

Ballymoney Borough Council

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Ballymoney Borough Council

Minutes of Council Meeting No 867 held in the Council Chamber, Riada House, Ballymoney on Monday 1st October 2007

IN THE CHAIR: Councillor J Finlay, Mayor

PRESENT:

Aldermen
F Campbell
H Connolly, Deputy Mayor
C Cousley
J Simpson

Councillors
A Cavlan
B Kennedy
M McCamphill
P McGuigan
D McKay, MLA
T McKeown
A Patterson
E Robinson
I Stevenson
M Storey, MLA
R Wilson

APOLOGIES: A Cavlan

IN ATTENDANCE: Director of Central & Leisure Services
Head of Corporate & Development Services
Committee Clerk

867.1 CONDOLENCES

The Mayor, Councillor Finlay, expressed his condolences to the families of Chloe McClelland from Liscolman and Sammy Patton from Coleraine who were tragically killed recently in separate road traffic accidents in the borough.

The Mayor said:

“This borough has, once again, been stunned by tragedy on our roads. This Council is united in its shock and sadness at this terrible loss of life and our thoughts and prayers are with the families of Mr Patton and little Chloe at this devastating time.”

867.2 CONGRATULATIONS

The Deputy Mayor extended congratulations to Dunloy Gaelic Athletic Club in their success against St Enda's in the Intermediate County Antrim Football Championship and wished both teams well for the future.

867.3 GOOD WISHES

The Mayor conveyed best wishes to Alderman Simpson's wife for recovery to full health following recent illness and to the Chief Executive and his family at the time of serious family illness.

867.4 MINUTES – MEETING NO 866 – 3RD SEPTEMBER 2007

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

that the minutes of Meeting No 866 on 3rd September 2007, as circulated, be adopted.

867.5 SEAL DOCUMENTS

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

that the Seal of the Council be affixed to Grave Registry Certificate numbers 1079 and 1080.

* **Councillor Kennedy arrived at 7.35 pm.**

867.6 CONSULTATION COMMITTEE NO 19 – 17TH SEPTEMBER 2007

Councillor Wilson presented the report.

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

that the minutes of Meeting No 19 – 17th September 2007, as circulated be adopted.

867.7 DEVELOPMENT COMMITTEE NO 186 – 10TH SEPTEMBER 2007

The report was presented by Councillor Stevenson, including the following addendum.

* **Councillor Patterson arrived at 7.37 pm.**

7.1 Reports Addendum

7.1.1 Rural Development Programme 2007- 2013 (866.5)

Correspondence has been received from the office of the Minister for Agriculture and Rural Development.

The Minister has indicated that in order to fully maximise the impact of the Programme there is need for substantially more involvement from Councils than has previously been the case. Among the benefits of increased local government involvement will be economies of scale, complementary of strategies and improved corporate governance and financial arrangements.

The new delivery model, which will retain the Leader Methodology of “bottom up” working, will involve self defining Council clusters working in partnership with new Local Action Groups (LAGs). The Council clusters (at least 3 in each cluster) will establish the LAGs by way of an open call, and together with LAGs, will be responsible for developing a strategy that will meet the needs of the area. The Council will also be charged with the accounting and financial governance arrangements for Axis 3. A budget has been set aside to enable Council clusters to undertake animation action within their area for the purpose of establishing LAGs and drawing up strategies.

The Minister is inviting Council’s support and co-operation to take the programme forward in an expeditious and efficient manner. Speed will be of the essence in order to put the necessary processes in place, and the Minister has requested Council’s assurances that not a day will be lost in getting these funds out to the communities most in need.

The Minister is also placing great importance on the key role of the LAGs in delivering the Programme. She considers it imperative that the LAGs are fully representative of their area, and play a full part in implementation.

Members will recall that Council has agreed, subject to emerging issues relating to RPA and the EU programmes and the outcome of the SOLACE review exercise, to form a North Antrim Council Cluster comprising Ballymoney, Moyle, Ballymena and Larne Councils, subject to review if further requests to join the Cluster emerge. It has also taken the view that the proposed Cluster, managed by a Joint Committee, deal with all EU programmes.

In the light of the guidance from DARD the working group of Directors/Heads of Development, who have presented proposals to date on the matter, now propose to give the delivery arrangements for the rural development programme further consideration. In view of the tight timescale imposed by DARD to settle delivery arrangements etc it is **recommended** that Council authorise the Development Committee to consider proposals by the officer group and make a decision on this matter.

7.1.2 Railways Report Launch (2)

Following on from the initial launch event the Northern Corridor Railways Group has advised on plans for the second event in the Long Gallery on 18th October at 11.45 a.m. – 1.30 p.m. The Group is planning a cavalcade by rail from all points on the line. Further details will issue shortly. Members are asked to note the date in their diary and aim to attend to lend their support to the event.

7.2 Adoption of Minutes

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

that the minutes of Meeting No 186 – 10th September 2007, as circulated, including the addendus as detailed in 7.1 above be adopted.

* Councillor McKeown arrived at 7.40 pm

867.8 LEISURE & AMENITIES COMMITTEE NO 335 – 18th SEPTEMBER 2007

Alderman Campbell presented the report including a report from the Leisure Projects Working Group Meeting on 25th September 2007, copy attached as Appendix A.

Matters Arising

8.1 Priest's Well, Rasharkin: Assertion of Public Right of Way (335.13.1)

Alderman Simpson advised members of his understanding, having taken advice from Countryside Officers, that Council is not obliged to take responsibility for the maintenance of an asserted public right of way and expressed the view that Council should adopt the right of way without agreeing to maintenance.

MOTION ONE

It was proposed by Councillor McKay, seconded by Councillor McGuigan.

that the Priest's Well Rasharkin be adopted in accordance with Council's statutory duty under Access to the Countryside (NI) Order 1983 Part II, Section 3 (1) and that Council carries out its obligations contained therein.

Councillor Kennedy expressed the view that the right of way should be adopted.

AMENDMENT

Councillor Robinson proposed an amendment

that the matter be deferred to the next meeting of Committee.

This was seconded by Councillor Stevenson.

The Mayor put the amendment to the meeting. 8 members voted in favour and 2 voted against.

The Mayor declared the amendment carried.

Alderman Simpson undertook to present the Committee with information to support his assertion that Council need not maintain an adopted Right of Way.

8.2 Museum Project Working Group (335.3)

The Director of Central & Leisure Services advised that it is the responsibility of party leaders to nominate members to the working group. She will contact party leaders in the near future to ascertain their nominations.

8.3 Adoption of Minutes

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

that the minutes of Meeting LAC 335 - 18th September 2007, as circulated and the report from the Leisure projects Working Group Meeting on 25th September 2007, attached as Appendix A, be adopted and the recommendations therein approved.

867.9 HEALTH & ENVIRONMENTAL SERVICES COMMITTEE NO 332 – 25TH SEPTEMBER 2007

Councillor Robinson presented the report.

Matters Arising

9.1 NILAS Working Group (332.2.3)

It was agreed that the NILAS Working Group would meet on Wednesday 10th October 2007 at 4.00 pm, venue to be confirmed.

9.2 Adoption of Minutes

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

that the minutes of Meeting No 332 – 25th September 2007, as circulated, be adopted and the recommendations therein approved.

- * **Councillor Storey arrived at 8.10 pm**

867.10 CORPORATE & CENTRAL SERVICES MEETING NO 358 – 24TH SEPTEMBER 2007

Alderman Simpson presented the report.

Matters Arising

10.1 Variance Report (358.9)

In response to an inquiry by Councillor Kennedy as to why no further money was being set aside for capping the Landfill Site, the Mayor clarified the situation regarding the balance of the Capital Account and confirmed that no further monies be put into this until there is an approved landfill closure plan with costs in accordance with DoE Direction.

10.2 Adoption of Minutes

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

that the minutes of Meeting No 358 – 24th September 2007, as circulated, be adopted and the recommendations therein approved.

867.11 NOTICE OF MOTION BY COUNCILLOR M cGUIGAN

Councillor McGuigan proposed the following motion, as set out on the agenda, in respect of which notice had been given.

“That this Council supports the public sector proposal for a Visitor Centre at the Giant’s Causeway and recognises that any decision to hand the Giant’s Causeway Visitor’s Centre over to a private developer will result in a loss in public income in the medium – long term and the possible loss of World Heritage Status.”

This was seconded by Councillor McCamphill.

The Mayor, under Standing Orders, deferred the matter to the next meeting of the Development Committee. A briefing note dated 26th September 2007 from the National Trust outlining the Trust’s position on The Giant’s Causeway was circulated to members.

867.12 DISTRICT POLICING PARTNERSHIP

At its meeting on 25th June 2007 the Corporate and Central Services Committee received a briefing document on the implications of the Northern Ireland (St Andrew’s Agreement) Act 2006, for DPPs. The matter of

reconstitution of the DPP was considered and Council agreed, on the recommendation of the committee, that:

- 1) Councillor representatives to the DPP be selected using the d'Hondt formula, after the reconstitution date which was expected to be 4th September 2007 (Council has agreed that there would be 10 members on the DPP).
- 2) Council appoint four political representatives using, d'Hondt formula, to the DPP interviewing panel, at the Council meeting in October 2007.

The Policing Board have now prepared a report in accordance with the provisions of paragraph 2(4) of Schedule 8 to the NI (St Andrews Agreement) 2006. This provides details of the methodology and calculations used by the Board to determine whether DPPs meet the political condition as set out in paragraph 2(6) of the legislation. The report records the Board's determination so far as it relates to the DPP established by Council and sets

out the reasons for arriving at that view. Ballymoney DPP currently does not meet the political condition within the precise definition of d'Hondt. The Board's determination is set out in the table below.

Ballymoney	DUP	SF	UUP	SDLP	IND	IND	TOTAL
Political shape of council on 4/9/07	7	3	2	2	1	1	16
Political shape of current DPP on 4/9/07	7	0	2	1	0	0	10
Calculated political shape of DPP using d'Hondt based on political shape of council on 4/9/07	6	2	1	1	0	0	10

A copy of the Board's report on Ballymoney DPPs Political Conditions was circulated for information.

In order for the Board to begin the process to appoint independent members to the DPP, it has requested advice as to Council's decision on a political appointment date, and the names of those appointed to serve as political members on the DPP, also details of the newly elected Chairman.

IT IS RECOMMENDED that Council address the following issues:-

Nomination of Council representatives

Following on from the Board's determination, Council is invited to nominate its representatives. The Board continue to desire that DPPs are as representative and as inclusive of the whole community as practicable in the Council area. Members were reminded that there should be gender as well as community background balance.

The following nominations were accepted:

DUP Nominations:

Alderman Campbell
Alderman Cousley
Councillor Finlay
Councillor Robinson
Councillor Stevenson
Councillor Wilson

SF Nominations:

Councillor Cavlan
Councillor McGuigan

UUP Nomination:

Councillor McKeown

SDLP Nomination:

Councillor McCamphill

The Mayor confirmed that the appointment date for the political nominees was 1st October with previous members' terms of office expiring on 30th September 2007.

DPP Chair

Council should consider, and if possible agree, which order the parties should hold the Chair of the DPP.

Councillor Finlay indicated that Council had for current DPP adopted the principle that the Chair would be appointed on the basis of party strengths and the meeting concurred.

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

- i) that party Chairs over a four-year period would be
Year 1 - DUP, Year 2 - SF Year 3 – UUP and Year 4 - SDLP*
- ii) that Alderman Cousley (DUP) be appointed as Chair of
the District Policing Partnership for Year One,*

Selection Panel

As regards composition of the DPP Selection Panel for appointment of independent members, the Code of Practice recommends that the panel should include the proposed Chair of the DPP and that the panel should be representative in terms of community background and gender. Under d'Hondt it has been calculated that the selection panel would comprise 3 DUP and 1 SF.

The following nominations were accepted

Alderman Campbell (DUP)
Alderman Cousley (DUP)
Councillor Robinson (DUP)
Councillor McGuigan (SF)

Councillor Storey welcomed Sinn Féin's decision to become involved in the DPP and looked forward to their engagement at local level in policing issues. Councillor McGuigan responded stating that representation by Sinn Féin would provide an opportunity for ensuring the accountability of the Police to the community it serves.

867.13 APPLICATION FROM LONMIN PLC FOR MINERAL PROSPECTING LICENCE

At the Consultation Meeting on 17th September, the Chief Executive circulated to members additional information and maps relating to further applications by Lonmin PLC for mineral prospecting covering a wider area than originally proposed.

The matter was deferred to the Council Meeting on 1st October to give members an opportunity to study the proposals. Council agreed to re-state its previous comments on the initial application by Lonmin PLC.

* **Councillor McGuigan and Councillor McKay left the meeting at 8.20 pm**

867.14 ROADS SERVICE

- 13.1 Private Streets (Northern Ireland) Order 1980 Lay By Parking at Glebe Park, Rasharkin.
Developer: Northern Ireland Housing Executive
Roads Service has now adopted the streets at the above development – noted.
- 13.2 Private Streets (Northern Ireland) Order 1980 Development at Beechcroft, Ballymoney Stage 2
Developer: David Patton & Sons (NI) Ltd
Roads Service has now adopted the streets at the above development – noted.

867.15 PARENTS & PROFESSIONAL AUTISM NORTHERN IRELAND

- Members are invited to join families, friends and individuals with autism as they "Walk The Walk" for autism on 13th October 2007.
- A Ministerial Review on autism has been set up and Council are encouraged to take the opportunity to address this Review by articulating the views of the Council regarding autism provision, recognition and the need for legislation to address the shortcomings in existing Disability Legislation and the Bamford Review.
- Council is also asked to endorse the initiative of the Celtic Nations Autism Partnership (CNAP), when visiting political representatives will travel to Washington on a fact finding visit in support of autism legislation.

867.16 MODERNISATION OF SOCIAL SECURITY SERVICES

In December 2006, the Agency began to review its organisation and business structures. Phase 1 revealed that while overall performance was good, there were stresses at individual unit/local office level in some areas. Approval was given for Phase 2 of the review to commence to identify and develop options for how the Agency would be organised in future years. Following an in-depth internal evaluation the Review has identified 5 change options. The shortlist has received the approval of the Project Board and the new Minister for Social Development for detailed examination and completion of a supporting Business Case for a preferred option.

The Agency has written to advise that it plans to return to the Minister later in the year to seek her agreement on the preferred option and to proceed with a full public consultation on the proposals.

867.17 SOCIAL SECURITY AGENCY REVIEW OF OUTREACH SERVICE TO OLDER PEOPLE

The Agency has written to advise of an operational change that will impact on the Pension Service from 1st October 2007.

In order to realise the full potential of telephone service to older people, all future contact with the Pension Service will now be made initially through the Pension Centre direct line number 0808 100 6165 (rather than through an individual Pension Adviser). The Pension Centre will deal with the enquiry and if face-to-face contact is appropriate, the necessary arrangements will be made.

This being all the business, the meeting closed at 8.25 pm.

Appendices:

Appendix A – Leisure Projects Working Group Meeting