passion College
EL015	Brown Trout Golf & Country Club
EL357	The Angler's Rest
EL310	Bobs Bar
EL098	Rathmore Golf Club
EL096	Riverside Theatre
EL353	The Point Bar
EL064	Mary Craigs Bar
EL052	Inn On The Coast
EL162	Causeway Hotel
EL161	Central Bar
EL359	St. Joseph's Fincairn Hall
EL366	The Ponderosa Bar & Restaurant
EL346	Limavady Rangers Supporters Social Club
EL048	Mary Pats Bar (Glebe House)
EL139	Patsy's Bar
EL207	Garryduff Presbyterian Church Hall

## 10. LICENCES ISSUED UNDER DELEGATED AUTHORITY

Information report, previously circulated.

The below licences were issued under Delegated Authority during the last report period:

### **Roads (Miscellaneous Provisions) Act (NI) 2010**

The following Prohibitions and Restrictions on Vehicular Traffic were authorised during the last report period.

<b>Unique Reference No.</b>	<b>Applicant</b>	<b>Times</b>	<b>Approval Type</b>
SEPR034	Ballymoney Christmas Lights Switch On  21 <sup>st</sup> November 2019	16:15hrs until 21:30hrs on Thursday 21 <sup>st</sup> November 2019	To temporarily restrict or prohibit vehicular traffic from Main Street, High Street (Townhead Street to Main Street), Charlotte Street from its junction with High Street to its junction with Eastermeade Gardens and Linenhall Street from its junction with Charles Street/Victoria Street, Ballymoney
SEPR035	Coleraine Christmas Lights Switch On  29 <sup>th</sup> November 2019	17:30hrs until 21:30hrs on Friday 29 <sup>th</sup> November 2019	To temporarily restrict or prohibit vehicular traffic from using part of Brook Street from its junction with Mill Street to its junction with Kingsgate Street, part of Kingsgate Street from its junction with Long Commons to Church Street, Church Street, The Diamond, Queen Street, Abbey Street and Bridge Street, Coleraine
SEPR036	Kilrea Christmas Lights Switch On  7 <sup>th</sup> December 2019	16:00hrs until 18:00hrs on Saturday 7 <sup>th</sup> December 2019	To temporarily restrict or prohibit vehicular traffic from using part of Coleraine Street from its junction with the Diamond to 40m north towards Agivey Road, Kilrea

**The Street Trading Act (NI) 2001**

<b>Unique Reference No</b>	<b>Applicant</b>	<b>Street Trading Licence</b>	<b>Location /Date</b>

TSTM 039/2019	J McDonagh	Temporary Street Trading 21/11/19	High Street, Ballymoney
TSTM 040/2019	J McDonagh	Temporary Street Trading 28/11/19	The Diamond, Ballycastle
TSTM 041/2019	M Gill	Temporary Street Trading 23/11/19	Main Street, Limavady
TSTM 042/2019	M Gill	Temporary Street Trading 29/11/19	New Row, Coleraine
TSTM 043/2019	M McDonagh	Temporary Street Trading 29/11/19	Park Street, Coleraine
TSTM 044/2019	M McDonagh	Temporary street trading 23/11/19	Main Street, Limavady

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

#### **Articles 13 &14, Practice of Acupuncture/Business of Cosmetic Piercing/Tattooing/Semi-Permanent Skin-Colouring/Electrolysis**

Unique Reference No	Name of Premises	Type of Registration
CP/05/2019	Moore's of Coleraine	Cosmetic Piercing

### **The Marriage (NI) Order 2003 and The Civil Partnership Regulations (NI) 2005 -**

#### **Approval of a Place as a Venue for Civil Marriage and Civil Partnership**

Reference Number	Premises	Type of Licence
MA 035/CP 035 – 2019	Portrush Atlantic Hotel	Grant of Approval as a place of Civil Marriage and Civil Partnership.

## **11. PETROLEUM SPIRIT LICENCE RENEWALS**

Information report, previously circulated.

#### **Petroleum (Regulation) Acts 1929 and 1937 - Petroleum Spirit Licences**

The undernoted applications for renewal of petroleum spirit licences have been received acknowledged and processed during the report period.

<u>Licence No:</u>	<u>Name of Premises</u>
PL052	Eurospar Dungiven

PL055	Tesco Limavady
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## 12. SOCIETY LOTTERY REGISTRATIONS

Information report, previously circulated.

### **The Betting, Gaming, Lotteries and Amusements (NI) Order 1985 Registration of a Society**

The undernoted applications for society lottery registrations have been received, acknowledged and processed during the report period.

<u>Registration No:</u>	<u>Name of Society</u>
SL012	Ballymoney Borough Twinning Association
SL033	Ballymoney Rugby Football Club
SL034	Killowen Primary School PTA

## 13. STREET TRADING LICENCE RENEWALS

Information report, previously circulated.

### **Street Trading (NI) Act 2001**

The undernoted applications for a street trading licence have been received, acknowledged and processed during the report period.

<u>Unique Reference Number</u>	<u>Applicant</u>	<u>Type of Licence</u>	<u>Commodity</u>	<u>Location</u>
MST 010	P J Mullan	Mobile	Ice cream, Confectionary and minerals	Borough of Causeway Coast and Glens

## 14. SUNBED UNDERAGE SALES TEST PURCHASE EXERCISE

Information report, previously circulated.

### **Background**

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.

Research on sun exposure has shown that sunburn in childhood can greatly increase the risk of developing skin cancer later in life. The Young Persons Behaviour and Attitudes Survey (YPBAS) 2013 revealed that 10% of young

persons under the age of 16 had used sunbeds despite being aware of their danger. Some of these young people had used sunbeds in commercial sunbed premises.

To raise awareness of the above legislation and assess compliance by sunbed premises across the Borough a test purchase exercise was conducted in August 2019 by Council Environmental Health Officers.

### **Test Purchase Exercise Protocol**

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, 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 raise awareness and highlight its implications for them. This has included visits to relevant premises and provision of written information.

All sunbed premises are written to once a year reminding them of their legal obligations with guidance on how to prevent a sale to an underage child prior to the test exercise taking place. The letter informs the sunbed premises owner that a test purchase exercise will be carried out but does not state the date when this will take place.

### **Outcome**

The test purchase exercise was carried out across the Borough in August 2019. A total of 11 premises were selected. No sales were made at any of these premises.

### **Discussion**

This activity is necessary to ensure young people are protected from the known health risks associated with exposure to sunbeds.

The high compliance rate can be attributed to the diligence shown by sunbed premises owners in applying the legislation and the ongoing commitment shown by Council in this education and enforcement programme.

## **15. TOBACCO UNDERAGE SALES TEST PURCHASE EXERCISES**

Information report, previously circulated.

### **Background**



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, tobacco products and cigarette lighter refill 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 in the Moyle and Coleraine council legacy areas in June and August 2019 respectively.

### **Test Purchase Exercise Protocol**

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.

As per Council policy 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.

### **Outcome**

A total of 26 premises were visited in the legacy Moyle and Coleraine areas and tested for tobacco sales. 2 sales of cigarettes were made to the young person. This represents a 92% compliance rate by the retailers tested in relation to the selling of tobacco to an underage person.

Decisions on the action to be taken against a premises that fails a test purchase exercise are based on whether all reasonable precautions were taken and due diligence exercised to avoid commission of the offence and whether reasonable steps were taken to establish the individual's age.

Of the 2 retailers that failed the test purchase exercise and sold cigarettes to the young person, taking into consideration all relevant factors at each

premises, 1 Fixed Penalty Notice and a written warning were issued to the business owners and a further written warning issued to one of the sellers.

The Fixed Penalty amount is £250 which is reduced to £187.50 if paid with 14 days.

### **Discussion**

The overall compliance rate shows that the majority of retail premises are diligent in applying the legislation. This is attributable to the ongoing commitment shown by Council and staff of the Environmental Health Department in this education and enforcement programme.

\* **Councillor Wilson re-joined the meeting.**

### **16. NOTICE OF MOTION PROPOSED BY COUNCILLOR HOLMES, SECONDED BY COUNCILLOR HUNTER (REFERRED FROM COUNCIL MEETING 1 OCTOBER 2019)**

#### *“DEVELOPMENT*

*Council notes that we own significant plots of land and buildings across the Borough which may have development potential. We also note that there has been significant growth in housing stock in recent years but that demand still outstrips supply with waiting lists for housing still an issue. Whilst ensuring we manage our green spaces, we task officers to:*

- 1. Explore options to develop land/buildings for housing and/or commercial purposes;*
- 2. Determine whether it is a viable option to enter the renting sector having developed sites and whether this should be done alone or in partnership with housing organisations;*
- 3. Assess whether a Council Owned Development Company is the best option to deliver the above.”*

Councillor Holmes spoke in support of his Notice of Motion. He requested that Council explore the limits of what Council are already doing through their Capital Asset Realisation Team, to look at options to sell off land, without planning permission, to realise assets into the organisation, he felt it would be foolish not to look at development potential.

Councillor Holmes advised the Finance Committee had received a useful presentation from the Head of Capital Works, Energy and Infrastructure on and commented on the good work the Team are undertaking.

Councillor Holmes referred to Council's objective to increase income from non-rate sources, this could be achieved through commercial activities, rental income, land and buildings. He advised English Councils had entered the commercial property sector to bolster income.

Councillor Holmes advised of the need for new housing, to include social housing, Council could develop in the local area in partnership with Agencies, achieve income and rates income for Council.

Councillor Holmes envisaged Council further explore a council-owned company, he advised Belfast City Council operated the Waterfront and Ulster Hall, Council had looked at options for Caravan Parks and Leisure Services, the option did exist within certain sectors and would optimise tax planning and development proposals.

Councillor Hunter read a prepared statement in support of the Notice of Motion:

*“Overall Northern Ireland is heading towards a major housing supply problem. We are simply not building enough houses. Over the next ten years, Northern Ireland needs 12,500 new homes per annum just to keep up with demand, but it's not meeting that target.*

*In fact, in 2017-18 - the most recent year figures available - there were 7,100 new dwelling completions recorded in the Department for Communities annual Housing Report.*

*It's not just people looking to buy or rent their own home, it's also people stuck on the housing waiting list. The number of households on the list for social housing is at the highest level on record. As such more households are in housing stress than ever before as homelessness levels continue to rise.*

*So we urgently need more houses, and more land to build houses on. This Council owns land that would be put to much better use as development land.*

*Holding onto these spare assets is only costing the council money each year.*

*We also need to remember that selling off land for capital receipts isn't the only option. Money could be saved/generated by maximising the efficiency and income generated (through leases etc) of the existing asset base.*

*I would like to second this motion that is for CC&GBC to explore options for plots of land/buildings within their remit, without taking away green spaces for/within our communities.*

Committee stated their respective support for the exploratory measures outlined.

Alderman Robinson requested the proposer add at point 1 an additional line, “*where there is community support*”.

The proposer, Councillor Homes and in agreement with the seconder, Councillor Hunter added an extra line at point 1 to the Notice of Motion, “*ensuring public consultation and protection of green spaces*”.

The Chair put the amended Notice of Motion to the Committee to vote.  
11 Members voted For.

The Chair declared the amended Notice of Motion carried.

\* **Press left the meeting at 8.20PM.**

**AGREED** – that the Order of Business is changed to receive AORB next.

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

In accordance with Standing Order 12(o), the following Elected Members gave notice of Items to be considered under Any Other Relevant Business.

\* **Alderman Robinson left the meeting at 8.24PM.**

### **17.1 Councillor Wilson**

*To discuss with the director /relevant staff member the detail on the quantity, type and relevant cost of hiring vehicles /machinery within the environmental services remit over the last 12 months.*

Councillor Wilson advised that following discussions he had, was now satisfied with the level of detail supplied and improved business plan and thanked the Officers for the information.

### **17.2 Councillor MA McKillop**

*Any possibility of CCAGBC extending the maintenance on Riverside Walk in Cushendall to include the right away at Ballyeamon Road.*

The Director of Environmental Services advised he required more detail before commenting.

Proposed by Alderman Finlay  
Seconded by Councillor Wilson and

**AGREED** – to recommend that Council defer the Item.

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

Proposed by Alderman Boyle  
Seconded by Councillor Wilson and

**AGREED** – to recommend that Council proceed ‘*In Committee*’.

- \* **Councillor McMullan left the meeting at 8.26PM.**
- \* **Alderman Robinson re-joined the meeting at 8.29PM.**

## **18. FUTURE COUNCIL CEMETERY PROVISION - BALLYWILLAN**

Confidential report, previously circulated.

In June 2019 Council approved negotiating with landowners for the sale of the land adjacent to Ballywillan Cemetery (circulated) with a view to extending the current site to provide burial ground for the next 50 years. Subject to agreement a Planning Application would be submitted.

Committee was provided with further detail within the report circulated.

**It is recommended** that, subject to gaining Planning Approval, Council complete the purchase of the land adjacent to Ballywillan Cemetery for £80,000 plus costs (£1,600).

Proposed by Councillor Wilson  
Seconded by Alderman Fielding

**AGREED** – to recommend that, subject to gaining Planning Approval, Council complete the purchase of the land adjacent to Ballywillan Cemetery for £80,000 plus costs (£1,600).

The Chair put the motion to the Committee to vote.  
10 Members voted For.  
The Chair declared the motion carried.

- \* **Councillor McMullan re-joined the meeting at 8.31PM.**

## **19. USE OF COUNCIL ASSETS BY OUTSIDE BODIES**

Confidential Report, previously circulated.

Committee was advised there has been inconsistency in the approach to requests by external organisations who wish to borrow/hire Council equipment for events. The report recommended a more transparent and consistent response to such requests.

Committee was provided with background information and proposals within the report.

## **Options**

**Option 1** - Cease to supply Council owned equipment to all external organisations and realise the savings in man hours and reduced equipment loss, wear and tear.

**Option 2** - Charge all external events for the use of Council owned equipment based on the charging schedule in Appendix 1.

**Option 3** - Provide equipment free of charge but charge for delivery and collection. Delivery and collection charges can be found in Appendix 1.

**Option 4** - Provide equipment to commercial ventures charging a market rate for both hire, delivery and pick-up. Provide equipment free of charge to non-commercial groups when it is picked up and returned but charge for delivery and collection

**It is requested** that Committee consider the above options and make a recommendation to Council.

Councillor Wilson requested Committee defer consideration pending additional information on what grant funding opportunities were currently available for Charities and Groups to pay for the hire of Council services.

Proposed by Councillor Wilson  
Seconded by Councillor Holmes

**AGREED** – to recommend that consideration is deferred for one month.

The Chair put the motion to the Committee to vote.  
10 Members voted For.  
The Chair declared the motion carried.

- \* **Councillor Holmes left the meeting at 8.50PM.**
- \* **Councillor Wilson left the meeting at 8.50PM.**

## **20. REPLACEMENT OF EXCAVATOR**

Confidential report, previously circulated.

Committee was advised the 3 tonne excavator used to excavate graves in Kilrea, Coleraine, Ballywillan and Portstewart Cemeteries is beyond economic repair and needs to be replaced.

Committee was provided with background information.

### **Options**

1. Continue to hire excavator at £850 per month to meet operational needs
2. Purchase new excavator £23,000 (with proceeds of sales £17,000 and an additional £6,000).

### **Recommendation**

Environmental Services Committee are asked to recommend to Council the purchase of a replacement excavator.

Proposed by Councillor McLean  
Seconded by Councillor McMullan

**AGREED** – to recommend that Council approve Option 2, purchase new excavator £23,000 (with proceeds of sales £17,000 and an additional £6,000).

The Chair put the motion to the Committee to vote.  
10 members voted For.  
The Chair declared the motion carried.

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

Proposed by Councillor Hunter  
Seconded by Councillor Beattie

- to recommend that Council move ‘*In Public*’.

There being no further business the Chair thanked everyone for their attendance and the meeting concluded at 8.53PM.

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Chair