

April 15th, 2015

**Notice Of Meeting**

You are invited to attend the Active and Healthy Communities Committee meeting to be held on **Monday, 16th November 2015 at 6:00 pm** in **Downshire Civic Centre**.

**Chair:** Cllr L Kimmins

**Vice:** Cllr L Devlin

**Members:** Cllr S Burns Cllr M Carr

Cllr S Doran Cllr C Enright

Cllr G Fitzpatrick Cllr V Harte

Cllr H Harvey Cllr D Hyland

Cllr K Loughran Cllr B Ó'Muirí

Cllr D Taylor Cllr G Sharvin

Cllr W Walker

# Agenda

**Apologies and Chairperson's Remarks**

**Declarations of Interest**

**Action Sheet arising from AHC Committee Meeting held on 19 October 2015**

[AHC-19102015.pdf](#)

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*Presentations*

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**Presentation from Swim Ireland**

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*Leisure and Sports*

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**Elite Athlete Scheme**

[AHC elite athlete membership scheme.pdf](#)

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*Community Engagement*

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**Newry, Mourne and Down Traveller Forum Report**

[NMD Traveller Forum Report AHC.pdf](#)

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[email from representatives of An Crushan Munia group.pdf](#)

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**CCTV Monitoring Provision**

[CCTV Monitoring Provision.pdf](#)

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**DEA Fora Update (including Terms of Reference & Code of Practice)**

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Health & Wellbeing

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## **Test Purchasing Guidelines for Enforcement of Sunbed Legislation**

## **Guidelines for the enforcement of legislation concerning the sale of age restricted products (Tobacco and tobacco related products including cigarette lighter refills)**

## **New Biodiversity Strategy for Northern Ireland**

## **Schools Environmental Poster Competition**

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Reports from Officers

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## **The Scheme of Delegation (copy attached)**

## **Update on Play Development Strategy Route Map (copy attached)**

**[Appendix 2 Overview of Playability Quality Audit.pdf](#)**

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**[Appendix 3 Overview of GIS Mapping.pdf](#)**

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**[Appendix 4 Overview of CAN Play Initiative.pdf](#)**

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# Invitees

Cllr. Terry Andrews	<a href="mailto:terry.andrews@downdc.gov.uk">terry.andrews@downdc.gov.uk</a>
Cllr. Naomi Bailie	<a href="mailto:naomi.bailie@nmandd.org">naomi.bailie@nmandd.org</a>
Cllr. Patrick Brown	<a href="mailto:patrick.brown@nmandd.org">patrick.brown@nmandd.org</a>
Cllr. Robert Burgess	<a href="mailto:robert.burgess@downdc.gov.uk">robert.burgess@downdc.gov.uk</a>
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**ACTION SHEET- ACTIVE & HEALTHY COMMUNITIES COMMITTEE MEETING – MONDAY 19 OCTOBER 2015**

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<b>AGENDA ITEM</b>	<b>SUBJECT</b>	<b>DECISION</b>	<b>FOR COMPLETION BY DIRECTOR – including actions taken/date completed or progress to date if not yet completed</b>
<b>AHC/72/2015</b>	Outcome of the Facilities Strategy Consultation by Phillip Barefoot	<b>It was agreed that the Committee endorse the work undertaken on the Facilities Strategy Consultation.</b>	Ongoing
<b>AHC/74/2015</b>	Options for Extending Opening Hours at Newry Leisure Centre	<b>It was agreed to approve the implementation of option 4.</b>	To be implemented
<b>AHC/75/2015</b>	Defibrillator Provision	<b>It was agreed to accept the recommendations above and bring the provision of AEDs at a cost of £11,000 with the costs identified from the 2015/16 budget, subject to identification of where the gaps existed across the District.</b>	Ongoing
<b>AHC/76/2015</b>	Request from Valley Rangers FC/Ballinran Community Association for Additional Funding	<b>It was agreed that the group should fund the additional requirements through their own fundraising activities, as opposed to the Council meeting this cost.</b>	Letter to be issued
<b>AHC/78/2015</b>	Live Here, Love Here Request for Funding for the Next 3 Years	<b>It was agreed to allow the request for funding for the next 3 years for the Live Here, Love Here campaign to be submitted as part of the Rates estimates process.</b>	To be examined as part of rates setting process
<b>AHC/80/2015</b>	Go Ultra Low Proposal: EV Angel Project	<b>The report was noted and it was unanimously agreed to support the EV Angel Project in principle.</b>	Document signed and returned to DOE

<b>AGENDA ITEM</b>	<b>SUBJECT</b>	<b>DECISION</b>	<b>FOR COMPLETION BY DIRECTOR – including actions taken/date completed or progress to date if not yet completed</b>
AHC/81/2015	Report on the Cycle to Work Scheme and the Council's Involvement in this Scheme	<b>It was agreed that Council progress with the Cycle to Work Scheme.</b>	In progress



<b>Report to:</b>	Active and Healthy Communities
<b>Subject:</b>	Elite Athlete Membership Scheme
<b>Date:</b>	16 <sup>th</sup> November 2015
<b>Reporting Officer:</b>	Michael Lipsett
<b>Contact Officer:</b>	Roland Moore
<b><u>Decisions Required</u></b>	
Members are asked to note the contents of the report, and consider and agree to:	
<ul style="list-style-type: none"> <li>• <b>Amalgamation of former legacy Councils amateur elite athlete membership scheme</b></li> </ul>	
<b>1.0</b>	<b><u>Purpose &amp; Background</u></b>
<b>1.1</b>	The former NMDC and former DDC legacy Council's each had a similar process for reviewing and administering requests made by amateur athletes participating at international level in relation to complimentary use of its leisure facilities for a period of time.
<b>2.0</b>	<b><u>Key Issues</u></b>
<b>2.1</b>	<p>The main principles of the combined scheme are as below:</p> <ul style="list-style-type: none"> <li>• Use of facilities for up to 8 weeks prior to an International event will be granted where the athlete has been selected to represent UK and/or N.Ireland, Ulster or Ireland at a forthcoming international competition</li> <li>• No other assistance will be provided through Leisure services other than access to non-bookable sporting areas, ie. Swimming, gym, etc.</li> <li>• There should be no financial loss to Council from members of the public being unable to use the facilities during training time</li> <li>• Athlete must represent UK and/or N.Ireland, Ulster or Ireland at a forthcoming international competition</li> <li>• Sport must be recognised by Sport NI or the Irish Sports Council</li> <li>• The governing body of sport for the athlete must make the request on behalf of athletes supporting same and confirming details of the event and status of the athlete</li> </ul>
<b>3.0</b>	<b><u>Conclusion and Recommendations</u></b>
<b>3.1</b>	It is recommended to adopt this amalgamated procedure for NMDDC Leisure facilities. An operational procedure will therefore be drafted for the administration of this process.
<b>4.0</b>	<b><u>Resource Implications</u></b>
<b>4.1</b>	N/A
<b>5.0</b>	<b><u>Appendices</u></b>
<b>5.1</b>	N/A

<b>Agenda Item:</b>	Newry, Mourne and Down Traveller Forum
<b>Report to:</b>	Active and Healthy Communities Committee
<b>Subject:</b>	Newry, Mourne and Down Traveller Forum meeting
<b>Date:</b>	
<b>Reporting Officer:</b>	Michael Lipsett, Director of Active and Healthy Communities
<b>Contact Officer:</b>	Kate Bingham, Good Relations Officer

### Decisions Required

Outline recommendation to be approved.

**1.0**

#### **Purpose & Background**

The first meeting of the Newry, Mourne and Down Traveller Forum took place on 15<sup>th</sup> October 2015. Members on the Forum include the Chairperson, Cllr G Stokes, Cllr L Kimmins, Cllr C Casey, Cllr D McAteer, Cllr H Harvey, Cllr K McAteer and representatives from the SHSCT, Education Authority, Confederation of Community Groups, Community Restorative Justice (CRJ) and community representatives.

Fergal O'Brien from the Promoting Wellbeing Team at the SHSCT provided an overview of the current infrastructure for Traveller support across Newry and Mourne, which consists of the Newry and Mourne Traveller Interagency Group which, the Family Support Worker from the SHSCT and the Newry, Mourne and Down Traveller Forum, which consists of 6 Elected Members and representatives from the Council, SHSCT, SELB, CRJ, Confederation of Community Groups and community representatives.

Many of the funded programmes which focused on addressing the needs of Travellers, including Belong, Reach and the Women and Family Health Initiative have ceased to exist and the Safe and Well project is also due to end in March 2016.

As a result, the infrastructure for Traveller support across the District has become disjointed with clear gaps in relation to community development activity at both a strategic and operational level.

	<p>The following recommendations have been put forward for the Forum and the Council to consider:</p> <p>The Newry, Mourne and Down Traveller Forum should:</p> <ul style="list-style-type: none"> <li>• Consider the establishment of a sub group comprising of Travellers and representatives of partner organisations to explore Traveller engagement, capacity building and community development support. This group will have a direct and sustainable link to the Newry, Mourne and Down Traveller Forum.</li> <li>• Develop a two year action plan which will set the strategic priorities for the Forum, aligned to the community planning process.</li> <li>• Develop an overarching consultation and engagement framework for engaging Travellers in the work of the Forum.</li> </ul>
<b>2.0</b>	<p><b>Recommendation</b></p> <p>The Council considers the recommendations outlined above when developing the Good Relations Action Plan 2016-17.</p>
<b>3.0</b>	<p><b>Resource Implications</b></p> <p>Through the Good Relations Programme, the Newry, Mourne and Down Traveller Forum receive £800 per annum, as well as ongoing Officer support, 75% of which is funded by OFMDFM and the remaining 25% is funded by the Council.</p> <p>As the resources for the 2015-16 Good Relations programme have already been allocated, the recommendations outlined above should be considered as part of the development of the Good Relations Action Plan 2016-17.</p>
<b>4.0</b>	<p><b>Appendices</b></p> <p>N/A</p>

**From:** "Una Walsh" <[unawalsh54@gmail.com](mailto:unawalsh54@gmail.com)>

**Date:** 11 November 2015 21:30:27 GMT

**To:** [liz.kimmins@nmandd.org](mailto:liz.kimmins@nmandd.org)

**Subject:** Letter and meeting

Liz

Crushan Munia representatives on Newry, Mourne and Down Traveller forum request an agenda item at the Health Lifestyle meeting. The Traveller group have not been supported by the Traveller forum when racists articles were published in the Newry Democrat.

Why was support denied to the Travellers by a rights based committee established to ensure that Travellers are equal citizens of this Council area?

Letter attached.

Una

<b>Agenda Item:</b>	CCTV Monitoring Provision
<b>Report to:</b>	Active Healthy Communities
<b>Subject:</b>	Approval for extension of current CCTV monitoring contract with Lisburn Commerce Against Crime until March 2017
<b>Date:</b>	16 <sup>th</sup> November 2015
<b>Reporting Officer:</b>	Michael Lipsett
<b>Contact Officers:</b>	Janine Hillen

### Decision Required

Approval of extension of Lisburn Commerce Against Crime CCTV monitoring contract until March 2017.

<b>1.0</b>	<p><b>Purpose</b> To ensure continuity of service relating to Council CCTV System and the provision of monitoring for cameras.</p> <p><b>Background</b></p> <p>At present, Councils CCTV Cameras are monitored in two locations - Gough Barracks, Armagh and Lisburn Commerce Against Crime (LCAC).</p> <p>The monitoring function was transferred to Lisburn in May 2015 (following the closure of Noonan Security Services). This is currently a one year contract (until March 2016) with possible one year extension <b>'at the sole discretion of Council'</b> until March 2017.</p> <p>At present, the system is currently functioning to and exceeding required operating standards; specifically:</p> <ul style="list-style-type: none"> <li>• Compliant to BZ7958 operating standards with procedural manual</li> <li>• Employing a full complement of highly skilled staff, accredited to SIA licensing standards</li> <li>• Strong linkage to PSNI Gold &amp; Silver Command</li> <li>• Effective partnerships working with Council and PSNI</li> <li>• Located within Lisburn PSNI station (added value of system security)</li> <li>• Added value of 20hours 'active monitoring' with 24/7 'passive monitoring'</li> <li>• Currently contracted to work with Councils current Maintenance &amp; Warranty providers (therefore on-going configuration of specified equipment)</li> </ul>
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	<p>The impact of the system has been proven through quarterly reports presented to Newry, Mourne &amp; Down Policing &amp; Community Safety Partnership. It has been reported for example, that footage from CCTV has been crucial in providing evidence to PSNI with 32 evidential discs being produced and issued since May 2015, resulting in 14 arrests over the same period.</p>
<b>2.0</b>	<p><b>Recommendation</b></p> <p>Extend current contract with Lisburn Commerce Against Crime for a further 1 year period (March 2016 – March 2017).</p>
<b>3.0</b>	<p><b>Resource Implications</b></p> <p>Within existing budget.</p> <p>Associated contract costs are £25,000 per annum</p>

<b>Agenda Item:</b>	DEA Fora Inaugural Meeting Report
<b>Report to:</b>	Active Healthy Communities
<b>Subject:</b>	Update on Inaugural Meetings of DEA Fora
<b>Date:</b>	16 <sup>th</sup> November 2015
<b>Reporting Officer:</b>	Michael Lipsett
<b>Contact Officers:</b>	Janine Hillen

### Decision Required

Members are asked to note the contents of the report and agree finalised Terms of Reference & Code of Conduct.

#### 1.0

#### Purpose & Background

Each of the 7 DEA Forums have held inaugural meetings, with Cllrs, Directors and Council Officers present. Attendees were presented with key statistics and emerging trends relevant to their particular DEA.

Specific agenda items included:

- Terms of Reference & Code of Conduct
- DEA Membership
- Meeting Schedule
- Action Planning

Each DEA Forum has confirmed they content with both the draft Terms of Reference & Code of Conduct (noting that the Code would be more relevant to external members).

In addition, Members are happy that public meetings of the Fora would continue to ensure openness, transparency and an avenue for full community engagement in the DEA process until new members were on board.

In particular Members were concerned about:

- The absence of established community networks across the District which may cause problems in the recruitment of Members
- The need to include Section 75 groups and in particular minority groups who may be unsure of the process
- Ensuring that interested parties have an opportunity to ask questions about the Fora and understand the complexities of the role.

	<ul style="list-style-type: none"> <li>The time needed for the full Community Planning Structure to be established.</li> </ul> <p>Decisions included:</p> <ul style="list-style-type: none"> <li>Action planning workshops with key statutory partners should commence immediately</li> <li>Members requested the opportunity to review the application process and relevant documentation for community/voluntary and business sector members in advance of advertisements</li> <li>All DEA Forums requested representation from the maximum 8 community members</li> <li>Future meetings of the DEA Fora should be compressed into a 2 week period in advance of Active &amp; Healthy Committee to facilitate reporting mechanisms</li> <li>Tour of the DEA areas were deferred until a later date</li> </ul>
<b>2.0</b>	<p><b>Recommendation</b></p> <p>Members are asked to note the contents of the report and agree finalised Terms of Reference &amp; Code of Conduct.</p>
<b>3.0</b>	<p><b>Resource Implications</b></p> <p>None</p>
<b>4.0</b>	<p><b>Appendices</b></p> <p>DEA Terms of Reference &amp; Code of Conduct</p>



Ag freastal ar an Dún  
agus Ard Mhacha Theas  
Serving Down  
and South Armagh



Comhairle Ceantair

**an Iúir, Mhúrn agus an Dúin**

**Newry, Mourne and Down**

District Council

## **DEA FORUM MEMBERS' CODE OF CONDUCT**

## **INTRODUCTION**

This section sets out the Code of Conduct for Members of the District Electoral Area (DEA) Forum which should govern their conduct during their term of appointment as a Member.

In carrying out these responsibilities, DEA Forum Members, like others who serve the public, should follow the Seven Principles of Public Life set out on Standards in Public Life along with the five further principles of conduct that have been adopted by the Northern Ireland Assembly.

## **GENERAL RESPONSIBILITIES OF DEA FORUM MEMBERS**

DEA Forum Members have a general duty to act in the public interest at all times, avoiding conflicts between personal and public interests.

In fulfilling their role DEA Members must at all times:

- Observe the highest standards of propriety involving impartiality, integrity and objectivity in relation to the management of the DEA Forum.
- Ensure that dealings with the public are in accordance with the principle of openness.
- Act with full regard to the duties and obligations expected of a Member including displaying respect for equality, human rights and diversity.

## **REGISTRATION OF INTERESTS**

All DEA Forum Members should declare any personal or business interests, financial otherwise, which might reasonably be thought by others to conflict with their responsibilities as a DEA Forum Member. The following procedures are aimed at ensuring that any potential conflicts are identified at an early stage and appropriate action taken to resolve them.

## **REGISTER OF INTERESTS**

The DEA Forum Co-ordinator will maintain a Register of Interests for each Member.

## **DUTY OF MEMBERS TO REGISTER INTERESTS**

- It is a DEA Forum Member's own responsibility to declare any personal or business interests, financial or otherwise, which the public might reasonably think could influence a Member's judgement.
- DEA Forum Members should also declare any relevant past interests or potential future interests where the public could reasonably perceive these to influence a DEA Member's judgement.

- DEA Forum Members will be asked to notify the DEA Forum Co-ordinator of all such registered interests. Any subsequent changes or additions to a DEA Member's registration should be notified immediately in writing to the DEA Co-ordinator.
- If any DEA Forum Member is uncertain whether they are required to register a particular interest, they should consult with the DEA Co-ordinator.

## **DECLARATION OF INTERESTS DURING THE CONDUCT OF BUSINESS**

DEA Forum Members must declare a personal or business interest, financial otherwise, immediately upon becoming aware of the potential conflict or before the discussion on an agenda item begins.

Interests of immediate family members and persons living in the same household should also be declared. DEA Forum Members should consider whether they also need to disclose relevant interests of other connected persons or past and potential interests which might be perceived to affect their consideration of any matter.

As a general rule, DEA Forum Members should not take part in, and normally should not be present for, discussions or decisions if they have a personal or business interest, financial or otherwise, in the matter under consideration. In determining whether withdrawal from the proceedings is appropriate, the following test should be applied:-

*Would a member of the public, knowing the facts of the situation, reasonably think that their presence could influence the judgement of the DEA Member or other Members present?*

The minutes of the meeting will record any declaration of interest made by a DEA Forum Member.

## **USE OF DEA FORUM RESOURCES**

DEA Forum Members must not use or permit others to use the resources of their Council:

- Imprudently;
- In breach of the DEA Forum's requirements;
- Unlawfully;
- Other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of their DEA Forum;
- Improperly for political purposes; or
- Improperly for private purposes.

## **CONFIDENTIALITY**

No DEA Forum Member shall disclose to any person, other than another DEA Forum Member any information, whether written or verbal or electronically recorded, generated or received by the DEA Forum Member in his/her capacity as such which breaches the level of confidentiality placed on the information by the DEA Forum or which could be injurious to the interests of the DEA Forum or unfairly prejudicial to any other body or person without the authorisation of the Chair on the DEA Forum.

It is the duty of the DEA Forum Members to safeguard all official documents (including copies thereof). It is also the duty of the DEA Forum Members to take appropriate steps to safeguard equivalent electronic records and to comply with Council's Data Protection Policy and Procedures.

DEA Forum Members who do not adhere to, or do not give, an undertaking on appointment that they will comply with the requirements of confidentiality will limit the ability of the DEA Forum to conduct its business and limit the information made available to them and other Members. It may also result in exclusion from attendance at confidential briefings.

## **HOSPITALITY, GIFTS AND ENTERTAINMENT**

As a result of carrying out duties, DEA Forum Members may on occasion be offered gifts/hospitality from third parties. Before accepting, DEA Forum Members should consider if it would be acceptable to the public for such a gift/hospitality to be received. Where a DEA Forum Member, having considered this issue accepts a gift/hospitality, it should be notified immediately to the DEA Forum Co-ordinator to be recorded in the Council Hospitality, Gifts and Entertainment Register. This disclosure requirement also relates to gifts/hospitality which are presented to a Member's immediate family and persons living in the same household.

DEA Forum Members may only offer hospitality, at the expense of the DEA Forum, with the prior approval of the Chair or in his/her absence the Vice-Chair. A pre-condition for any such hospitality is that it will be in the direct interest of the DEA Forum and will assist the DEA Forum in fulfilling its statutory responsibilities.

## **BREACH OF CODE**

If an incident occurs where there may be a breach of the Code, or if there is an allegation of a breach, it will be referred to the DEA Forum Co-ordinator in the first instance for informal resolution and subsequent referral for Council with potential exclusion.

<b>Report to:</b>	Active and Healthy Communities
<b>Subject:</b>	<b>Test Purchasing Guidelines for Enforcement of Sunbed legislation</b>
<b>Date:</b>	<b>16 November 2015</b>
<b>Reporting Officer:</b>	Michael Lipsett
<b>Contact Officer:</b>	<b>Eoin Devlin</b>

### Decisions Required

Members are asked to note the contents of the report, and consider and agree to:

- **Adopt the protocols attached for the Test Purchasing of Sun beds**

<b>1.0</b>	<p><b>Purpose &amp; Background</b></p> <p>District Councils in Northern Ireland have a Statutory Duty to enforce the Sunbed Act (Northern Ireland) 2011 relating to the use/ sale and/ or hire of sunbeds to persons under the age of 18.</p> <p>The aim of the legislation is to reduce the likelihood of the use/ sale and or hire of sunbeds being made to underage children and to raise awareness of the legislation among the retailers. One of the ways that this can best be done is to carry out 'test purchase' exercises, using children under the age of 18 to try and use/ buy or hire sunbed facilities. The attached protocol sets out how this will be carried out.</p>
<b>2.0</b>	<p><b>Recommendation</b></p> <p><b>Agree to adopt the policy and protocol attached</b></p>
<b>3.0</b>	<p><b>Resource Implications</b></p> <p><b>None</b></p>

<b>4.0</b>	<b>Appendices</b>  <b>GUIDELINES FOR THE ENFORCEMENT OF LEGISLATION CONCERNING THE USE/ SALE OR HIRE OF SUNBEDS TO PERSONS UNDER 18</b>
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**Newry, Mourne and Down District Council**

**GUIDELINES FOR THE  
ENFORCEMENT OF LEGISLATION CONCERNING THE USE/ SALE OR HIRE  
OF SUNBEDS TO PERSONS UNDER 18**

**November 2015**

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## **1. Introduction**

District Councils in Northern Ireland have a Statutory Duty to enforce the Sunbed Act (Northern Ireland) 2011 relating to 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 underage children and to raise awareness of the legislation among the retailers. One of the ways that this can best be done is to carry out 'test purchase' exercises, using children under the age of 18 to try and use/ buy or hire sunbed facilities.

- This document is based on guidelines that have been used by District Councils to carry out such exercises in relation to tobacco and tobacco products. It has taken account of the best practice followed by other Local Authorities in addition to following guidance laid down in the Code of Best Practice for Test Purchasing compiled by a joint LACORS/TSI Working Group. It also considers the guidance previously issued in 1992 by the then Home Office in relation to the Children and Young Persons (Protection from Tobacco) Act 1991. The new Code uses the original work but updates it in light of best practice, experience and legislation which have been introduced subsequently. The Code and this procedure take account of the Safeguarding Vulnerable Groups NI Order 2007 (as amended by the Protection of Freedoms Act 2012), The Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and the Police and Criminal Evidence Order 1998.

## **2. Actions to be taken prior to an exercise taking place**

2.1 When a Council decides that a programme of test purchase exercises should be carried out a survey of premises in the Council area should be carried out to establish the number of premises offering sunbeds for use/ sale or hire. A programme of education for retailers should then be carried out, for example by means of advisory visits, leaflet distribution or letters.

2.2 A programme of test purchasing exercises can then be planned. All premises in the Council area offering sunbeds for use/ sale or hire should be visited on a rolling basis. Prior to each exercise a list of premises to be visited should be selected. This should be done on a random basis from the database but may also include premises that specific complaints have been received about. Each of these premises should then be advised in writing, no longer than 6 months prior, that an exercise will be taking place and informing them of their legal obligation in relation to age restrictions detailed in the Sunbed Act (Northern Ireland) 2011.

2.3 The appropriate PSNI station can be informed of the exercise and the premises to be visited, at least three working days before. This may be useful as the PSNI will be able to highlight any potential problems areas or premises that should not be visited and contact numbers can be exchanged.

2.4 All Officers working on the exercise will receive Child Protection Training. Officers should be made fully aware of these guidelines and given full instruction on what the exercise entails. Each Officer should be made aware of what their specific role for the day will be.

2.5 Any formal action may be taken against either the proprietor of the business or the person who physically offered a sunbed for sale/ use or hire to a person under the age of 18.

### **3.0 Selection of Children**

The Lead Officer should ensure that the following is taken into account:-

3.1 The decision to participate by the child must be entirely voluntary. Full consent must be obtained in writing from both the child and the parent/guardian (Appendix 1). Both the child and parent/guardian must be made fully aware of the nature of the task.

3.2 Children or relatives of Council staff may assist but volunteers, independent of Council, will normally be given preference.

3.3 Children should be at least 18 months younger than the minimum age for purchase. Assistance of children under 13 should not be sought

3.4 Any special dietary or medical needs of the children will be identified prior to the task and Officers made aware of this. If the child is on medication it must be brought on the day.

3.5 Consideration will be given to the clothing and any make up worn by the child as this may affect the determination of age.

3.6 Officer's must ensure that a Witness Statement has been obtained from the parent/guardian to prove the child's date of birth and a copy of the birth certificate should be supplied.

3.7 Contact details of the Officers involved in the task will be given to the parent/guardian and their contact details should be kept by the officers involved in the test purchase exercise.

3.8 The Officers will collect the volunteer child at their home or pre-arranged meeting point. The collection point and time will have been arranged with the parents and documented. A drop off location and estimated time will also be arranged with the parents and documented.

#### **4.0 The Exercise**

4.1 The Lead Officer will check the past history of the premises selected to visit to determine, for example, if any formal action is pending. The Officer will have assessed any site specific hazards and suitable access/egress from previous inspections. (as described in the risk assessment in Appendix 2).

4.2 The Lead Officer must obtain a sufficient supply of money for the exercise, which should be in small change.

4.3 If the parent/guardian is not present during the exercise at least four Officers will be involved, ideally the child will enter the premises accompanied by an officer, two will be present outside the shop, one to accompany the child back to the car, the other will enter the shop to support the Lead Officer and one Officer must be in the car. If the parent/guardian of the child is present throughout the exercise it is adequate to have three Officers. This will ensure that there is adequate adult support to the child at all times.

4.4 If practical the child will be brought to Council premises on the day of the exercise.

4.5 Training of the child will take place as outlined in Section 10.

4.6 On arrival at the premise to carry out test purchasing the child will enter the premises accompanied by the Lead Officer posing as their friend. Two officers will wait in close proximity to the entrance of the shop. In the event of a sale one will accompany the child back to the car and the other will go into the premises to back up the Lead Officer.

4.7 The child must walk into the shop, approach the point of sale and, as pre-arranged, will ask the retailer for the use of one of their sunbeds. In line with their training all questions must be answered truthfully by the child. The only exception to this will be if the retailer request that the child fill in a client card the child will have been trained to provide a false name and address in order to protect their identity. The accompanying officer must try not to enter into any conversation with the operator.

4.8 After the sale or refusal the child must leave the shop immediately and return to the car with an Officer.

#### **5.0 If a premises refuses**

5.1 If the child's initial request is refused, he/she should leave the premises accompanied by the Lead Officer. The child and Lead Officer should leave the shop without declaring themselves.

#### **6.0 When a Sale is Made**

6.1 If asked to fill in a form by the business the child will do so using a prearranged false name, address and GP details. Child must be trained to fill in correct date of birth or cross out a declaration such as 'I am over 18'. The child should pay for the session, taking change if necessary and ask the operator "Is it Ok to go in now?" The child should hand any token/receipt or proof of purchase (if any) to the Lead Officer and leave the premises immediately

telling the Officer outside that a sale has taken place, then return to the car accompanied by an officer. The other officer will enter the premises to support the Lead Officer.

6.2 The Lead Officer should place any evidence of a sale into a property bag which will be sealed and a note of the tag/bag number will be recorded in the Officers PACE note book. (This may be done after conversation with operator).

6.3 The Lead Officer in the shop who witnessed the sale should not approach the seller until the child has left the shop

6.4 The Officers should introduce themselves to the seller and show their identification. The person serving should be asked for their name and a written record made. They should ask to speak to the owner or manager of the premises.

***If the owner/manager is not available go to Section 7.***

***If the owner/manager is available go to Section 8.***

#### **7.0 If the Owner is not Available:**

7.1 The seller should be asked if there is a place that they can be spoken to in private. If this is not possible the Officer should discreetly ask for their name, home address and D.O.B. They should be advised that an Officer witnessed the commission of an offence taking place when a sunbed session was sold to someone under the age of 18.

7.2 The owner's details should be obtained and notes taken on whether the relevant information notice is displayed in accordance with the Sunbed (Information) Regulations (NI) 2012 and details of other information displayed.

7.3 The Lead Officer should note whether the seller/operator provided the relevant information in relation to Regulation 4 of the Sunbeds Act (Northern Ireland) 2011, and also note any other additional information provided during the exercise, for example, client record card/ ID request/ skin tone etc.

7.3 The seller should be advised that an offence has been committed and the owner will be contacted.

7.4 An information sheet with Officer's contact details will be left for the owner(s)/company secretary and the Officer will then leave the premises.

#### **8.0 If the Owner/Manager is Available:**

8.1 The Officer should identify themselves and ask the owner/manager if there is a place that they can be spoken to in private. The Officer should ask the owner/manager for their details and for the details of the person who offered for use/ hire/ sale of a sunbed to a person under the age of 18.

8.2 The owner should be advised that an Officer witnessed the commission of an offence taking place when a person under the age of 18 was offered the use of a sunbed. They should be

advised that a Fixed Penalty Notice shall be served on them. Further Fixed Penalty Notices may be served on the owner/operator if any other offences are noted at this time (See Appendix 5).

8.3 Notes should be taken on whether the relevant information notice is displayed in accordance with the Sunbed (Information) Regulations (NI) 2012 and any other information displayed.

8.4 The Lead Officer should note whether the seller/operator provided the relevant information in relation to Regulation 4 of the Sunbeds Act (Northern Ireland) 2011, and also note any other additional information provided during the exercise, for example, client record card/ ID request/ skin tone etc...

## **9.0 Training of Children**

9.1 The child will be trained prior to the planned exercise. The Officers will talk the child through the reasons for carrying out the exercise and explain the procedure of an exercise.

9.2 Explain that the child will be accompanied by an Officer at all times and that their welfare is the most important aspect of the exercise. Should the child feel uncomfortable or unhappy with any part of the exercise they must inform an Officer who will stop the exercise immediately. Explain that they are free to stop at any time or even go home at any time.

9.3 The child will be given a comprehensive briefing of what will take place in the exercise:

- The child will be given money to make the purchase.
- The child will walk into the shop with an officer. They should be made aware of any dangers such as a busy road.
- When the child goes to the counter they must ask for a sunbed session.
- The child may be asked about skin type, this information should be provided as arranged in training.
- If the child is asked if they have used a sunbed before, they must answer no.
- If asked any questions by the vendor the child must be instructed to answer all questions truthfully (except name and address).
- If the sale is refused the child must leave the shop immediately and return to the car. The child must not ask a second time.
- If a sale is made, the child should give the vendor the money as normal, wait for the change, ask the operator "Is it Ok to go in now?", hand the token or receipt to the Lead Officer and leave the premises. They will go to the officers outside and inform them that a sale has taken place and return to the car. The child should be told not to laugh or make any comments at this point as doing so may compromise any further action which may be taken.

9.4 Training should involve role plays with the children and Officers to make the child comfortable with the process. This should cover all possible outcomes:

- A Sale
- No Sale
- Ask all the possible questions
- No sunbeds for hire in the shop

9.5 Following training each child should be asked to complete a short questionnaire on the contents of the training to ascertain their understanding of the procedure (Appendix 6).

## **10.0 Action taken following a Sale.**

10.1 The Officer who was situated in the salon premise and witnessed the sale should write their Statement of Evidence detailing what happened and the other Officers should also make Statements of Evidence with any additional information.

10.2 All evidence should be appropriately referenced and documented.

10.3 Fixed Penalty Notices will then be prepared and delivered to the owner.

## **11.0 Welfare of Children**

11.1 The safety and well being of the children will be of paramount importance throughout the exercise and the risk assessment in Appendix 2 must be adhered to at all times. All Officers must be made aware of this.

11.2 Although the child will not technically be “employed” any restrictions on hours of working or other conditions imposed by child employment bye-laws must be considered during the planning stage and complied with. The actual duration will depend on age and the wishes of the child and parent/guardian. Exercises will not last more than a normal school day. There must be adequate breaks throughout the day and these will depend on the wishes of the child. A midmorning and mid afternoon break is advised, along with an hour long lunch break. The child will be given the choice of where they would like to have these breaks.

11.3 During the exercise the child must never be left alone or put in danger. Once the child leaves the shop they should never re-enter and the seller/proprietor must never be brought out to the car.

11.4 If a child is unhappy about entering a shop the exercise must stop immediately. Prior to the exercise, areas where the child may be recognised, e.g. where they go to school or visit/live, should be determined and these areas avoided.

11.5 To avoid allegations or suggestions of inducement or entrapment monetary remuneration will not be given. Meals and travelling expenses will be provided.

11.6 Two Officers or one Officer and the child’s parent/guardian must accompany the child at all times other than when the test purchase is undertaken. These Officers will have undergone checks with the Police and Social Services to confirm their suitability to work with children.

11.7 An Officer will enter the premises with the child.

11.8 If the child is likely to face any hazard during the exercise e.g. crossing the road, an Officer will escort the child to within a safe and discreet distance of the premises.

11.9 If at any time the child indicates that they no longer wish to continue or if they show signs of distress the exercise with that child must stop.

11.10 If the child is injured or suffers loss or damage to their property this must be reported to the parent/guardian without delay.

11.11 The Officer's decision on any matter relating to the child's welfare will be final.

11.12 Upon conclusion of the exercise the child will be returned home to an agreed address. They will not be left at an empty house unless previously agreed with the parent/guardian.

## Appendix 1

**AGREEMENT WITH PARENT/GUARDIAN, CHILD AND \_\_\_\_\_DISTRICT  
COUNCIL FOR TEST PURCHASING****NAME:****ADDRESS:**

The purpose of this agreement is to ensure that the parent/guardian and the child are aware of what the Officers intend to do, why, and what safeguards will be used.

The child will be fully trained in what to say and do. You may attend the training session.

The child will be told to tell the truth at all times.

The child will be accompanied by an Officer at all times.

The child will not be asked to work in any areas where he/she is likely to be recognised.

The retailer will not be approached by the Officer whilst the child is on the premises unless the officer is of the opinion that the child is, or is likely to be treated in an inappropriate manner.

The child's identity will not be revealed in any subsequent publicity.

No payments to volunteers will be made for this assistance, but appropriate refreshments and travelling expenses will be provided.

The purpose of this exercise is to obtain evidence to mount a prosecution in appropriate circumstances.



**Consent Form**

Name of Child:

Date of Birth:

Boy / Girl:

Address of child:

Nature of operation:

Time of collection and return of child:

Date / Dates:

Address child to be collected from (if different from above):

Daytime contact point for child during above dates:

Alternative daytime contact point for child during above dates:

Area in which work will take place:

Areas to be avoided (e.g. areas where the child is likely to be recognised):

Any special dietary/medical needs etc:

Location for collection, estimated time for collection and return of the child.

I \_\_\_\_\_ am the parent/guardian of the above mentioned child and I agree that he/she will be available to assist with the test purchasing exercise as detailed above. I have discussed the details of this operation with \_\_\_\_\_. I have provided the child's birth certificate.

Signed:..... (Parent/Guardian)

Signed:.....(Enforcement Officer)

Signed:.....(Child)

Date:.....

**Appendix 2****GENERIC RISK ASSESSMENT**

<b>ACTIVITY COVERED:</b>	<b>Test Purchase by Young Persons for the Enforcement of Legislation Concerning the Sale of Sunbed sessions</b>
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<b>GENERAL HAZARDS</b>	<b>Risk Rating</b>			<b>Who at Risk</b>	
	<b>Low</b>	<b>Med</b>	<b>High</b>	<b>Emp</b>	<b>MoP</b>
Physical assault by Shopkeeper and/or others					
Threat by Shopkeeper or others.					
Road Risk to Officers and Volunteer Youths.					
Risk of subsequent assault, threat and/or harassment to Officers, Volunteers, and/or relations					
Slips, trips and/or falls during exercise					

<b>PRIMARY LEGISLATION/REFERENCES:</b>
Health and Safety at Work (NI) Order 1978    Children Order (NI) 1995
Management of Health and Safety at Work Regulations (NI) 2000

<b>CONTROL MEASURES</b>	<b>Check</b>
<b>PLANNING:</b>	
Selected volunteers should be screened for any target area issues (friends, relatives, etc) that could result in repercussions i.e. threats, bullying, harassment, assault	
Procedure must detail required adult support/backup, which must be strictly adhered to. If for any reason suitable backup/support is not available, exercise should not proceed.	
<b>PHYSICAL:</b>	
Volunteers must never provide or reveal any information which could enable identification of personal details, particularly name and/or address	
All parties should withdraw immediately if any threat of violence is indicated	
Suitable backup/support, (as per written procedure) must be present throughout the exercise, which must not proceed/must be halted if, at any stage, such support is no longer available	
Council Officers must consider access/egress to target areas/locations, with volunteers transported/accompanied as required to ensure, so far as is reasonably practicable, the safety of volunteers	
Target locations should be checked beforehand, so far as is practicable, to ensure suitable egress routes and/or for any site specific hazards (this can simply comprise an Officer entering requesting information on deals/ offers etc)	
Mobile phones provided for, or used in conjunction with, the exercise should be fully charged, checked and ready for use.	
Volunteers should wear suitable clothing, especially footwear, that will not hinder rapid egress should it be required, will not facilitate easy "grabbing", i.e. hoods, and will not increase risks of physical injury i.e. neck cords that could tighten if pulled.	

<b>MANAGERIAL/SUPERVISORY:</b>	
The Officer in charge must ensure that all involved are fully briefed on the exercise, which should be in accordance with the framework of the written procedure, and that all clearly understand their roles and responsibilities, with particular emphasis placed on the age and vulnerability of the volunteer	
<b>TRAINING:</b>	
All persons engaged in the exercise must be suitably briefed, and trained as required, In both routine and emergency procedures, and made aware of risk assessment findings.	
Recommended that relevant Officers are trained in personal safety/ conflict management	

**SITE/TASK SPECIFIC RISK ASSESSMENT**

On each site the generic risk assessment must be validated by reviewing the specific aspects/circumstances

<b>SITE LOCATION/SPECIFIC TASK:</b>	
<b>Max number of people involved in activity:</b>	
<b>Frequency and duration of activity:</b>	

<b>Additional hazards identified (whether site or activity orientated):</b>

<b>Additional control measures required:</b>	<b>Who to action and by when:</b>

<b>Assessment of remaining risks:</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>

<b>Circumstances which may require additional information:</b>

<b>Assessment completed by:</b>			
Name:		Date:	Signature:

Appendix 3 (ref.no sale - owner)

The Owner

Dear

Re:- *Sunbeds Act (Northern Ireland) 2011*  
*The Sunbeds (Information) Regulations (NI) 2012*

\_\_\_\_\_ Council has given a commitment to a programme of work aimed at raising awareness among retailers that the above regulation makes it an offence for them to offer sunbeds for use/ sale or hire to anyone under the age of 18 years of age.

This Department recently carried out a test purchasing exercise on\_\_\_\_\_. The purpose of this exercise was to determine compliance with the above regulations.

On this occasion I can confirm that the offer of a sunbed for use/ sale or hire to a person under the age of 18 was refused.

I take this opportunity to thank you for your co-operation in relation to this test purchasing exercise and trust that you will continue to ensure that you and your staff continue to comply with the above legislative requirements. Should you require further information or advice in relation to this matter please do not hesitate to contact me,

Yours sincerely,

## Appendix 4 Test Purchase Record

### PART A: Premises Details

Reason for Test Purchase: Survey  Enforcement  Date: \_\_\_/\_\_\_/\_\_\_

Time: \_\_\_am/pm

Trading Name:

Premises Ref :

Address:

Business Type:

Location:

\_\_\_\_\_

(e.g. near school, housing etc.)

### PART B: Test Purchase Sale

Details of Minor: Male  Female  Age: \_\_\_ years Height : \_\_\_\_\_

Was a sunbed session sold to the volunteer minor? Sale  No Sale

If sale: B1 What was offered, eg session time \_\_\_\_\_

B2. Was age of Minor questioned? Yes  No

B3. Was Minor asked for I.D.? Yes  No

B4. Was the "Information" sign displayed. Yes  No

B5. Was the minor provided with required information Yes  No

B6. Was protective eyewear supplied? Yes  No

**Details of Proprietor/Seller:**

**B7.** Name of Proprietor(s) \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

**B8.** Name of Seller: \_\_\_\_\_

Description of seller: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Comment:

\_\_\_\_\_  
\_\_\_\_\_

**PART C: Test Purchase Outcome**

Compliance Letter  Written Warning  Fixed Penalty Notice

Recommend Prosecution

**Signature:** \_\_\_\_\_

**Date:** \_\_\_/\_\_\_/\_\_\_



**Appendix 5**

Offence	Fixed Penalty
An operator of sunbed premises who allows a person who is under 18 to use a sunbed on those premises.	£250
An operator of sunbed premises who allows a person who is under 18 to be present (except in the course of providing services to the operator for the purposes of the business of the sunbed premises) in a restricted zone on those premises.	£250
A person who sells a sunbed to a person who is under 18	£250
A person who hires a sunbed to a person who is under 18	£250
An operator of sunbed premises who fails to provide a person who proposes to use a sunbed on those premises with such information as is prescribed by the Information Regulations on every occasion	£250
A person who sells a sunbed to a person and who fails to provide a person who is buying the sunbed with such information as is prescribed by the Information Regulations.	£250
A person who hires a sunbed to a person and who fails to provide a person who is hiring the sunbed with such information as is prescribed by the Information Regulations.	£250
An operator of sunbed premises who fails to display a notice containing such information as is prescribed by the Information Regulations in a position where it is readily visible to persons proposing to use a sunbed on the premises.	£250
An operator of sunbed premises who provides or displays any material that contains statements relating to the health effects of sunbed use other than that prescribed by the Information Regulations or otherwise prescribed under the Act.	£50
An operator of sunbed premises who fails to make available protective eyewear for a person who proposes to use a sunbed on those premises and/or fails to secure as far as reasonably practicable that a person who uses a sunbed on those premises wears protective eyewear.	£250
A person who sells a sunbed to a person and who fails to provide a person who is buying the sunbed with protective eyewear.	£250
A person who hires a sunbed to a person and who fails provide a person who is hiring the sunbed with protective eyewear.	£250

## Appendix 6

**SUNBED TEST PURCHASE TRAINING**

**Following training the child should complete this questionnaire.  
Please circle the correct answer for each question/statement:**

The exercise is to establish if a business is selling sunbed sessions to under 18s: **True or False**

Do you always have to tell the truth about your age during the test purchase exercise? **Yes or No**

If asked if I have ID I should answer NO. **True or False**

If you are refused the sale of a sunbed session, should you try to convince the shop assistant to make the sale? **Yes or No**

When you are sold a sunbed session should you make a note of the incident in a notebook when you return to the car? **Yes or No**

Will you be expected to go into a sunbed room? **Yes or No**

If I feel uncomfortable at some point during the exercise I should inform one of the officers straight away: **True or False**

**DECLARATION:**

I, \_\_\_\_\_, confirm that I have been trained according to **Newry, Mourne and Down district Council's Procedure for Test Purchasing Tobacco Products.**

Signed: \_\_\_\_\_

Trainer: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

<b>Report to:</b>	Active and Healthy Communities
<b>Subject:</b>	<b>Guidelines for the enforcement of legislation concerning the sale of age restricted products (Tobacco and tobacco related products including cigarette lighter refills)</b>
<b>Date:</b>	16 November 2015
<b>Reporting Officer:</b>	Michael Lipsett
<b>Contact Officer:</b>	Eoin Devlin

### Decisions Required

Members are asked to note the contents of the report, and consider and agree to:

- **Adopt the policy and protocol as attached**

#### 1.0

#### Purpose & Background

District Councils in Northern Ireland have a Statutory Duty to enforce the Legislation relating to the sale of some age-restricted products such as cigarettes and cigarette products. The legislation relating to the sale of cigarettes includes:-

- The Health and Personal Services (N.I.) Order 1978
- The Children and Young Persons (Protection from Tobacco) (N.I.) Order 1991.
- The Children and Young Persons (Sale of Tobacco etc.) Regulations (Northern Ireland) 2008

The aim of the legislation is to reduce the likelihood of sales being made to underage children and to raise awareness of the legislation among the retailers. One of ways that this can best be done is to carry out 'test purchase' exercises, using children under the age of 18 to try and buy cigarettes.

This document sets out guidelines that can be used by District Councils to produce a test purchasing procedure to carry out such exercises. It has taken account of the best practice followed by other Local Authorities in addition to following guidance laid down in the Practical Guide to Test Purchasing compiled by a joint LACORS/TSI Working Group. It also considers the guidance previously issued in 1992 by the then Home Office in relation to the Children and Young Persons (Protection from Tobacco) Act 1991. The new Code uses the original work but updates it in light of best practice, experience and legislation, which have been introduced subsequently. The Code and this

	procedure take account of the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and the Police and Criminal Evidence Order 1989.
<b>2.0</b>	<b>Recommendation</b>  <b>Agree to adopt the policy and procedures as attached in appendix</b>
<b>3.0</b>	<b>Resource Implications</b>  <b>None</b>
<b>4.0</b>	<b>Appendices</b>  <b>GUIDELINES FOR THE ENFORCEMENT OF LEGISLATION CONCERNING THE SALE OF CIGARETTES TO UNDERAGE CHILDREN (TEST PURCHASING)</b>

**GUIDELINES FOR THE ENFORCEMENT OF LEGISLATION  
CONCERNING THE SALE OF CIGARETTES TO UNDERAGE  
CHILDREN (TEST PURCHASING)**

(Based on Tobacco Task Group Guidance document September 2009)

**November 2015**

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## **1. Introduction**

District Councils in Northern Ireland have a Statutory Duty to enforce the Legislation relating to the sale of some age-restricted products such as cigarettes and cigarette products. The legislation relating to the sale of cigarettes includes:-

- The Health and Personal Services (N.I.) Order 1978
- The Children and Young Persons (Protection from Tobacco) (N.I.) Order 1991.
- The Children and Young Persons (Sale of Tobacco etc.) Regulations (Northern Ireland) 2008

The aim of the legislation is to reduce the likelihood of sales being made to underage children and to raise awareness of the legislation among the retailers. One of ways that this can best be done is to carry out 'test purchase' exercises, using children under the age of 18 to try and buy cigarettes.

This document sets out guidelines that can be used by District Councils to produce a test purchasing procedure to carry out such exercises. It has taken account of the best practice followed by other Local Authorities in addition to following guidance laid down in the Practical Guide to Test Purchasing compiled by a joint LACORS/TSI Working Group. It also considers the guidance previously issued in 1992 by the then Home Office in relation to the Children and Young Persons (Protection from Tobacco) Act 1991. The new Code uses the original work but updates it in light of best practice, experience and legislation, which have been introduced subsequently. The Code and this procedure take account of the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and the Police and Criminal Evidence Order 1989.

## **2. Actions to be taken prior to an exercise taking place**

2.1 When a Council decides that a programme of test purchase exercises should be carried out the first thing to do is for the Council to carry out a survey of premises in the council area to establish the number of premises selling cigarettes and cigarette products. A programme of education for retailers should then be carried out, for example by means of a press release, media coverage, advisory visits, leaflet distribution and letters.

2.2 A programme of test purchasing exercises can then be planned. All premises in the Council area selling cigarettes should be visited on a rolling basis. Prior to each exercise a list of shops to be visited should be selected. This should be done on a random basis from the database but may also target premises i.e. that have sold during previous exercises or where specific complaints have been received about underage sales. Each of these premises should then be advised in writing, no longer than 3 months prior, that an exercise will be taking place and informing them of their legal obligation in relation to selling age restricted products.

*2.3 Consideration should be given to contacting the appropriate P.S.N.I. station prior to the exercise detailing the premises to be visited, at least three working days before. This will be useful as the P.S.N.I. will be able to highlight any potential problem areas or premises that should not be visited and contact numbers can be exchanged.*  
"at present this does not normally Happen"

2.4 All Officers working on the exercise should receive child protection training and be subject to the current vetting system to confirm their suitability to work with children. Officers should be made fully aware of these guidelines and given full instruction on what the exercise entails. Each officer should be made aware of what his or her specific role for the day will be.

2.5 Prior to the test purchase exercise an appropriate number of children must be sought, taking account of section 3.

2.6 Enforcement guidelines for underage sales should be drawn up in line with the Council enforcement policy. Any prosecution taking place will normally be taken against the proprietor of the business and not the seller. If and consequent to the facts being established, action will be taken in accordance with the Council's Enforcement policy.

### **3.0 Selection of Children**

The lead officer should ensure that the following is taken into account:-

3.1 The decision to participate by the child must be entirely voluntary. Full consent must be obtained in writing from both the child and the parent/guardian (Appendix 1). Both the child and parent/guardian must be made fully aware of the nature of the task.

3.2 Councils should try and get volunteer children from outside sources, e.g. youth groups, to assist with exercises. If this proves unsuccessful children or relatives of council staff may assist.



3.3 Children should be **at least 18 months younger than the minimum age for purchase. Assistance of children under 13 should not be sought**

3.4 Volunteers will be interviewed to determine their suitability and understanding of the task. Any child who appears over-eager to obtain a purchase will not be selected.

3.5 Any special dietary or medical needs of the child will be identified prior to the task and Officers made aware of this. If the child is on medication it must be brought on the day and where a child has specific medical needs the Welfare Officers must have a valid First Aid certificate and be trained in how to deal with that child's particular needs. Where the medical needs requires specialist training, staff are advised that they may not be qualified to provide for the child's needs. It is advised to seek advice from Occupational Health. Where an Officer provides medication, this should be only to assist the child and a record should be kept on the relevant form.

3.6 Consideration will be given to the clothing and any make up worn by the child as this may affect the determination of age. Children should be advised not to wear make-up or clothing that may make them appear older than they are.

3.7 Officer's must ensure that written parental/ guardian consent has been obtained and a copy of the birth certificate should be supplied.

3.8 Contact details of the Officers involved in the task will be given to the parent/guardian and the welfare officer should keep their contact details.

3.9 The volunteer child/ren will be collected by the Welfare officer at their home or pre-arranged meeting point. This collection point will have been arranged with the parents and documented.

#### **4.0 The Exercise**

4.1 The lead officer will check the past history of the premises selected to visit to determine, for example, if there have been any past failures or if any formal action is pending. They may also need to visit the pre-selected shops at least one day before the test-purchasing day to determine if they currently sell the product and if so to note its location in the shop. The officer will also assess any site-specific hazards and suitable access/egress (as described in the risk assessment in Appendix 2).

4.2 The Lead Officer must obtain a sufficient supply of money for the exercise, which should be in small change.

4.3 Where numbers allow, the Test Purchase exercise may involve two children working in each exercise in order to make them feel more secure and at ease but can also involve one child carrying out the exercise. In all cases at least **three** Officers will be involved – a **lead officer, a welfare officer and a corroborating officer**. However, careful consideration should be given to the nature of the risk involved in the exercise and it may be considered appropriate to have an additional officer to back-up the Lead Officer in the premises. Regardless of the number of Officers working at least **one of these must be designated as Welfare Officer** and must remain with the child/ren at all times, except when the child/ren are actually carrying

out the exercise. This will ensure that there is adequate adult support to the child/ren at all times. In addition officers must also use a **minimum of two vehicles** – this will ensure that the child/ren are driven away as soon as they have exited the shop and thus ensuring their safety.

4.4 The child/ren will be consulted on which sex of Welfare officer would be preferable to them. .

4.5 The child/ren will be brought to a pre-arranged location prior to the exercise. This should be suitable to allow the training of the child/ren to take place on the day of the exercise, e.g. Council buildings.

4.6 Training of the child/ren will take place, as outlined in Section 10.

4.7 On arrival at the shop to carry out test purchasing the Lead Officer will enter the premises and position themselves where they can see and hear conversations at the point of sale. The Corroborating and/or Welfare Officer should wait outside in close proximity to the entrance to the shop, along with the child/ren.

4.8 When the lead officer is in position the child/ren walk into the shop, approach the point of sale and one of them, as pre-arranged, will ask the retailer for the product. The Welfare officers should wait for the child/ren close by to escort them back to the car when they leave the shop. If the premises is very small and it is felt that the Lead Officer entering first may create suspicion with the retailer the child/ren can enter first provided that the Lead and/or Welfare Officer has sight of the child/ren in the shop and both are in close proximity to the premises. In line with their training all questions must be answered truthfully by the child/ren. If the child's initial request is refused, he/she must not attempt to persuade the retailer to make a sale.

4.9 After the sale or refusal the child/ren must leave the shop immediately and return to the car with the welfare Officer. **The child/ren must be driven away from the scene to prevent any more contact with the retailer and for their protection.** In areas of heavy traffic or when it would be necessary to cross a road to get to the car one of the Officers will escort the child/ren.

4.11 If the product is sold the child/ren must hand it and any receipt to the corroborating Officer outside the shop and then return to the car and give the Welfare Officer the change. The child/ren may then make a note of what has just happened, including details of who sold the product, description of the person, and the price of the goods.

## **5.0 If a Sale is Not Made**

5.1 The child/ren and officers should leave the shop without declaring themselves. This will ensure that the child cannot be identified by the retailer through CCTV etc.

5.2 Following the exercise taking place a letter can be written to the premises advising them that an exercise took place and no sale was made. Consideration should be given as to whether the exact details of when this took place should be revealed so as to prevent the child/ren being unnecessarily identified.

## **6.0 When a Sale is Made**

6.1 The child/ren leave the shop and tell the Corroborating/Welfare Officer outside that a sale has taken place, give the product to them and then return to the car with the Welfare Officer.

6.2 The Corroborating Officer should place the goods into a property bag which will be sealed and a note of the tag/bag number will be recorded in the Officers PACE note book. The Corroborating Officer they will then enter the premises with the product and all the relevant paperwork.

6.3 The Lead Officer in the shop who witnessed the sale should not approach the seller until the Corroborating Officer enters the shop.

6.4 The Officer/s should introduce him/herself to the seller and show their identification. The person serving should be asked for their name and a written record made. They should ask to speak to owner or manager of the premises.

***If the owner/manager is not available go to Section 7.***

***If the owner/manager is available go to Section 8.***

## **7.0 If the Owner is not Available:**

7.1 The seller should be asked if there is a place that they can be spoken to in private so as not to disrupt the daily running of the business. If this is not possible the Officer should discreetly ask for their name and D.O.B. They should then advise them that an officer witnessed the commission of an offence taking place when a packet of cigarettes was sold to someone underage.

7.2 The owner's details should be obtained and notes taken on the display of any relevant information regarding the sale of age-restricted products. In addition a copy of the till the Lead Officer should obtain receipt. They should also give consideration to requesting a copy of any CCTV tapes covering the point of sale area if deemed necessary.

7.3 The seller should be advised that the owner will be contacted by letter, inviting them to attend for a formal interview.

7.4 The Lead Officer's contact details should be left for the owner and the Officer/s should then leave the premises.

## **8.0 If the Owner is Available:**

8.1 The officers should identify themselves and ask the owner/manager if there is a place that they can be spoken to in private. If this is not possible the Officer should ask the owner for their details and for the person who sold the product. In addition a copy of the till the Lead Officer should obtain receipt. They should also request a copy of any CCTV in the premises if considered necessary.

8.2 The owner should be advised that an officer witnessed the commission of an offence taking place when a packet of cigarettes was sold to someone underage. They should be advised that a letter will be sent requesting a formal interview within two weeks at a convenient time and place and that this will involve a Caution as per Article 3 of the Criminal Evidence (N.I.) Order 1989 and that they are entitled to legal representation. They should be informed that this interview would be their opportunity to comment on the matter before a recommendation of action is made to the Council.

8.3 Notes should be taken on the display of any relevant information regarding the sale of age-restricted products and the Officers should then leave the premises.

## **9.0 Action taken following an Illegal Sale of an Age Restricted Product**

9.1 Immediately after a sale is made the Lead Officer who was situated in the shop and witnessed the sale should write their contemporaneous notes detailing what happened and the other Officers should also make their own notes with any additional information. If considered necessary, Statements of Evidence should be obtained from the child/ren.

9.2 All evidence should be appropriately referenced and documented.

9.3 At the end of the exercise the child/ren should be accompanied home or to a pre-arranged place with the Welfare Officer.

9.4 A formal interview should be arranged with the owner of the premises. This should be done in compliance with the requirements of the Police and Criminal Evidence (NI) Order 1989 and associated guidance. If the owner fails to attend for interview then formal action should be proceeded with. In some circumstances it may also be necessary to interview the seller, e.g. to ascertain what training they have been given or if formal action is being considered against them.

9.5 Officers should consult with their Manager and the Enforcement Policy prior to deciding what further action should be taken. In some circumstances it may be appropriate to proceed with a prosecution following an illegal sale. If this is the case a legal brief should be prepared as soon as possible and forwarded to the Legal Services Department with the accompanying Witness Statements, associated documents such as till receipts, CCTV, photos, previous letters, previous history and draft Summons. In some instances, where there are mitigating circumstances, it may not be appropriate to proceed with a prosecution.

## **10.0 Training of Children**

10.1 The child/ren will be trained on the morning of the planned exercise. The Officers will talk the child/ren through the reasons for carrying out the exercise and explain the procedure of an exercise.

10.2 Explain that the child/ren will be accompanied by an Officer at all times and that their welfare is the most important aspect of the exercise. Should the child/ren feel uncomfortable or unhappy with any part of the exercise they must inform an Officer who will stop the exercise immediately. Explain that they are free to stop any time or even go home at any time.

10.3 The child/ren will be given a comprehensive briefing of what will take place in the exercise:

- The child/ren will be given money to make the purchase.
- One Officer will go into the shop.
- The child/ren will walk into the shop. They should be made aware of any dangers such as a busy road and that they will be accompanied to near the shop.
- The child/ren should walk straight up to the counter and ask for a ten pack of a chosen brand of cigarettes/tobacco product.
- The Officers should have a number of samples to show the child/ren during training, if considered necessary.
- If asked any questions by the vendor the child/ren must be instructed to answer all questions truthfully.

For example: What age are you? (Give true age)

Who is it for? (Answer "ME")

Who are you with? (Identify the officer).

*At this point it would be appropriate for the Officer to stop the exercise, ask the child/ren to return to the car and then explain the nature of the exercise to the retailer*

- If the sale is refused the child/ren must leave the shop immediately and return to the car. The child/ren must not ask a second time.
- If a sale is made, the child/ren should give the vendor the money as normal, wait for the change, leave the shop, hand the product to the Corroborating Officer outside and return to the car immediately accompanied by the Welfare Officer. The child/ren should be told not to laugh or make any comments to each other at this point as doing so may compromise any further action, which may be taken.
- The child/ren should tell the Officers in the car what has happened.
- If two child/ren are going to go into a shop together then only one should do the asking.
- On returning to the car, the child/ren should be driven away immediately to a suitable location and may be asked to make a short note of what has happened including details of who sold the product, a description of the person, and the price of the goods.

## **11.0 Welfare of Children**

11.1 The safety and well being of the child/ren will be of paramount importance throughout the exercise and the risk assessment in Appendix 2 must be adhered to at all times. All officers must be made aware of this.

11.2 Although the child will not technically be "employed" any restrictions on hours of working or other conditions imposed by child employment bye-laws must be considered during the planning stage and complied with. The actual duration will depend on age and the wishes of the child and parent/guardian. Exercises will not last more than a normal school day. There must be adequate breaks throughout the day and these will depend on the wishes of the child. A midmorning and mid afternoon break is advised, along with an hour long lunch break. The child/ren will be given the choice of where they would like to have these breaks. At each break it

should be confirmed with the children that they are happy to proceed with the exercise. The Welfare officer will be responsible for the child/ren during all breaks.

11.3 During the exercise the child/ren must never be left on their own or put in danger. Once the child/ren leaves the shop they should never re-enter and the seller/ proprietor must never be brought out to the car. The child/ren must be driven away from the scene to prevent this from occurring. This will mean that a minimum of two vehicles will be required during all exercises.

11.4 If a child/ren is unhappy about entering a shop the exercise must stop immediately. Prior to the exercise areas where the child/ren may be recognised, e.g. where they go to school or visit/live, should be determined and these areas avoided.

11.5 To avoid allegations or suggestions of inducement or entrapment, monetary remuneration will not be given to the child or parent/guardian. A small token of appreciation in the form of a voucher may be given. Meals and travelling expenses will be provided.

11.6 A Welfare Officer must accompany the child at all times other than when the test purchase is undertaken. This Officer will have undergone checks through the current vetting system to confirm his/her suitability to work with children, currently AccessNI.

11.7 The Lead Officer will enter the premises before the child/ren and locate themselves in a position where they can clearly observe and hear the attempted purchase. The Officer must not approach the seller until the child/ren has left the premises unless the child/ren appears to be in danger.

11.8 If the child/ren is likely to face any hazard during the exercise e.g. crossing the road, an Officer will escort the child/ren to within a safe and discreet distance of the premises.

11.9 If at any time the child/ren indicates that they no longer wish to continue or if they show signs of distress the exercise with that child must stop and the child/ren returned to the pre-arranged location.

11.10 If the child/ren is injured or suffers loss or damage to their property this must be reported to the parent/guardian and Welfare Officer without delay. Further actions will rest primarily with the parent/guardian and/or Welfare Officer.

11.11 The Welfare Officer's decision on any matter relating to the child's welfare will be final.

11.12 Upon conclusion of the exercise the child/ren will be returned home or to an agreed address. They will not be left at an empty house unless previously agreed with the parent/guardian.

11.13 Any concerns regarding inappropriate behaviour by an Officer or a child toward another child will be reported using the Council Child Protection Policy and Procedures. This will also be the case if the child volunteer discloses that they have been harmed.

Appendix 1

**AGREEMENT WITH PARENT / GUARDIAN, CHILD AND  
.....(*council*) FOR TEST PURCHASING**

**NAME:**

**ADDRESS:**

The purpose of this agreement is to ensure that the parent/guardian and the child are aware of what the officers intend to do, why, and what safeguards will be used.

The child will be fully trained in what to say and do. You may attend the training session.

The child will be told to tell the truth at all times.

An Officer will accompany the child at all times (one welfare officer while travelling to the premises).

The child will not be asked to work in any areas where he/she is likely to be recognised.

The Lead Officer will not approach the retailer whilst the child is on the premises unless the officer is of the opinion that the child is, or is likely to be treated in an inappropriate manner.

The child’s identity will not be revealed in any subsequent publicity.

No Monetary payments to volunteers will be made for this assistance, and appropriate refreshments and travelling expenses will be provided.

The purpose of this exercise is to obtain evidence to mount a prosecution in appropriate circumstances.

The child may need to attend court as a witness and be identified.

### Parental Consent Form

Name of Child:

Date of Birth:

Boy / Girl:

Address of child:

Nature of operation:

Time of collection and return of child:

Date / Dates:

Address child to be collected from (if different from above):

Daytime contact point for child during above dates:

Alternative daytime contact point for child during above dates:

Area in which work will take place:



Areas to be avoided (e.g. areas where the child is likely to be recognised):

Any special dietary/medical needs etc:

I \_\_\_\_\_ am the parent/Guardian of the above mentioned child and I agree that he/she will be available to assist with the test purchasing exercise as detailed above. I have discussed the details of this operation with \_\_\_\_\_. I have provided a birth certificate and understand that photographs will be taken and may be used in court proceedings.

Signed:.....  
(Parent/Guardian)

Signed:..... (Enforcement Officer)

Signed:.....(Child)

Date:.....

## Appendix 2

**GENERIC RISK ASSESSMENT**

<b>ACTIVITY COVERED:</b>	<b>Test Purchase by Young Persons for the Enforcement of Legislation Concerning the Sale of Age Restricted Goods</b>
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GENERAL HAZARDS	Risk Rating			Who at Risk	
	Low	Med	High	Emp	MoP
Physical assault by Shopkeeper and/or others					
Threat by Shopkeeper or others.					
Road Risk to Officers and Volunteer Youths.					
Risk of subsequent assault, threat and/or harassment to Officers, Volunteers, and/or relations					
Slips, trips and/or falls during exercise					

<b>PRIMARY LEGISLATION/REFERENCES:</b>
Health and Safety at Work (NI) Order 1978    Children Order (NI) 1995
Management of Health and Safety at Work Regulations (NI) 2000

CONTROL MEASURES	Check
<b>PLANNING:</b>	
A written procedure for the "TEST PURCHASE PROCEDURE FOR THE ENFORCEMENT OF LEGISLATION CONCERNING THE SALE OF AGE RESTRICTED GOODS" must be developed and implemented	
Selected volunteers should be screened for any target area issues (friends, relatives, etc) that could result in repercussions i.e. threats, bullying, harassment, assault	
Procedure must detail required adult support/backup, which must be strictly adhered to. If for any reason suitable backup/support is not available, exercise should not proceed.	
<b>PHYSICAL:</b>	
Volunteers must never provide or reveal any information which could enable identification of personal details, particularly name and/or address	
All parties should withdraw immediately if any threat of violence is indicated	
Suitable backup/support, (as per written procedure) must be present throughout the exercise, which must not proceed/must be halted if, at any stage, such support is no longer available	
Council Officers must consider access/egress to target areas/locations, with volunteers transported/accompanied as required to ensure, so far as is reasonably practicable, the safety of volunteers	
Target locations should be checked beforehand, so far as is practicable, to ensure suitable egress routes and/or for any site specific hazards (this can simply comprise an Officer entering 10-15 minutes to purchase a paper, etc)	
Mobile phones provided for, or used in conjunction with, the exercise should be fully charged, checked and ready for use.	
Volunteers should wear suitable clothing, especially footwear, that will not hinder rapid egress should it be required, will not facilitate easy "grabbing", i.e. hoods, and will not increase risks of physical injury i.e. neck cords that could tighten if pulled.	

<b>MANAGERIAL/SUPERVISORY:</b>	
The Officer in charge must ensure that all involved are fully briefed on the exercise, which should be in accordance with the framework of the written procedure, and that all clearly understand their roles and responsibilities, with particular emphasis placed on the age and vulnerability of the volunteer	
<b>TRAINING:</b>	
All persons engaged in the exercise must be suitably briefed, and trained as required, In both routine and emergency procedures, and made aware of risk assessment findings.	
Recommended that relevant Officers are trained in personal safety/ conflict management	

### SITE/TASK SPECIFIC RISK ASSESSMENT

On each site the generic risk assessment must be validated by reviewing the specific aspects/circumstances

<b>SITE LOCATION/SPECIFIC TASK:</b>	
<b>Max number of people involved in activity:</b>	
<b>Frequency and duration of activity:</b>	

<b>Additional hazards identified (whether site or activity orientated):</b>			
<b>Additional control measures required:</b>		<b>Who to action and by when:</b>	
<b>Assessment of remaining risks:</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>

<b>Circumstances which may require additional information:</b>

Assessment completed by:			
Name:		Date:	Signature:

Appendix 3 (ref.nosale - owner)

The Owner

Dear

Re:- *Children and Young Persons (Protection from Tobacco) (N.I.) Order 1991(as amended)*

\_\_\_\_\_ Council has given a commitment to a programme of work aimed at raising awareness among retailers that the above Order makes it an offence for them to sell cigarettes to anyone under the age of 18 years of age. This programme has included advisory visits, a mail shot, guidance literature and press releases highlighting retailers responsibilities with regard to the sale of tobacco products.

This Department recently carried out a test purchasing exercise at your premises. The purpose of this exercise was to determine compliance with the above Order.

On this occasion I can confirm that the sale of cigarettes to a person under the age of 18 was refused.

I take this opportunity to thank you for your co-operation in relation to this test purchasing exercise and trust that you will continue to ensure that you and your staff continue to comply with the requirements of the above Order. Should you require further information or advice in relation to this matter please do not hesitate to contact me,

Yours sincerely,

Appendix 4  
The Owner –request for interview

Dear

Re:- *Children and Young Persons (Protection from Tobacco) (N.I.) Order 1991*

\_\_\_\_\_ Council has given a commitment to a programme of work aimed at raising awareness among retailers that the above Order makes it an offence for them to sell cigarettes to anyone under the age of 18 years of age. This programme has included advisory visits, a mail shot, guidance literature and press releases highlighting retailer's responsibilities with regard to the sale of tobacco products.

On the \_\_\_\_\_ of \_\_\_\_\_ 2009 this Department carried out a test purchasing exercise at \_\_\_\_\_. The purpose of this exercise was to determine compliance with the above Order.

I wish to confirm that at approximately \_\_\_\_\_ I witnessed the sale of cigarettes to a person under the age of 18. This act may constitute an offence under the above Regulations.

In order that I may investigate the matter further I request that you, the owner of the premises, attend an interview at *Council office details*.

The interview will provide you with the opportunity to give account of this incident. Please contact me within 7 days of the above date to arrange a convenient time for an interview.

I must advise you that you will be interviewed under caution and the following caution will be read to you before the interview commences:-

“You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.” You may wish to consult a solicitor for legal advice.

Should you require further information or advice in relation to this matter please do not hesitate to contact me,

Yours sincerely,

Appendix 5  
The Seller –request for interview  
(ref.sale)

Dear

Re:- *Children and Young Persons (Protection from Tobacco) (N.I.) Order 1991*

\_\_\_\_\_ Council has given a commitment to a programme of work aimed at raising awareness among retailers that the above Order makes it an offence for them to sell cigarettes to anyone under the age of 18 years of age. This programme has included advisory visits, a mail shot, guidance literature and press releases highlighting retailer's responsibilities with regard to the sale of tobacco products.

On the \_\_\_\_\_ of \_\_\_\_\_ 2009 this Department carried out a test purchasing exercise at \_\_\_\_\_. The purpose of this exercise was to determine compliance with the above Order.

I wish to confirm that at approximately \_\_\_\_\_ I witnessed the sale of cigarettes to a person under the age of 18. This act may constitute an offence under the above Regulations.

In order that I may investigate the matter further I request that you, the seller at the time, attend an interview at *Council Office details*.

The interview will provide you with the opportunity to give account of this incident. Please contact me within 7 days of the above date to arrange a convenient time for an interview.

I must advise you that you will be interviewed under caution and the following caution will be read to you before the interview commences:-

“You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.” You may wish to consult a solicitor for legal advice.

Should you require further information or advice in relation to this matter please do not hesitate to contact me,

Yours sincerely,

## Appendix 6 Tobacco Control Test Purchase Record

### PART A: Premises Details

Reason for Test Purchase: Survey  Enforcement  Date: \_\_\_/\_\_\_/\_\_\_  
 Time: \_\_\_am/pm

Trading Name:

Address:

Premises Ref :

Business Type:

Location:

\_\_\_\_\_

(e.g. near school, housing etc.)

### PART B: Test Purchase Sale

Details of Minor: Male  Female  Age: \_\_\_ years Height : \_\_\_\_\_

Were Tobacco Products sold to the volunteer minor? Sale  No Sale

If sale: B1. Counter Sale  Vending Machine Sale

B2. Brand of cigarettes: \_\_\_\_\_ Price: \_\_\_\_\_ Sterling

B2A Receipt Number \_\_\_\_\_ dated \_\_\_\_\_.

Exhibit No. \_\_\_\_\_

B3. Was age of Minor questioned? Yes   
 No

B4. Was Minor asked for I.D.? Yes   
 No

B5. Was Minor asked who tobacco products were for? Yes   
 No

B6. Was the "Point of Sale" sign displayed. Yes   
 No

### Details of Proprietor/Seller:

B6. Name of Proprietor(s)

\_\_\_\_\_

Address: \_\_\_\_\_

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**B7.** Name of Seller: \_\_\_\_\_

Description of seller: \_\_\_\_\_

Address: \_\_\_\_\_

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Comment: \_\_\_\_\_

\_\_\_\_\_

**PART C: Test Purchase Outcome**

Compliance Letter       Written Warning  Recommend  
Prosecution

**Officer Signature:** \_\_\_\_\_      **Date:**  
\_\_\_\_/\_\_\_\_/\_\_\_\_



<b>Agenda Item:</b>	<b>New Biodiversity Strategy for Northern Ireland</b>
<b>Report to:</b>	Active and Healthy Communities
<b>Subject:</b>	<b>Valuing Nature – a Biodiversity Strategy for Northern Ireland to 2020</b>
<b>Date:</b>	<b>16 November 2015</b>
<b>Reporting Officer:</b>	Michael Lipsett
<b>Contact Officer:</b>	<b>Danielle Begley</b>

### Decisions Required

Members are asked to note the contents of the report, and consider and agree to:

For information purposes only

<b>1.0</b>	<p><b>Purpose &amp; Background</b></p> <p>'Valuing Nature - a Biodiversity Strategy for Northern Ireland to 2020' was published in July 2015. The Strategy sets out how Northern Ireland plans to meet its international obligations and local targets to protect biodiversity and ensure that the environment can continue to support our people and economy. It builds upon the first Biodiversity Strategy published in 2002 but adopts the modern and internationally agreed approach that emphasises the management of biological systems to deliver the materials and services upon which people depend – the ecosystem services approach.</p> <p>The mission is outlined as “To make progress towards halting overall biodiversity loss, establish an ecosystem approach and help business and society in general have a greater understanding of the benefits that nature can bring to everyday life in Northern Ireland.”</p> <p>The Strategy recognises the importance of working with the relevant partners, including local authorities, to enable delivery of the strategy.</p> <p>Within the 57 associated actions listed in the Implementation Plan, Council have the ability to help contribute to at least 13 of these including the full delivery of action 47 "Review of Local Biodiversity Action Plans to assist in the promotion and conservation of biodiversity at a local level", and partial delivery or support of actions 50, 51 and 52 which refer to eco-school promotion, volunteer engagement and citizen science delivery.</p>
<b>2.0</b>	<b>Recommendation</b>

	For information purposes only
<b>3.0</b>	<b>Resource Implications</b>  <b>None</b>
<b>4.0</b>	<b>Appendices</b> Full document can be accessed at <a href="http://www.doeni.gov.uk/natural-policy-biodiversity-strategy-to-2020-2015.pdf">www.doeni.gov.uk/natural-policy-biodiversity-strategy-to-2020-2015.pdf</a> .

<b>Report to:</b>	Active and Healthy Communities
<b>Subject:</b>	Schools Environmental Poster Competition
<b>Date:</b>	16 <sup>th</sup> November 2015
<b>Reporting Officer:</b>	Michael Lipsett
<b>Contact Officer:</b>	Patrick McShane

### Decisions Required

For Information purposes only.

**1.0**

#### **Purpose & Background**

In September 2015 all schools in the District were invited to enter the Schools' Environmental Poster Competition by the Health and Wellbeing Department. The competition was open to Primary Schools (P6 and 7) and Secondary Schools (Years 8, 9 and 10). Pupils were asked to design an "environmentally themed" poster. Thirteen posters were chosen from all entries received to feature in the 2016 Schools' Environmental Calendar which will be produced and distributed to schools free of charge in December.

This competition has been run, and the associated calendar produced, in Newry and Mourne since 2014 and has always proved to be very popular. This is the first time that the competition has been replicated across the new Council area. Sixty three schools participated this year. The prize giving for the thirteen winning pupils will be held in the Downshire Civic Centre on Wednesday 11 November. All thirteen pupils will receive a framed copy of their poster as a memento along with their prize.

Three hundred certificates of achievement will also be awarded and posted out to pupils whose posters did not make the final thirteen but who were deemed worthy of recognition.

Fifteen thousand copies of the final calendar will be delivered to schools in the District in December 2015. Schools are being asked to distribute

	<p>the calendars to family groups within the school as well as staff members.</p> <p>The thirteen winners who will feature in the calendar are:</p> <p>Front cover: Eva Cumiskey, St Peter's Primary School Cloughreagh  January: Luke McAleenan, Abbey CBS, Newry  February: Éadaoin Murphy, St Oliver's Primary School, Carrickrovaddy  March: Enya O'Neill, Assumption Grammar School, Ballynahinch  April: Orla Quail, St Louis Grammar School, Kilkeel  May: Catherine Gorman, Ballyholland Primary School, Newry  June: Callum Polly, St Joseph's Primary School, Strangford  July: Clara Cultra, St Mary's High School, Downpatrick  August: Emma Leckey, St Patrick's Primary School, Burrenreagh  September: Aaron Brookes, St Joseph's Boys' High School, Newry  October: Jessica McCabe, St Brigid's Primary School, Drumilly  November: Shannon McMullan, St Malachy's High School, Castlewellan  December: Ellen Faloon, Mullaglass Primary School, Newry</p>
<b>2.0</b>	<p><b>Recommendation</b></p> <p>For Information purposes only.</p>
<b>3.0</b>	<p><b>Resource Implications</b></p> <p>N/A</p>
<b>4.0</b>	<p><b>Appendices</b></p> <p>N/A</p>

<b>Report to:</b>	Active and Healthy Communities
<b>Subject:</b>	Scheme of Delegation Report
<b>Date:</b>	16 November 2015
<b>Reporting Officer:</b>	Michael Lipsett
<b>Contact Officer:</b>	Michael Lipsett

### Decisions Required

Members are asked to note the contents of the report

- For noting only

	<p><b>Purpose &amp; Background</b></p> <p>Attached is a schedule of decisions and authorisations delegated to Michael Lipsett, Director of Active and Healthy Communities under Category 6 of Newry, Mourne and Down District Councils scheme of Delegation</p>
<b>2.0</b>	<p><b>Recommendation</b></p> <p>For noting only</p>
<b>3.0</b>	<p><b>Resource Implications</b></p> <p>Not applicable</p>
<b>4.0</b>	<p><b>Appendices</b></p> <p>Appendix 1: scheme of delegations list</p>

## Category 6

Any other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.

NAME OF ORGANISER	TYPE OF EVENT/FESTIVAL	TYPE OF SUPPORT	DURATION	START DATE	FINISH DATE	LOCATION	RESOURCES REQUIRED
<b>Land Requests</b>							
Kerry Hammond	Five Peaks Challenge	Use of land	1 day	26/6/15	26/6/15	Overflow car park Donard Park Newcastle	None
Fionnuala Savage	HACK (Hike Against Cruelty to Kids)	Use of land	1 day	19/9/15	19/9/15	Donard Car Park Newcastle	None
26 Extreme Ltd	Mourne Way Marathon	Use of land	1 day	6/6/15	6/6/16	Open Space Donard Park Newcastle	None
Born2run Events	Sea 2 Sky Race	Use of land	1 day	17/7/15	17/7/15	Newcastle Promenade Newcastle	None
Mourne Mini Club	Static Classic Car Show	Use of land	1 day	2/8/15	2/8/15	Donard Park – Soccer Pitch, Paddock and Pavilion Newcastle	None
Newcastle Chamber of Commerce	Family Day Event	Use of land	1 day	7/6/15	7/6/15	Front of Newcastle Centre Newcastle	None
Newcastle Lions Club	Charity Fun Sports Day	Use of land	1 day	29/8/15	29/8/15	Soccer Pitch Donard Park Newcastle	None
Strangford Festival Committee	Community Festival	Use of land	4 days	28/8/15	31/8/15	Lower Green Strangford	None
Damien McCartney	Outdoor Cinema	Use of land	1 day	29/5/15	29/5/15	Warrenpoint Municipal Park, Warrenpoint	None
The Edge Ballynahinch	Gazebo advertising local support and counselling services	Use of land	Second Saturday of each month for 6 months	9/5/15 10.30am – 12.30pm	9/11/15	The Square Ballynahinch	None
The Faith Mission	Open Air Service	Use of land	8 days	5/7/15	12/7/15	Newcastle Promenade Newcastle	None
Strangford Lough and Lecale Partnership	Maritime Festival	Use of land	4 days	11/6/15	14/6/15	Lower and Upper Green Strangford	None
Bells Funfair and Amusements	Funfair	Use of land	7 days	3/6/15	9/6/15	Marina Car Park Ardglass	None

## Category 6

Any other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.

NAME OF ORGANISER	TYPE OF EVENT/FESTIVAL	TYPE OF SUPPORT	DURATION	START DATE	FINISH DATE	LOCATION	RESOURCES REQUIRED
St Joseph's PS Killough	School Sports Day	Use of land	1 day	11/6/15	11/6/15	The Green, Killough	None
Nolan Live	Filming	Use of land	1 day	25/5/15	25/5/15	Tyrella Beach, Tyrella	None
Killough Community Association	Car Boot Sale	Use of land	1 day	13/6/15	13/6/15	Quay Lane Car Park Killough	None
Bells Funfairs	Funfair	Use of land	10 days	17/7/15	26/7/15	Lower Green, Strangford	None
Killough Community Association	Mini Festival	Use of land	2 days	3/7/15	4/7/15	Village Green, Killough/Killough Beach	None
Youth Service	Detached Youth Work Project	Use of land	One afternoon per week throughout July	Afternoon	Afternoon	Ringmcelroy Play Area, Warrenpoint	None
Kilkeel Development Association	Annual Jive Festival	Use of land	1 day	25/7/15 (12 – 6pm)	25/7/15	Mourne Esplanade	None
Friends of Millview	Sponsor Walk	Use of land	1 day	27/7/15	27/7/15	Newry Towpath	None
Reaching Out (NI) Ltd	Football Coaching	Use of land	1 day	8/8/15 (9am – 7pm)	8/8/15	Playing Field, Annalong Marine Park, Annalong	None
Shrigley Community Group	Fun Day	Use of land	1 day	1/8/15	1/8/15	Shrigley Community Garden	None
Dundrum Sailing Club	Sailing Regatta	Use of land	1 day	1/8/15 (10.30-2pm)	1/8/15	Dundrum Car Park	None
Crossmaglen Community Association	Truck Run	Use of land	1 day	24/10/15	24/10/15	Crossmaglen Square	None
Crossmaglen Community Association	Rock the Boat Event	Use of land	1 day	12/7/15 (12 – 5pm)	12/7/15	Crossmaglen Square	None
Crossmaglen Community Association	Car Run	Use of land	1 day	19/7/15 (2-5pm)	19/7/15	Crossmaglen Square (Car Park)	None
Creggan Community Association	Fun Day	Use of land	1 day	12/7/15 (10-4pm)	12/7/15	Football field at Creggan	None
Charlemont Square,	Fun Day	Use of land	1 day	13/9/15	13/9/15	Charlemont Square,	None

## Category 6

Any other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.

Bessbrook						Bessbrook	
NAME OF ORGANISER	TYPE OF EVENT/FESTIVAL	TYPE OF SUPPORT	DURATION	START DATE	FINISH DATE	LOCATION	RESOURCES REQUIRED
Homestart	Fun Day	Use of land	1 day	13/9/15	13/9/15	Donard Park, Newcastle	None
St. Patrick's Flute Band	Summer Band Concert	Use of land	1 day	1/8/15	1/8/15	Scrog Road, Kilkeel	None
Newry Street Unite Community Association	Community Festival and Fun Day	Use of Land	3 days	23/7/15	25/7/15	The Green at Hill Side Terrace, Newry Street, Kilkeel	None
Daniel McManus – Maiden of the Mourne Festival	Various – Fly Casting Demonstration, Teddy Bears Picnic, Fun Day and Market	Use of Land	4 days	11/8, 12/8, 13/8 and 16/8/15	16/8/15	Warrenpoint Municipal Park	None
Yvonne Kathryn Lennox – Reaching Out (NI) Ltd	Cross-community football competition	Use of Land	1 day	8/8/15	8/8/15	Grass Area to the front of Annalong Community Centre in the Marine Park	None
Mourne Truck Run	Charity Truck Run	Use of Land for start and finish points	2 days	1/8/15	2/8/15	Albert Basin	None
Derrybeg Community Association	Community Festival and Fun Day	Use of Land	1 day	2/8/15	2/8/15	Derrybeg Football Pitch and green area at Community Centre	None
Eari-wig Festival Group	Eari-Wig Festival	Use of Land	2 days	2/8/15	3/8/15	Heather Park, Newry	None
St Peter's GAA Club	Family Fun Day	Use of Land	1 day	9/8/15	9/8/15	Clonallon Park	Caretaker/toilets /Overhead Barrier at Gates to be Opened/Provision of Crash Barriers, Litter Bins, Ropes/Cleaning of River and Block Pool to facilitate Duck Derby/2 Small Marquees
BBC	Filming	Use of Land	1 day	27/8/15	27/8/15	Newcastle Promenade	None
Down Community Collective	Culture Night	Use of Land	1 day	18/9/15	18/9/15	St Patrick's Square, Downpatrick	None
Drumalee Community Association	Inter Community Youth Water Fun Day	Use of Land	1 day	20/8/15	20/8/15	Albert Basin	None
Derrybeg Community Association	Inter Community Obstacle Course Fun Day	Use of Land	1 day	23/8/15	23/8/15	Green field adjacent to Community Centre	None



## Category 6

Any other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.

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NAME OF ORGANISER	TYPE OF EVENT/FESTIVAL	TYPE OF SUPPORT	DURATION	START DATE	FINISH DATE	LOCATION	RESOURCES REQUIRED
Dunaman Community Association	Community Fun Day	Use of Land	1 day	30/8/15	30/8/15	Green Space on Scroog Road, Kilkeel	None
Drumalane Community Association	Inter Community Water Festival	Use of Land	1 day	30/8/15	30/8/15	Albert Basin	None
Newry Maritime Association	Commemoration Irish Famine Run	Use of Land	1 day	19/9/15	19/9/15	Albert Basin	None
Crossmaglen Community Association	Annual Halloween Festival	Use of Land	1 day	31/10/15	31/10/15	O'Fiaich Square, Crossmaglen	Power points to facilitate platform and side shows
Crossmaglen Community Association	Cycle for Suicide Event – start and finish point	Use of Land	1 day	24/10/15	24/10/15	O'Fiaich Square, Crossmaglen	None
Newcastle Chamber of Commerce	Family Fun Days in Aid of Charity	Use of Land	2 days	10/04/2016 & 05/06/2016	10/04/2016 & 05/06/2016	Area to front of Newcastle Centre	None
Strangford Lough & Lecale Partnership	Skiffie World Event	Use of Land	9 days	23/07/2015	31/07/2015	The Green, Strangford	None
<b>Active &amp; Healthy Communities</b>							
Newry, Mourne and Down Council	<b>Calais Refugee Solidarity Drop Off Points</b>  Ballynahinch Leisure Centre  Warrenpoint Town Hall  Kilkeel Leisure Centre  Crossmaglen Community Centre	Use of Council properties to facilitate appeal	<b>Ballynahinch Leisure Centre</b> Daily: 4pm - 5pm <b>Warrenpoint Town Hall</b> Monday - Friday: 2pm – 4pm <b>Kilkeel Leisure Centre</b> Monday - Friday: 9.30am - 10pm Saturday: 10am - 5.30pm Sunday: 2pm - 5.30pm <b>Crossmaglen Community Centre</b> Monday - Friday: 9am - 5pm	7 Sept	18 Sept	Ballynahinch Leisure Centre  Warrenpoint Town Hall  Kilkeel Leisure Centre  Crossmaglen Community Centre	
Newry, Mourne and Down District Council	Temporary Clerical Officers within the Active and Healthy Community Department	Admin support to assist with DEA set up and cover for temporary absence of a clerical officer	4 Weeks with the possibility of extension	17 Aug	Present	Active & Healthy Community	2 Clerical Officers
The Edge Ballinahinch		Use of Land	Second Sunday of each month 10.30am – 12.30pm	09/05/2015		Ballynahinch Square	
Legacy Newry &	CCTV contract	20 Cameras - £11,475	March 2016	Oct 2015	March	Newry &	

## Category 6

Any other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.

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Mourne					2016	Mourne	
Legacy Down	CCTV	15 Cameras £15,709	March 2016	Oct 15	March 2016		
NAME OF ORGANISER	TYPE OF EVENT/FESTIVAL	TYPE OF SUPPORT	DURATION	START DATE	FINISH DATE	LOCATION	RESOURCES REQUIRED
<b>Leisure Services</b>							
Charity Football Tournament	Use of changing rooms for Charity Football Event	Use of changing rooms	1 day	27/07/2015	27/07/2015	Newry Leisure Centre	
Linda Stoops, Swim Ulster	Swim Ulster Regional Swimming Gala	Exclusive Use of Swimming Pool	4 x separate days within 12 month period	14/06/15 29/11/15 24/04/16 15/06/16		Newry Leisure Centre	Facility closure
Elite Athlete Scheme	Allow usage of leisure centres for elite athletes as per previous schemes in legacy Councils until new scheme devised for NMDDC	Use of Leisure Centres	Ongoing	31/07/2015		Leisure Centres	
Community Association	Community Festival and Fun day	Use of Pitch	2 days	02/08/2015	03/08/2015	Derryleckagh football pitch	
Charity Appeal Event	Charity event Use of track for charity event on 12/09/15 for 3 hrs.	Use of Running Track	1 day	12/09/2015	12/09/2015	St. Colmans College Running Track	
Newry & Mourne Swim Club	NLC Gala – 2 x longstanding historical galas co-ordinated by N+M swim clubs	Exclusive Use of Swimming Pool	2 x separate days within 12 month period	07/11/15 06/02/16		Newry Leisure Centre	
Newry & Mourne Swim Club	NLC Gala – to hold 4x longstanding historical galas outside opening hours	Exclusive Use of Swimming Pool	2-3 hours in duration outside of opening hours	21/11/15, 6-9pm, 23/01/16 6pm – 9pm, 12/06/15 6pm-8pm 6/02/16 6pm-8pm		Newry Leisure Centre	
The Lourdes Committee of Clonduff	Family Fun Day no official request document yet. Emailed on 12/08/2015	Use of Land	1 day	13/09/2015	13/09/2015	Square in Hilltown	Need barriers
Newry, Mourne and Down District Council	Approval for IFA grass roots officer in the district to promote grass roots coaching	Office, computer, facilities and storage	8 months	August 2015	April 2016	Throughout the district	Use of council facilities
Newry, Mourne and Down District Council	Allowance for Davinas Ark charity match (requested by Cllr Mcateer) to take place on Derryleckagh Newry	Use of pitch	2 hours	29 Sept 2015	29 Sept 2015	Derryleckagh pitch	Use of pitch and changing rooms
Newry, Mourne and Down District Council	Active and Healthy Community Department – Leisure Services	Honorarium for 3 Leisure Staff – (total £405.75 per month)	?Rolling month by month	1 April 2015	Until the implementation of the new structure	Down Leisure Centre	

## Category 6

Any other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.

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NAME OF ORGANISER	TYPE OF EVENT/FESTIVAL /DEPARTMENT	TYPE OF SUPPORT	DURATION	START DATE	FINISH DATE	LOCATION	RESOURCES REQUIRED
<b>Leisure Services Cont:</b>							
Newry, Mourne and Down District Council	Active & Healthy Community Department	Small grants awarded 2015-2016					
Newry, Mourne and Down District Council	Active & Healthy Community Department	Financial support (Via Mrs Joan Cunningham) for the Saintfield Horse Show held on 15 August, 2015, £300.00		15 August 2015			
Newry, Mourne and Down District Council	Active & Healthy Community Department	Financial support (Via Nicola McAlinden) towards Mourne Gymnastics Club in hosting the Derek Clark Memorial Cup on: £200.00		20 June 2015			
Newry, Mourne and Down District Council	Active & Healthy Community Department	Financial support (Via Sean Kelly) Newcastle Football Club in hosting Glentoran Football Club on: £200.00		18 July 2015			
Newry, Mourne and Down District Council	Active & Healthy Community Department	Financial support (Via Seamus Heath) towards "Grassroots Football" in hosting Forest Green Rovers FC in our district, £200.00		July 2015			
Newry, Mourne and Down District Council	Active & Healthy Community Department	Financial support (Via Jim Majury) towards Ballynahinch Youth Football Club in for achieving the IFA Football For All 2 Star Club Excellence Mark: £300.00					
Newry, Mourne and Down District Council	Active & Healthy Community Department	Financial support for Kerry O'Flaherty in respect of her participation in the 15 <sup>th</sup> Athletics World Championships in Beijing, China £400.00		22-30 August 2015			
Newry, Mourne and Down District Council	Active & Healthy Community Department	Financial support (Via Brian Wallace / Sadie Duffy) for the Ulster Elite Senior Boxing Championships held in the Bellinis, Newry (for the first time) £1000.00		12 November 2015			
<b>Health &amp; Wellbeing</b>							
Newry, Mourne and Down District Council	Active and Healthy Community Department – Health and Wellbeing	Authority for two officers to attend Biodiversity Funding Study Tour in Leuven Belgium.	3 days	tbc	tbc	Leuven Belgium	
Newry, Mourne	Active and Healthy	Continuation of	Up to end of				£273.60 per

## Category 6

Any other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.

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NAME OF ORGANISER	TYPE OF EVENT/FESTIVAL /DEPARTMENT	TYPE OF SUPPORT	DURATION	START DATE	FINISH DATE	LOCATION	RESOURCES REQUIRED
and Down District Council	Community Department – Health and Wellbeing	payments of Honoraria to Gail McEwen and James Campbell Acting Principal EHOs.	December				month combined
Newry, Mourne and Down District Council	Active and Healthy Community Department – Health and Wellbeing	Files to be passed to Council Solicitor: Off Licence for breaches of Food Safety (Northern Ireland) Order 1991 in relation to the sale of unsafe alcohol.		02/09/2015		Crossmaglen Area	
Newry, Mourne and Down District Council	Active and Healthy Community Department – Health and Wellbeing	12 cases of contravening a control condition (Article 30 of The Dogs Order (NI) 1983)		16/09/2015		Minerstown	
Newry, Mourne and Down District Council	Active and Healthy Community Department – Health and Wellbeing	Non compliance with an Article 20 Notice issued under the Litter (Northern Ireland) Order 1994		28/07/2015		Newcastle	
Newry, Mourne and Down District Council	Active and Healthy Community Department – Health and Wellbeing	Leaving litter in contravention of Article 3 of the Litter (NI) Order 1994		28/07/2015		Belfast	
Newry, Mourne and Down District Council	Active and Healthy Community Department – Health and Wellbeing	Leaving litter in contravention of Article 3 of the Litter (NI) Order 1994		28/07/2015		Castlewellan	
Newry, Mourne and Down District Council	Active and Healthy Community Department – Health and Wellbeing	Being in charge of a dog that attacks a person in contravention of Article 29(2) of the Dogs (NI) Order 1983 as amended		06/10/2015		Ardglass	
Newry, Mourne and Down District Council	Active and Healthy Community Department – Health and Wellbeing	Having two dogs without a valid licence in contravention of Article 17(1) of the Dogs (Northern Ireland) Order 1983		06/10/2015		Ardglass	
Newry, Mourne and Down District Council	Active and Healthy Community Department – Health and Wellbeing	Keeping or being in charge of a dog that attacks a person in contravention of Article 29(2) of the Dogs (NI) Order 1983 as amended		06/10/2015		Downpatrick	
Newry, Mourne and Down District Council	Active and Healthy Community Department – Health and Wellbeing	Keeping or being in charge of a dog that attacks a person in contravention of Article 29(2) of the Dogs (NI) Order 1983 as amended		06/10/2015		Downpatrick	
Newry, Mourne and Down District Council	Active and Healthy Community Department – Health and Wellbeing	Killough Oyster Grant of approval of a food business under regulations (EC) No 853/2004		28/05/2015			

**Category 6**

Any other decisions such as those with political, media or industrial relations implications that Directors consider Members should be aware of.

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NAME OF ORGANISER	TYPE OF EVENT/FESTIVAL /DEPARTMENT	TYPE OF SUPPORT	DURATION	START DATE	FINISH DATE	LOCATION	RESOURCES REQUIRED
Newry, Mourne and Down District Council	Active and Healthy Community Department – Health and Wellbeing	Lynn's Country Foods Ltd  Grant of approval of a food business under regulations (EC) No 853/2004		24/08/2015			

<b>Report to:</b>	<i>Active and Healthy Communities</i>
<b>Subject:</b>	<i>Update on the play development strategy root map</i>
<b>Date:</b>	<i>16 November 2015</i>
<b>Reporting Officer:</b>	<i>Michael Lipsett</i>
<b>Contact Officer:</b>	<i>Julie Mc Cann</i>
<b><u>Decisions Required</u></b>	
Members are asked to note the contents of the report, and consider and agree to:	
<i>Allow for the completion of the play development strategy root map..</i>	
<b>1.0</b>	<b><u>Purpose &amp; Background</u></b>
<b>1.1</b>	<p>Newry and Mourne DC and Down DC had two separate play development strategies in the legacy councils. The aim of the Newry, Mourne and Down play and leisure partnership is to provide a single mechanism within the council area which would bring together key public sector agencies (whose activities impact upon play and leisure) alongside community representatives and children and young people to work towards a greater level of strategic and operational decision making.</p> <p>Through the adoption of a partnership based approach, it is hoped that within the council area the partnership will be able to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> make more effective use of available funding;</li> <li><input type="checkbox"/> embed a consideration of play and leisure within key strategic plans and initiatives across the partnership member base;</li> <li><input type="checkbox"/> support and sustain play and leisure provision over the long-term;</li> <li><input type="checkbox"/> recognise and support the improvement of public spaces as positive, viable environments for play and leisure activities;</li> <li><input type="checkbox"/> enhance access to, and improve children and young people access to safe places which support play and leisure;</li> <li><input type="checkbox"/> provide an increased level of, and better quality local and inclusive play opportunities where they are most needed.</li> </ul>
<b>2.0</b>	<b><u>Key Issues</u></b>
<b>2.1</b>	<p>In order for the Play and Leisure policy to be finalised a number of pieces of work need to be completed. Highlighted below are the steps that the council need to take prior to completing the policy.</p> <p><b><u>2015/16.</u></b></p>

	<p>a) Stakeholder list to be identified by March 2016.</p> <p>b) Play and Leisure strategies for both legacy councils to be reviewed and a draft joint policy to be established.</p> <p>c) Play and Leisure partnership to be established by April 2016.</p> <p>d) To provide a new training wall and toddler play area at Ringmacilroy, Warrenpoint.</p> <p>e) To continue with councils ongoing maintenance programme to ensure existing play parks meet current play standards.</p> <p><b><u>2016/17.</u></b></p> <p>a) Play and leisure partnership meetings to be held quarterly.</p> <p>b) A play ability audit to be carried out on all current play facilities within the district.</p> <p>c) GIS mapping of all play facilities in the district against population trends</p> <p>d) One CAN play/ street play initiative to be held in each of the seven DEA's.</p> <p>e) Review of Can play and street play initiatives and the creation of play pods in each of the DEA areas.</p>										
<b>3.0</b>	<b><u>Conclusion and Recommendations</u></b>										
<b>3.1</b>	<p>Completion of the play development strategy will use data obtained from the play ability audit, GIS mapping exercise and the DEA action plan. It is envisaged that the strategy will recommend new play parks in some areas, removal of underused or poorly designed play areas in others, upgrading of parks and the establishment of other play initiatives for areas where a play area is not achievable at this time.</p>										
<b>4.0</b>	<b><u>Resource Implications</u></b>										
<b>4.1</b>	<p><i>It is recommended to include the figures below for consideration in the 2016/2017 rate estimate:</i></p> <table> <tr> <td><i>Play ability audit</i></td> <td><i>£13,500.000</i></td> </tr> <tr> <td><i>GIS mapping</i></td> <td><i>£16,500.00</i></td> </tr> <tr> <td><i>Can play/street play initiatives 4x2hrs @ 7DEA areas</i></td> <td><i>£12,000.00</i></td> </tr> <tr> <td><i>Play pods 1 play pod per DEA</i></td> <td><i>£14,000.00</i></td> </tr> <tr> <td><i>Total cost</i></td> <td><i>£56,000.00</i></td> </tr> </table>	<i>Play ability audit</i>	<i>£13,500.000</i>	<i>GIS mapping</i>	<i>£16,500.00</i>	<i>Can play/street play initiatives 4x2hrs @ 7DEA areas</i>	<i>£12,000.00</i>	<i>Play pods 1 play pod per DEA</i>	<i>£14,000.00</i>	<i>Total cost</i>	<i>£56,000.00</i>
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<i>Total cost</i>	<i>£56,000.00</i>										
<b>5.0</b>	<b><u>Appendices</u></b>										
<b>1</b>	<i>List of all the existing play spaces with the N.M and DDC area</i>										
<b>2</b>	<i>Overview of play ability audit</i>										
<b>3</b>	<i>Overview of GIS mapping</i>										
<b>4</b>	<i>CAN play/street play initiatives</i>										

**Appendix 1 Play areas within the Newry, Mourne and Down District  
Council Area.**

<b>Item No</b>	<b>Name of Play Area</b>	<b>Location (Town)</b>
1	Cornmill	Annalong
2	Mona View	Annalong
3	Ballymaderphy	Annalong
4	Annsborough	Annsborough
5	Seaview	Ardglass
6	Quay Street	Ardglass
7	Playing Fields	Ardglass
8	Innisfree	Ballyholland
9	Ballykinlar	Ballykinlar
10	Pious Hill	Ballymartin
11	Hillfoot, Toddler Playground	Ballynahinch
12	Hillfoot, Junior Playground	Ballynahinch
13	Anika Rice	Ballynahinch
14	Langley Road	Ballynahinch
15	Belleek	Belleek
16	Drumilly	Belleek
17	Allotment Gardens	Bessbrook
18	Carrickvista Basketball Court	Bessbrook
19	Charlemont Square	Bessbrook
20	College Square	Bessbrook



21	Fr Cullen Park	Bessbrook
22	Pond Field	Bessbrook
23	Riverside Crescent Kickabout	Bessbrook
24	Bishops Court	Bishops Court
25	Burren Green	Burren
26	Oliver Plunkett Park (Quarter Rd)	Camlough
27	Station Avenue	Castlewellan
28	Bunker's Hill	Castlewellan
29	Mourne Gardens	Castlewellan
30	Burren Bridge Road	Castlewellan
31	Clough	Clough
32	Lislea Drive	Crossgar
33	Westlands	Crossgar
34	Ardross	Crossmaglen
35	Art McCooey	Crossmaglen
36	Creggan	Crossmaglen
37	Lismore	Crossmaglen
38	Rathview	Crossmaglen
39	Cullaville	Cullaville
40	Cullyhanna	Cullyhanna
41	Bridge Street	Downpatrick
42	Marian Park	Downpatrick
43	Upper Scotch Street	Downpatrick
44	Ardmore	Downpatrick

45	Knocknashinna	Downpatrick
46	St Dympna's	Downpatrick
47	Model Farm	Downpatrick
48	Ballymote Centre	Downpatrick
49	Cumber Road	Drumaness
50	Cushowen Place	Drumaness
51	Dan Rice	Drumaness
52	Assisi Gardens	Drumaroad
53	Drumaroad	Drumaroad
54	Barnmeen	Drumgath
55	Drumintee	Drumintee
56	St Donard's Walk	Dundrum
57	Inner Bay	Dundrum
58	Bog Road	Forkhill
59	Fairview Park	Forkhill
60	Glen Villas	Glen
61	Lurganare	Glen
62	Ardmore	Hilltown
63	Spelga Park	Hilltown
64	Jonesborough	Jonesborough
65	Kilcoo GAC	Kilcoo
66	Bencrum	Kilkeel
67	Cranfield Park	Kilkeel
68	Hillside	Kilkeel

69	Kitty's Road	Kilkeel
70	Mourne Esplanade	Kilkeel
71	Mourne Esplanade Tone Zone	Kilkeel
72	Rooney Road	Kilkeel
73	Scrogg Road	Kilkeel
74	Killough Play Fields	Killough
75	Bridge Centre	Killyleagh
76	Leitrim	Leitrim
77	Maghera	Maghera
78	St Anne's	Mayobridge
79	Meigh Community Centre	Meigh
80	Meigh Monnina	Meigh
81	Conway Park	Mullaghbawn
82	Backfield	Newcastle
83	Downs Road	Newcastle
84	Newcastle Centre	Newcastle
85	Castle Park	Newcastle
86	Island's Park	Newcastle
87	Barcroft Community Centre	Newry
88	Barley Lane	Newry
89	Bleary Bungalows	Newry
90	Carlingford Park	Newry
91	Carnaget kickabout	Newry

92	Carnbane	Newry
93	Carrivemaclone	Newry
94	Derrybeg Play Area	Newry
95	Emmet Street	Newry
96	Heather Park	Newry
97	Kilmorey Park	Newry
98	Latt Crescent	Newry
99	Latt Villas	Newry
100	Lisdrumliska basketball court *	Newry
101	Martins Lane	Newry
102	Mourneview	Newry
103	Newtowncloughoge	Newry
104	Patrick Street	Newry
105	Shandon Park	Newry
106	Springhill Drive	Newry
107	Trimbles Land	Newry
108	Windmill Road	Newry
109	Altnamackin	Newtownhamilton
110	Dungormley	Newtownhamilton
111	St Michael's	Newtownhamilton
112	Kilbroney Park & Tone Zone	Rostrevor
113	Newline	Saintfield
114	Lislane	Saintfield

115	Saul GAC	Saul
116	Granite View	Saval
117	Shrigley	Shrigley
118	Shrigley Community Garden	Shrigley
119	Lisnalee	South Armagh
120	Slieve Gullion Play Park & Tone Zone	South Armagh
121	Tullydonnell	South Armagh
122	Spa	Spa
123	The Links	Strangford
124	Clonallon Park	Warrenpoint
125	Ringmacilroy	Warrenpoint
126	Warrenpoint Park	Warrenpoint
127	Whitercross Community PA	Whitecross

## **Appendix 2 Overview of Playability Quality Audit**

### **1.0 PLAYABILITY**

1.1 Playability, sometimes referred to as play affordance, refers to the inherent qualities of a location (either man-made or natural) which lend themselves to supporting and encouraging the child at play.

1.2 Playability does not simply refer to the designed function of a site or piece of play equipment. By way of example, from an adult design perspective the primary playability attribute associated with a swing is the ability for a child to sit on the seat and swing back and forth. From a child's perspective the playability value may be much greater i.e. the swing presents an opportunity to climb the frame, swing from the top bar using their arms etc. For older children the swings primary playability purpose may simply be somewhere to sit on whilst conversing socially with peers. In both cases the playability of the equipment can lead to other concerns for play providers including concerns regarding risk, health and safety and perceived anti-social behaviour.

1.3 From a location perspective, children view the environment around them in its entirety as a potential play place; therefore a playability assessment cannot be confined to the play equipment which is present nor the designed play purpose. By way of example, trees and bushes within a play area can provide a stimulus for imaginative and creative play or an opportunity to gain privacy for play. A raised platform or mound may lend itself to becoming a stage or a platform for performance etc.

1.4 Functional items when located within a play area (or indeed the wider environment) can also have a playability value, for example a seat within a play area may be viewed by children as another play item to be climbed on, stood on, jumped off etc. Whilst the primary purpose of a fence around a play area is to regulate entry, in reality it can provide children with an additional challenging play experience, for example climbing over the top and down the other side.

1.5 It is critical in assessing the playability of a fixed play area or play location that consideration is given to the play needs of children with disabilities and differing ability levels. Children with disabilities have the same right to play as all other children, therefore it is important that an assessment of playability focuses on play opportunities/equipment directly provided for children with disabilities, whilst considering the accessibility of play in the wider environment.

### **2.0 PLAYABILITY QUALITY AUDIT**

2.1 Playability Quality Audit (PPQA) provides an effective mechanism for assessing the playability of fixed play areas and more informal play locations.

2.2 The PPQA consists of two key elements:

- *PPQA Assessment* – formal audit assessment during the play area/site visit; and
- *Children/Parental survey* – informally completed with children/parents using the play area at the time of auditing.

### 2.3 *PPQA Assessment*

Using the PPQA, conduct a playability audit of the identified location, assessing the playability value of both the play equipment and the wider play environment. In assessing playability a number of key areas are assessed, namely:

<b>Area to be Assessed</b>	<b>Key Elements Assessed</b>
Locational factors	Attractiveness of overall play setting; presence of signage welcoming/restricting play; degree of community oversight; level of vandalism; cleanliness of site (e.g. dog mess, rubbish, hazards such as broken glass etc.); fencing etc
Accessibility	Proximity of the play area to public transport links; condition of pathway surfaces; condition of play surfaces (appearance and safety); road safety provision on route; entrance and layout accessibility in accordance with the Disability Discrimination Act etc.
Features	Assessment of overall condition, cleanliness and maintenance of the play area; provision of seating for adults/children; litter bin provision; signage relating to dog mess, littering is appropriate; presence of otherwise of bicycle stands; condition of fencing/gates if present.
Environmental Factors	Presence or not of natural vegetation e.g. trees, bushes, shrubs etc.; grassing levels i.e. all short, short and long etc.; presence of sunny, shaded and sheltered areas (or not); undulating or flat ground; presence or not of rocks, boulders etc.; sensory play opportunities; water play opportunities; noise levels (from traffic etc.).
Challenge and Risk	Level of challenging play afforded within the play area through play items that offer exciting, daring play experiences; approach to risk adopted by the council i.e. risk/benefit or health and safety and completion of relevant assessments by provider.
Demographic	Assessment of the play area against the underlying demographics of the local community. This includes an

Applicability	indication of how relevant the play area and the play equipment contained therein are to the demands of the community based on a range of factors including age range.
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Each of the key areas are afforded a points score which, when combined together provides an overall playability score for the play area. By applying a playability score it becomes possible for councils to rank play areas according their playability value with an indication of status i.e. excellent, good, poor etc. In addition the audit allows for recommendations to be made aimed at addressing deficiencies and increasing playability value.

In addition a further assessment is completed looking specifically at the play opportunities afforded by the play area. Areas assessed include:

<b>Overall Area to be Assessed</b>	<b>Key Elements to be Assessed</b>
Physical Play	Review of play opportunities afforded by the play area and play equipment with assessment including opportunities for running, skipping, hopping etc.; swinging; climbing; jumping; balancing; rocking; rotating or spinning; gliding; cycling/skating; inclusive physical play opportunities for children with a variety of physical abilities.
Creative Play	Presence of sand, soil or mud play; water play opportunities; presence of loose/manipulative play parts; artistic play (e.g. provision for chalking, drawing or painting); sound making items; opportunities for pretend play (e.g. natural spaces and places that stimulate the imagination, materials which can be manipulated etc.); performance area; opportunities to change or transform the environment for play purposes; inclusive creative play opportunities for a range of differing abilities.
Social Play	Presence of quiet places to sit/chat/think; places to hide; opportunities to interact with a children of different ages and abilities; focused recognition of the social aspect of play for older children e.g. teen shelter.



Play Equipment	Catalogue of all play equipment contained within the play area including photograph; indication of current appearance/age/maintenance standard; assessment of the playability value of the piece (by age range and ability level).
Play Types	Overarching review of play types present or capable of being followed within play area.

#### 2.4 PPQA Children's and Parents Survey

The children's and parents survey element of the PPQA provides a user's eye view of the play area in terms of location, appearance, the play value of equipment etc. and enhances the assessment of overall playability value by including the views of the primary user group.

The PPQA Children's Survey is delivered on an informal basis, consisting of a number of open-ended questions which allow the child and/or parent to express their view on the play area and how it meets their needs.

### 3.0 PLAY AREA ANALYSIS

Following completion of the playability audit, an analysis report for each play area/location, allocating a playability points score based on the audit process. In addition an overarching report is produced encompassing the entire council area with recommendations and guidance.

## **Appendix 3 GIS Mapping**

### **Audit – Demographic Component**

The GIS mapping process incorporates a number of key stages in order to provide a comprehensive overview of play supply –v– play demand:

- A)  Collation of all relevant demographic data relating to population density and age range (broken into 4 age bands - 0 to 4, 5 to 9, 10 to 14 and 15 to 19 year olds) within the council area;
- B)  Preparation of demographic data for transfer into Geographical Information System including data review, data cleansing and data formatting in MS excel;
- C) Preparation of base council map for uploading of population data and completion of key activity 3 – mapping of play areas to enable analysis of supply and demand levels;
- D) Uploading of demographic data onto the GIS system and overlay mapping of population demographics and play area locations onto the LCCC base map;
- E)  Overlay within GIS system of relevant radials which correlate to Six Acre Standard distances and analysis of underlying populations demographics contained therein;
- F) Review of all demographic patterns and analysis of supply and demand levels for overall council area and for each individual play location; and
- G) Preparation of overarching council supply and demand report alongside individual supply/demand report for each play areas.

### **Mapping and Analytical Approach**

With regards to supply and demand a comprehensive analysis of the underlying population trends at two levels:

**Key Activity Area 1 (Overarching Council Level):** Analysis of population trends (broken down into the 4 age groups, the 0 to 4's, 5 to 9's, 10 to 14's and 15 to 19 year olds) across the entire council area mapped against play area locations.

This enables high level, council wide analysis of current provision against demand for play by the 4 identified age groups and also enable the identification of specific play 'cold spots' defined as:

- A) An area where a demand for play can be shown to exist for one or more age group but where there is no current play provision in place;
- B). An area where a play area is present but does not meet the underlying needs of the population e.g. a local area for play (LAP) designed and laid out for children < 5 years located in an area where the demographic demand is for play for older children or teenagers;

This process further enables identification of areas of oversupply i.e. locations where a play area is present but, based on demographic analysis is not meeting a need.

**Key Activity 2 (Focused Play Area Level analysis):**

Population demographics are further analysed at play area level, with population demographics mapped for the area immediately served by each play location. This allows for a focused analysis of supply and demand for play within each of play locations.

## **Appendix 4 Overview of ‘CAN Play’ Programme**

### ‘CAN Play’

The concept behind ‘CAN Play’ is simple – identify a potential play area, then for a designated hour or two each week, make loose parts available to pop-up a playground for play.

The programme aimed to promote the concept of positive play by supporting children, young people and local communities to 'reclaim' community spaces for the purpose of outdoor play.

Evaluation findings indicate that ‘CAN Play’ is an exciting programme that enhances children’s play experiences, with likely improved outcomes for their health, wellbeing and love of learning.

### ‘CAN Play’ in Practice

‘CAN Play’ is an outcomes-focused and evidence-informed programme, that builds on experience of delivering play rangers style projects including ‘Reclaiming Play Spaces’ and PlayQuest. From the outset ‘CAN Play’ aims to demonstrate how the lives of children could be enhanced by creating a play environment within communities and providing children with the opportunity to choose how they wanted to play.

Activities included Water play (including water experiments and water pistols); roller boards; play with loose parts brought to the site by Play Development workers (e.g. cardboard boxes, milk crates, plastic bottles etc.); bat and ball games; football; skipping, Hula Hooping etc.; tree climbing; making belt swings; rope games; chalk drawing on tarmac; roasting marshmallows and hot dogs over the fire pit; den building; parachute games; team games including team challenges; obstacle courses; chasing and tag; hide and seek.

The wide choice of activities empowers children to self-direct their own play either as individuals or as part of a group. Many children initially engage in individual play before moving onto group based activities, as their confidence grows and they begin to negotiate, collaborate and be team players.