

BALLYMONEY BOROUGH COUNCIL**Table of Contents**

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Ballymoney Borough Council

Minutes of Consultation Committee Meeting No 61, held in the Council Chamber, Riada House, Ballymoney on Tuesday 18th April, 2011 at 2.00 pm.

IN THE CHAIR: Alderman H Connolly

PRESENT:

Aldermen
F Campbell
C Cousley, MBE, Deputy Mayor
J Simpson

Councillors
A Cavlan
J Finlay
R Halliday
B Kennedy
M McCamphill
E Robinson
I Stevenson

APOLOGIES:

Councillors
P McGuigan
C McLaughlin
A Patterson
M Storey

IN ATTENDANCE:

Chief Executive
Director of Borough Services
Director of Central & Leisure Services
Head of Corporate and Development Services
Committee Clerk

Planning Service (Item 3)
P Mc Grogan, Planning Officer

Press

61.1 MINUTES - MEETING NO 60 – 21st FEBRUARY 2011

It was proposed by Alderman Campbell, seconded by Councillor Finlay and
AGREED:

*that the minutes of Meeting No 60 – 21st March 2011,
as circulated, be confirmed as a correct record.*

- * **The Planning Officer arrived at the meeting at 2.05 p.m.**
- * **Alderman Simpson, Councillor McCamphill and Councillor Halliday arrived at 2.05 pm.**

61.2 THE PLANNING (GENERAL DEVELOPMENT) (AMENDMENT) ORDER (NORTHERN IRELAND) 2011

The Department of Environment has made the above Statutory Rule, the main purpose of which is to amend the Planning (General Development) Order (NI) 1993 (SR 1993 No. 278). Its effect will be to increase the scope of householder development that no longer needs planning permission including small house extensions and conservatories, roof alterations, porches, sheds and green houses, oil and gas storage containers and chimneys, flues and decking. The new arrangements will also introduce new domestic permitted development rights for renewable energy technologies such as solar panels, heat pumps and biomass fuel storage containers. The new and revised permitted development rights will be subject to specified limitations and conditions.

New public information guidance entitled "Your Home and Planning Permission" to assist householders and developers in their understanding of the new arrangements is available from planning offices and can be viewed online at www.planningni.gov.uk from 6th April.

61.3 PLANNING BILL – TRANSFER OF PLANNING FUNCTIONS

The Planning Bill completed its passage through the Assembly at the end of March. This provides the framework for the transfer of planning functions to local government. This will happen after new governance arrangements for councils and a new ethical standards regime for councillors, which is currently out for consultation, have been put in place.

As part of the transformation of Planning Service its status as an Agency within DOE ended on 31st March 2011. From 1st April Planning Service's functions and staff have been absorbed into the core of DOE. Planning functions have also been reorganized to anticipate the transfer to councils. This will mean a Local Planning Division taking operational responsibility for the development plan and development functions that will, in due course, transfer from the Department to Councils. A Strategic Planning Division will take forward the responsibilities which will remain with the Department following local government reform.

There will be some managerial changes within both the Local and Strategic Planning Divisions, with some changes to the Council districts each Area Planning Manager will be responsible for. A list of Area Planning Managers and the council districts is attached at Annex A and Annex B.

61.4 ENVIRONMENTAL BETTER REGULATION WHITE PAPER - CONSULTATION

The Department of Environment is seeking views on this White Paper. The consultation is in four areas – better permitting; enforcement and inspection powers; administrative penalties and sanctions; and criminal penalties and sanctions. It is the intention that during the consultation period the Department will bring forward specific policy proposals and will consult on each of these areas. Comments are invited by 30th September. The document can be viewed at <http://www.doeni.gov.uk>. A copy of the document is available from the Office of the Chief Executive.

61.5 REVIEW OF OFF-STREET PARKING CHARGES

The Department of Regional Development Minister has considered and approved the following car park charges in the Councils area.

- Castle Street – increase in charge from 30p for up to 3 hours to 60p for up to 6 hours and 90p all day to a charge of 20p per hour or part thereof.
- Church Street – charges to increase from 30p per hour to 40p per hour

The Department will advertise a notice in the local press once the order has been made. This notice will show the changes in tariffs and the date the new tariffs will come into effect.

The key consideration used in setting the new charges are:

- The need to influence where drivers park, allowing for higher turnover of short stay spaces and therefore an increase in the availability of short stay parking in support of the commercial viability of the town centre.
- The need to make efficient use of the existing car park provision.
- The history of tariff increase in the town.
- The need for charges to reflect increased costs. For example, rates bills, which are a major component of the cost of operating a pay car park.
- The need to fully recover the cost of providing the car park services. This is in line with DFP guidance in Managing Public Money in NI.
- The level of charges in other regional towns and comparable or smaller size. The Department state that it is worth noting that car parks currently on the 30p per hour tariff will move to the 40p hour tariff. The 30p tariff has been the general charge in provincial towns for more than 10 years. The increase is being applied throughout NI.

61.6 ROADS SERVICE REPORTS TO COUNCIL 2011

As members know it is usual that Roads Service present two reports to Council, one in late spring and one in late autumn. This year, in view of the timing of Council and Assembly elections and the preceding Purdah period, to prepare, distribute and deliver eight Council reports in the short space in the lead in to the summer holiday period, while not insurmountable, is presenting some administrative difficulties for Roads Service. In addition, while the overall level of Roads Service Corporate budgets will be known before the new financial year begins it is likely that divisional budgets may not be finally confirmed until much later than normal this year. It is suggested that this year, one meeting in early Autumn would be more convenient and more informative to councillors, in that Roads Service would have confirmed budgets and programmes.

It was proposed by Councillor Finlay, seconded by Councillor Kennedy and **AGREED:**

that Council write to Roads Service advising that whilst two meetings per year are preferable, due to exceptional circumstances, one meeting in (preferably early) Autumn of 2011 is acceptable.

61.7 PLANNING APPLICATIONS

7.1 New Applications

Items 1 – 12 were considered and the opinion of the Planning Service accepted except where stated otherwise.

Full details of applications can be viewed at:

http://apps.planningni.gov.uk/council_schedules/ballymoney.aspx

Item No 1 – D/2008/0297/F – Refusal

Proposed demolition of existing offices at 60 Eastermeade Gardens and construction of new building providing 3 no. supported living accommodation units. Alternation of 33 Charlotte Street to provide 2 no. supported living accommodation units for Triangle Housing Association Ltd.

It was **AGREED:** That an office meeting be held (Councillor Finlay).

At the request of Councillor Stevenson, the Planning Officer clarified the differing conditions enforced by NI Environment Agency for historic buildings to those applications in conservation areas stating the importance of maintaining conservation areas unless buildings are deemed unsafe or there is a public safety issue.

Item No 2 – D/2008/0299/LB – Refusal

Retention of front façade and demolition of remaining elevations and construction of cavity walls to provide 2 no. supported living accommodation units for 33 Charlotte Street, Ballymoney.

It was **AGREED:** That an office meeting be held (Councillor Finlay).

This application is associated with Item 1.

Item No 3 – D/2010/0295/F

Demolition of 2no existing properties and proposed construction of nursing/EMI care home at 15-17 Coleraine Road, Ballymoney for St James Lodge, Co/o Fleming.

Alderman Campbell and Councillor Stevenson welcomed the decision of the Department to approve the application. Councillor Robinson regretted earlier application for a hotel was not approved.

Item No 4 – D/2010/0313/F – Refusal

Proposed shed for storage and servicing of lorries at 75m SE of 346 Craigs Road, Rasharkin for MilkTrans, C/O Palmtree Creations.

It was **AGREED:** That an office meeting be held (Councillor Finlay).

Item No 5 – D/2010/0342/F – Refusal

Extension and alternations to existing garage at 95A Bravallen Road, Ballymoney for John Fynes.

It was **AGREED:** That an office meeting be held (Councillor Finlay).

Item No 6 – D/2010/0350/F – Refusal

Proposed sub-division of car showroom to form two retail units at former premises of Phillip Peterson Car Showroom, Model School Road, Ballymoney for Maurice Scott, Drum Irish Properties.

It was **AGREED:** That an office meeting be held (Councillor Kennedy).

Councillor Kennedy expressed disappointment in the decision stating that businesses previously operated successfully in what is considered to be the main thoroughfare out of the town and that these premises are served by their own car parking facilities. He requested Planning Service reconsiders the application referring to the benefits of sub-division to both the applicant and the area in the current economic climate. Councillors Finlay, Stevenson and Robinson supported the Mayor's comments.

Item No 7 – D/2011/0007/F – Approval

Proposed dwelling and garage at 365m SE of 134 Finvoy Road, Ballymoney for Mr Horace Stronge.

Objection letters: (1) Concern about impact on amenity.

Councillor Finlay welcomed the decision of the Department to approve the application.

Item No 8 – D/2011/0008/F – Approval

Proposed dwelling and garage at 316m East of 142 Finvoy Road, Ballymoney for Mr Horace Stronge.

Objection letters: (4) Concern about build up and impact on residential amenity.

Item No 9 – D/2011/0017/F - Refusal

Proposed site of a dwelling and garage on a farm at 750m SSE of Loughgiel Chapel, Loughgiel for Mr Patrick McAleese.

It was **AGREED:** That an office meeting be held (Councillor Cavlan/Councillor Kennedy).

Item No 10 – D/2011/0025/O – Refusal

Proposed site for dwelling (To supersede previous approval D/2005/0168) but with access via existing laneway to north of no 23 Lisconnan Road for Duple Holdings Ltd.

It was **AGREED:** That an office meeting be held (Councillor Finlay/Councillor Robinson). Roads Service will also be invited to attend.

Item No 12 – D/2011/0030/O – Refusal Private dwelling and garage at site adjacent no. 13 Kilmoyle Road, Ballymoney for Mr Trevor Shaw.

It was **AGREED:** That an office meeting be held (Councillor Finlay).

7.2 Applications 1 – 4 (Deferred) were considered and the opinion of the Planning Service accepted except where stated otherwise.

Item No 1 – D1/2010/0164/O – Approval

The Planning Officer advised that boundaries and landscape have been amended and that access and site line issues have been resolved.

Item No 2 – D/2010/0200/O – Approval

Site lines and access issues have been resolved and location of dwelling agreed.

Item No 3 – D/2010/0214/F – Approval

Contamination issues resolved. Health & Environmental Services conditions agreed relating to livestock.

At the request of Councillor Cavlan, the Planning Officer advised that the condition will be monitored and that no objection letters had been received.

Item No 4 – D/2010/0338/O – Refusal

Unable to agree proposal following office meeting. The Planning Officer agreed to hold the application to enable the applicant to withdraw. Alderman Connolly stated the applicant's intention to appeal the decision.

It was proposed by Alderman Connolly, seconded by Councillor Finlay and **AGREED:**

that Council support the applicant in his appeal against the decision to refuse the application.

Date of Office Meetings: Thursday 12th May at 10.00 am, Lanyon Room.

* **The Director of Borough Services and the Head of Corporate and Development Services joined the meeting at 2.20 and 2.30 pm respectively.**

In response to a query from Councillor Stevenson relating to the issue of 10% green space condition applied to new builds and requesting clarification on the responsibility of maintenance, the Planning Officer referred to a number of options currently under investigation including the use of private management companies.

Member thanked the Planning Officer for his work with Ballymoney Council in planning matters. The Planning Officer reciprocated and wished members well in the future election.

- * **The Planning Officer, Alderman Simpson and members of the press left the meeting at 2.50 pm.**

61.8 FUTURE OF BUS OPERATOR LICENSING IN NI

A consultation on proposals for the Future of Bus Operator Licensing in NI commenced on 24 June 2010, concluding on 24 September 2010. A copy of the synopsis of responses has been published and is available on <http://www.roadsafetyni.gov.uk>. A copy is available on request from the Office of the Chief Executive.

61.9 SEAL DOCUMENTS

It was proposed by Councillor Stevenson, seconded by Councillor Robinson and **AGREED:**

that the Seal of Council be affixed to Grave Registration certificate numbers 1234, 1235 & 1236.

61.10 DEVELOPMENT COMMITTEE REPORT

The Head of Corporate & Development Services presented the report.

10.1 Interreg IVA (NEP)

The Interreg IVA Tourism Measure call due to open on 8th February has been postponed and to date no revised opening date has been advised. The funding available is £9.5M. In preparation for the call opening and in the light of the amount of resource time required to prepare applications, NEP officer representatives met on 12th April to review previously rejected applications, to receive feedback from discussions with SEUPB, NITB and Failte Ireland and to discuss proposed new applications.

It was agreed that the best way forward, in the light of the resource input necessary, was to engage a consultant to review the existing proposal for biker tourism project and further develop in consultation with the officer team, to include additional theme(s) eg myths & legends on which work had already been advanced by Causeway Coast & Glens RTP, and to consult with other partner organizations.

It is **recommended** [a] that Council approve a joint procurement exercise for a consultant to develop the regional tourism proposal, at estimated cost to Council of £500 and [b] that Council agree to the procurement exercise being undertaken by Ballymena Borough Council through their procurement procedures, based on their select list of economic development consultants.

At the request of Councillor Robinson, the Head of Corporate and Development Services advised that no budget provision has been made and that a report relating to the funding will be made to the Committee in the near future.

It was proposed by Councillor Finlay, seconded by Councillor McCamphill and **AGREED:**

[a] that Council approve a joint procurement exercise for a consultant to develop the regional tourism proposal, at estimated cost to Council of £500 and

[b] that Council agree to the procurement exercise being undertaken by Ballymena Borough Council through their procurement procedures, based on their select list of economic development consultants.

10.2 Rural Development Programme

Following meeting with Officers from Village Renewal Programme and Sustainable Communities and Director of Borough Services regarding the Cloughmills Village Project it is **recommended** that applications be submitted for feasibility Study of Council owned site at Old Mill £5,000, for which match funding of 25% is required and also for Cloughmills Play Area for funding provision has been made in Borough Services Amenities projects budget.

The Director of Borough Services emphasized the need to undertake the feasibility study in order to provide information on how to fully utilize the site.

It was proposed by Councillor McCamphill, seconded by Councillor Finlay and **AGREED:**

that applications be submitted for feasibility Study of Council owned site at Old Mill £5,000, for which match funding of 25% is required and also for Cloughmills Play Area for which funding provision has been made in Borough Services Amenities projects budget.

* Councillor Robinson left the meeting at 2.55 pm and returned at 3.05 pm.

61.11 HEALTH & ENVIRONMENTAL SERVICES REPORT

MATTERS FOR CONSIDERATION

ENVIRONMENTAL SERVICES

The Director of Borough Services presented the report at the meeting as the Committee meeting which should have been held in April had been inquorate. He advised that item 3 of the report (brown bin service) would be deferred until a further meeting of Committee.

It was proposed by Councillor Cavlan, seconded by Councillor Finlay and **AGREED:**

that the recommendations contained in items 5 to 13 of the report, as detailed below (11.1 to 11.9) be adopted. Items 6 – 26 (11.10 – 11.22) were listed for information.

FOOD CONTROL

11.1 FOOD HYGIENE RATING SCHEME (FHRS)

Consistent implementation and operation of the Food Hygiene Rating Scheme (FHRS) is critical to ensuring that consumers are able to make meaningful comparisons of food hygiene ratings for businesses both within a single local authority area and across different local authority areas. It is also critical to ensuring that businesses are treated fairly and equitably.

The FSA and local authorities participating in the FHRS both have a role to play in achieving such consistency. In order to demonstrate commitment to working in partnership and fulfilling their respective responsibilities, the FSA and each participating local authority are required to sign a formal agreement. The agreement is based on the 'Brand Standard' for the FHRS which, in effect, is the guidance provided by the FSA. The aim is to ensure that where establishments are rated under the FHRS and where consumers see the FHRS branding, they can be confident that the local authority is operating the FHRS as the FSA intends.

A copy of the outline of responsibilities was circulated.

IT IS RECOMMENDED that Ballymoney Borough Council sign the agreement to implement and operate the Food Hygiene Rating Scheme. ***IT IS FURTHER RECOMMENDED*** that the Chief Executive be appointed to sign the agreement on behalf of Ballymoney Borough Council.

11.2 ENVIRONMENTAL HEALTH GENERAL

PUBLIC HEALTH (IRELAND) ACT 1878 AS AMENDED 27 MAIN STREET, CLOUGHMILLS, BALLYMENA, BT44 9LF

Further to a request from the landlord of the above property for an inspection under the Private Tenancies (NI) Order 2006 the following defects considered to be prejudicial to health were observed.

Internal

- High levels of dampness to living room wall underneath the window sill.

IT IS RECOMMENDED that an abatement notice be served on the landlord of the premises under Section 110 of the Public Health (Ireland) Act 1878 as amended with a time period of compliance of 90 days in order to remedy the condition thereat as described above.

11.3 PUBLIC HEALTH (IRELAND) ACT 1878 AS AMENDED 29 QUEEN STREET, BALLYMONEY, BT53 6JD.

Further to a complaint received in respect of the above property a quantity of putrescible waste was observed in the rear yard which was considered to be prejudicial to health.

IT IS RECOMMENDED that an abatement notice be served on the owner/occupier of the above premises under Section 110 of the Public Health (Ireland) Act 1878 as amended with a time period of 7 days in order to remedy the condition thereat as described above.

11.4 LICENSING

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATIONS (FULL) (RENEWAL)

Premises

Applicant

The Glynns Bar,
23 Church Street, BALLYMONEY

Mr. Brooke Huey

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licences as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise files also apply.

11.5 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATIONS (FOURTEEN UNSPECIFIED DAYS) (RENEWAL)

Premises

Applicant

Loughgiel Millennium Centre,
38 Lough Road,
Loughgiel, BALLYMENA BT44 9JN.

Mr. Francis J. McCluskey

Lavin Orange Hall,
193 Drones Road,
Dunloy, BALLYMENA BT44 9BQ.

Mr. James Murphy

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the case of Loughgiel Millennium Centre subject to a satisfactory emergency lighting certificate being received. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise files also apply.

11.6 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATION (FOURTEEN UNSPECIFIED DAYS) (GRANT)

Premises

Applicant

AGG Furniture,
24 Drumlee Road,

Mr. Samuel Dunlop,
Finvoy Young Farmers Club

BALLYMONEY BT53 7LE.

IT IS RECOMMENDED that the Borough Council grant the Indoor Entertainment's Licence as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise files also applies.

11.7 **BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NORTHERN IRELAND) ORDER 1985**

Application has been received from the undernoted Society for grant of registration by the Borough Council (Article 136 of the 1985 Order refers):-

<u>Society</u>	<u>Lottery Promoter</u>	<u>Fee</u>
Christopher Boyd Roller Hockey Junior Olympics Supporters Club	Mr. Brien Stewart, 47 Alexandra Avenue, BALLYMONEY BT53 6ET.	£35-00

IT IS RECOMMENDED that the Borough Council grant the registration of the above-mentioned Society.

BUILDING CONTROL

11.8 **BUILDING CONTROL APPLICATIONS**

IT IS RECOMMENDED that Council note that during the report period, its Building Control Service approved various applications, which were in accordance with the requirements of the Building Regulations (Northern Ireland) 2000 as follows:-

<u>Application Type</u>	<u>Approvals</u> <u>March</u>
Full Plans	32
Building Notices	10
Regularisations	0
TOTAL:-	42

11.9 **REJECTION OF BUILDING PLANS - MARCH 2011**

IT IS RECOMMENDED that Council note that during the report period, its Building Control Service rejected various applications, which contravened the requirements of the Building Regulations (Northern Ireland) 2000, for the reasons stated:-

Application Ref.	Regulation:	Reason for Rejection:
B/2007/0169	A10 & Schedule 2 D1	Failure to provide sufficient information Failure to provide structural certification & timber frame details
B/2008/0036	A10 & Schedule 2 D1	Failure to provide additional information Failure to provide sufficient information

		to assess stability of structure
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The applicants and their agents in all cases have been issued with Notices of Rejection of Plans, setting out the reasons for rejection, as required under Article 13 of the Building Regulations (Northern Ireland) Order 1979.

The applicants and their agents have also been notified of their right to appeal, within 56 days, to the Department of Finance and Personnel, as required under Article 17 of the Building Regulations (Northern Ireland) Order 1979.

MATTERS FOR INFORMATION

ENVIRONMENTAL SERVICES

11.10 MUNICIPAL WASTE RETURNS

<u>Waste Type</u>	<u>Mar 10</u>	<u>Mar 11</u>	<u>Apr 09 – Mar 10</u>	<u>Apr 10 – Mar 11</u>
Mixed Residual Waste (waste direct to landfill) 0.46%	819.70t	824.90 +0.63%	9,447.65t	9,404.36t -
Mixed Dry Recyclables (blue bin recycling)	143.60t	148.36t +3.31%	1,627.96t	1,655.71t +1.70%
Garden Waste* (brown bin recycling)	n/a	n/a	1,153.66t	1,201.52t +4.15%
Waste Recovery (segregated CA site waste)	71.04t	94.34 +32.80%	1,000.14t	918.54t -8.16%
Cardboard Recycling	5.40t	5.62t +4.07%	86.38t	80.23t -7.12%
Timber**	n/a	38.82t	n/a	113.42t

*1 Brown bin service suspended 1st November 2010.

** Timber recycling commenced 1st November 2010.

11.11 KNOCK ROAD & CROSSTAGHERTY HOUSEHOLD RECYCLING CENTRES EASTER OPENING TIMES

Alternative opening times will be in operation at Knock Road and Crosstagherty Household Recycling Centres over the Easter holiday period. These are:-

Good Friday	Friday 22 nd April	10.00am – 4.00pm
Easter Saturday	Saturday 23 rd April	Unchanged (10.00am – 6.30pm)
Easter Sunday	Sunday 24 th April	Closed
Easter Monday	Monday 25 th April	10.00am – 4.00pm
Easter Tuesday	Tuesday 26 th April	10.00am – 4.00pm
Royal Wedding	Friday 29 th April	10.00am – 4.00pm

11.12 REPLACEMENT RCV

Further to the provision made by Council for 2011-2012 work is on-going as regards the preparation of a specification for the purchase of a replacement refuse collection vehicle. It is anticipated that tenders will be invited later this month so that same might be returned and opened and report made to the May Committee meeting.

11.13 RETHINK WASTE PROJECT FUNDING

Council was recently successful in obtaining funding for four schemes through the Department of the Environment's Rethink Waste campaign. In addition, Council also helped Cloughmills Community Action Team secure funding for a food waste project.

All projects have been implemented, with funding obtained used as follows:

- **Installation of concrete wall units at Crosstagherty Waste Handling & Transfer Facility to enable bulking up of timber.** There are now dedicated skips at Knock Road and Crosstagherty Household Recycling Centres for the collection of timber. Since the inception of this service in November 2010, 113 tonnes of timber have been diverted from landfill.
- **Installation of a static compactor for food and bagged waste at Crosstagherty Household Recycling Centre.** This assists in establishing a mindset of waste separation at this recycling centre and ensures food waste no longer contaminates bulky household waste sent for sorting and diversion from landfill.
- **New signage and branding across all Council recycling centres.** The former civic amenity sites are now rebranded as household recycling centres, highlighting the growing emphasis on waste separation and recycling, rather than waste disposal. All community and supermarket recycling centres also have new signage. Poster holders have been erected at the community recycling centres so that information on council recycling services can be displayed.
- **A communications campaign raising the profile of reducing and reusing waste, rather than simply recycling waste generated.** Through this, Council purchased new Agripa advertising panels for refuse collection vehicles promoting blue bins and the reduce, reuse, recycle message. Also purchased were display materials for educational work with schools and community groups, and two advertisements in the local newspapers outlining all the waste management options available across the Borough.

Incredible Edible Cloughmills

In addition, Council collaborated with Cloughmills Community Action Team under the Incredible Edible Cloughmills umbrella on a food waste project. Key elements of the project include:

- Display materials – pop up banners, street banners and car stickers.

- Promotional items – biodegradable water bottles, pens, food clips, plastic lids, shopping bags and aprons.
- Workshops with schools on ‘waste free lunches’.
- Development of a website www.incredibleediblecloughmills.eu. This will showcase the project and its activities.
- Production of a story book ‘Shall I put this in the bin?’
- Meetings to discuss how to maximise the impacts of local food production and consumption.

These projects all represent efforts being made to encourage Borough residents to think of waste as a resource and landfill as a last resort. It is hoped that householders and the wider community will use the Council’s recycling facilities and services to their maximum potential.

11.14 NORTH WEST REGION WASTE MANAGEMENT JOINT COMMITTEE

The Minutes of the North West Region Waste Management Joint Committee as detailed below, together with the NWRWGM Annual Report for 2009-2010, have been furnished to members with Committee papers.

3rd November 2010
1st February 2011
9th March 2011

11.15 SEGREGATED CA SITE WASTE (WASTE RECOVERY)

The present Council’s service provider has advised that from 1st April 2011 the cost per tonne will increase by 6.36%.

ENVIRONMENTAL PROTECTION

11.16 CRAIGS AREA OF SPECIAL SCIENTIFIC INTEREST: NOTIFICATION UNDER ARTICLE 28 OF THE ENVIRONMENT (NI) ORDER 2002

The Department of the Environment has advised Council (by letter dated 16th March 2011) that it has made a declaration that the area delineated and described on the map ((as circulated) is an Area of Special Scientific Interest.

The DoE has invited Council to make representations or objections to this declaration, should it wish to do so, by 18th July 2011. It advises that it will consider any representations or objections received by that date before deciding either to confirm the declaration, with or without modifications or rescind it. The DoE further advises that it must confirm or rescind the declaration on or before 17th October 2011.

FOOD CONTROL**11.17 FOOD HYGIENE REGULATIONS (NI) 2006 REGULATION 6, HYGIENE IMPROVEMENT NOTICES**

The following Hygiene Improvement Notice was served on the food business operator of XXX, on 25th March 2011, for failing to comply with the above regulations. The premises were in breach of Article 17(1) of the Food Hygiene Regulations (NI) 2006 in that they contravened the following community provisions:

- Regulation (EC) 852/2004 Annex II chapter I para 4 regarding the need for a wash hand basin.

LICENSING**11.18 LICENSING (NORTHERN IRELAND) ORDER 1996**

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Mandy Graham, 5 Millbrook Court, BALLYMONEY.	Transfer of Licence at 15 Carncullagh Road, Dervock, BALLYMONEY.	23/2/11
Kenneth and Anthea Curran, 17 Knockbracken Grove, COLERAINE.	Transfer of Licence at Bellaghy Road, Dunloy, BALLYMENA.	16/3/11
Shirley Ann McKinley, 23 Culcrum Road, Cloughmills, BALLYMENA.	Transfer of Licence at The Scenic Inn, 38 Fivey Road, BALLYMONEY.	23/3/11

PLANNING CONSULTATIONS**11.19 PLANNING CONSULTATION RESPONSES**

The following responses have been returned to Planning Service and are provided to Members for information.

Application	Address	Proposal	Comments
D/2010/0316/F	R/O 19 Shanaghy Road, Ballymoney.	Proposed new dwelling and garage.	No drawings available on EPIC to comment on.
D/2010/0118/F	Between 30 & 32 Ballymena	Proposed housing development	Additional information sought regarding

Application	Address	Proposal	Comments
	Road and SE of Grange Drive, Ballymoney.	comprising 53 townhouses, 36 semi-detached and 9 detached, open space areas, roadways and private streets determination.	collection point for refuse receptacles.
D/2011/0012/F	200m N of 43 Ballyportery Road, Dunloy.	Dwelling on a farm.	Informative: Dwelling may be affected by noise and odour from normal farm operations.
D/2011/005/O	50m W 98A Coolkeeran Road, Armoy.	Dwelling on farm and detached garage.	Informative: Dwelling may be affected by noise and odour from normal farm operations.
D/2011/0072/O	120m NW of 71 Ballybogey Road, Ballymoney.	Site for dwelling and garage.	Informative: Dwelling may be affected by noise and odour from normal farm operations.
D/2011/0027/F	28 Market Street, Ballymoney.	Concrete portal frame to store rock salt.	Noise and dust assessment required to protect amenity of neighbouring properties.
D/2011/0024/F	Lands at 138 and 140 Knock Road, Dervock.	Proposed redevelopment of site to include 8 semi and 8 detached dwellings with associated parking facilities.	Request condition to ensure maintenance of package sewage treatment works.

11.20 COMMUNITY SAFETY

The Department of Justice Community Safety Unit has awarded Ballymoney Community Safety Partnership £37,617 towards their action plan for the period April 2011 – March 2012. The Partnership will deliver projects under three strategic areas, namely:

1. **Anti social behavior**
 - 1.1 Youth Outreach
 - 1.2 Incredible Edible
 - 1.3 Bonfire Incentive Scheme
 - 1.4 Makin' Sense
 - 1.5 Rural ASB & Theft

- 2. **Hate crime**
 - 2.1 Racism Ruins Lives
- 3. **Fear of crime**
 - 3.1 Engage
 - 3.2 Cyber Crime

FUEL POVERTY

11.21 BALLYMONEY AFFORDABLE FUEL SCHEME

26,900 oil stamps were sold between April 2010 and March 2011 to the value of £134,500. This was a 56% increase on the previous year.

The Oil Stamps Savings Cards have been redesigned this year to allow oil companies the opportunity of advertising their name, telephone number and logo on the cards at a cost of £100 per company for the year.

12 companies have chosen to advertise which will provide funding towards the cost of this year's cards and oil stamps.

11.22 NORTHERN IRELAND FUEL POVERTY STRATEGY

The Strategy was launched by the DSD in March 2011; it has identified four key areas for action: the targeting of resources, improving energy efficiency, achieving affordable energy and building partnerships. The document can be accessed at:

<http://www.dsdni.gov.uk/warmer-healthier-homes.pdf>

- * **Councillor Robinson left the meeting at 2.55 pm and returned at 3.05 pm.**
- * **The Head of Central & Leisure Services joined the meeting at 3.05**

61.12 VAT TREATMENT OF COMMERCIAL WASTE COLLECTION SERVICES PROVIDED BY LOCAL AUTHORITIES

Further to Minute HES369.18 (22nd February 2011), the Director advised that written confirmation had now been received that following the review of the VAT treatment of local authority commercial waste collection services by HM Revenue & Customs "this has led us to conclude that these services are outside the scope of VAT, whereas hitherto we have regarded them as taxable at the standard rate."

In light of the change in the VAT position consideration needs to be given to the following:-

- (1) stop accounting for VAT on trade waste services and
- (2) undertake preparatory work in order to submit by the end of June 2011 a claim to HMRC for overpaid VAT on trade waste income for the last 4 years.

IT IS RECOMMENDED that Committee endorse the above approach and make a recommendation to Council accordingly.

It was proposed by Councillor Cavlan, seconded by Councillor Robinson and **AGREED:**

that Council would

- (1) stop accounting for VAT on trade waste services and*
- (2) undertake preparatory work in order to submit by the end of June 2011 a claim to HMRC for overpaid VAT on trade waste income for the last 4 years.*

Committee is asked to note the following –

- HMRC is likely to resist payment of a 4 year claim (for overpaid VAT) and will mount a challenge on the grounds of unjust enrichment.
- One of the key aspects when considering unjust enrichment is the impact of VAT changes on pricing. Advice received by Finance indicates that keeping the prices at the “full cost” (inclusive of VAT) would improve the chances of a 4 year claim being paid by HMRC; however Council would also need to consider the likely impact of this on customers, particularly VAT registered businesses who presently can recover input VAT.
- It is the case that 2 neighbouring Councils have reduced their charges to their customers.

As invoices for trade waste services for the quarter January to March 2011 ought to have been issued but are presently delayed, it is necessary for Council to make a decision on trade waste charges in the light of the revised VAT position.

IT IS RECOMMENDED that Committee consider the matter and make recommendation to Council.

The Director of Borough Services and the Director of Central & Leisure Services responded to questions from members.

It was proposed by Councillor Cavlan, seconded by Councillor Robinson and **AGREED:**

that Council remove the VAT element on trade waste services from January – March 2011 quarter.

* **Councillor Cavlan left the meeting at 3.25 pm.**

61.13 MINUTES OF LEISURE & AMENITIES MEETING NO 383 - 12th April 2011

Alderman Campbell presented the report.

It was proposed by Councillor Finlay, seconded by Councillor Stevenson and **AGREED:**

that the minutes of Meeting No 383 – 12th April 2011, as circulated, be confirmed as a correct record.

With the consent of the Chair, Alderman Campbell, presented an additional item.

61.14 ROBERT DUNLOP MEMORIAL GARDEN

Mr M Whyte (NW200) has offered, on behalf of the club, to plant a tree in the memorial garden together with a plaque at no cost to the Council. The Director of Borough Services advised the need to explore the site for suitability and agree the wording on the plaque.

It was proposed by Alderman Campbell, seconded by Councillor Finlay and **AGREED:**

that Council accept, in principle, Mr Whyte's offer of a tree and plaque to be placed in the Robert Dunlop Memorial Garden subject to further exploration and discussion.

61.15 FESTIVE LIGHTING INSTALLATION 2011 AND 2015 ELECTRICAL ENGINEERING SERVICES

Following re-advertisement the following applications for the Select List were received:

1. Dowds Group, 2/4 Milltown Road, Ballymoney BT53 6LE
2. P Dougan Electrical Contractor, 5 Church Street, Ahoghill BT42 2PA
3. GB Electrics, 39 Terryhoogan Road, Scara BT63 6NJ
4. RHK Davidson & Co. Ltd., 35 Bushmills Road, Coleraine BT52 2BP
5. Braid Electrical Services Ltd., Railway Street, Ballymena BT42 2AF
6. HM Electrics Ltd., 95 Glen Road, Maghera BT46 5JG

Applications were considered against the criteria and information requirements outlined in the Notice to Electrical Contractors.

Three firms are deemed to meet the criteria and experience necessary for the contract:

1. Dowds Group, 2/4 Milltown Road, Ballymoney BT53 6LE
2. RHK Davidson & Co. Ltd., 35 Bushmills Road, Coleraine BT52 2BP
3. HM Electrics Ltd., 95 Glen Road, Maghera BT46 5JG

All three are recommended for inclusion on the Select List.

The other three firms have not provided clear evidence of sufficient experience in the provision of electrical services associated with the testing, erection and removal of festive lighting and are not recommended for inclusion on the Select List

Two Contractors were recommended for inclusion on the Select List following responses to the first advert - KPL Contracts Limited and Irwin Electrical Services Limited

The full recommended list is therefore:

1. Dowds Group, 2/4 Milltown Road, Ballymoney BT53 6LE
2. RHK Davidson & Co. Ltd., 35 Bushmills Road, Coleraine BT52 2BP

3. HM Electrics Ltd., 95 Glen Road, Maghera BT46 5JG
4. KPL Contracts Ltd., 414A Ballyquin Road, Dungiven BT47 4NQ
5. Irwin Electrical Services Limited, Unit 4 Diviny Drive, Portadown

It was proposed by Alderman Campbell, seconded by Councillor Finlay and **AGREED:**

that the following Companies be included on Council's Select List for tenders:

- 1. Dowds Group, 2/4 Milltown Road, Ballymoney BT53 6LE**
- 2. RHK Davidson & Co. Ltd., 35 Bushmills Road, Coleraine BT52 2BP**
- 3. HM Electrics Ltd., 95 Glen Road, Maghera BT46 5JG**
- 4. KPL Contracts Ltd., 414A Ballyquin Road, Dungiven BT47 4NQ**
- 5. Irwin Electrical Services Limited, Unit 4 Diviny Drive, Portadown**

With the consent of the Chair, the Chief Executive presented two additional items.

61.16 QUARRY PRODUCTS

Correspondence has been received from QPA NI inviting members to one of a series of Regional Forums on 22nd April 2011. Further details of the forums can be obtained from the Office of the Chief Executive

61.16 SOMME PILGRIMAGE

Council has reserved two places at this event. Members are requested to nominate attendees.

It was proposed by Alderman Campbell, seconded by Councillor Stevenson and **AGREED:**

that Councillor Finlay be nominated to attend the Somme Pilgrimage.

It was proposed by Councillor Simpson, seconded by Councillor Halliday and **AGREED:**

that Councillor Robinson be nominated to attend the Somme Pilgrimage.

The Chief Executive extended thanks and best wishes to members for working with Council since their election and wished them every success for the forthcoming election.

Councillor Robinson, on behalf of the DUP thanked the Chief Executive for the help, assistance and co-operative working of Council. Councillor Stevenson and Alderman Campbell concurred with Councillor Robinson's remarks.

Alderman Connolly thanked members and staff for their commitment in carrying out the business of the Council. He also thanked members for his nomination to Chair of the Consultation Committee.

The meeting concluded at 3.40 p.m.