

**BALLYMONEY BOROUGH COUNCIL****COUNCIL MEETING NO 855 – 5th February 2007****TABLE OF CONTENTS**

<b>855.1</b>	Election of Chair	<i>Alderman Connolly elected in the absence of Deputy Mayor (item 855.2 only)</i>
<b>855.2</b>	Presentation – Modernising Social Security Service	<i>To be re-arranged</i>
<b>855.3</b>	Progress Report – Mayor	<i>For information</i>
<b>855.4</b>	Minutes of Council Meeting No 853 – 2 <sup>nd</sup> January 2007	<i>Adopted</i>
<b>855.5</b>	Minutes of Council Meeting No 854 (Rates) – 29 <sup>th</sup> January 2007	<i>Adopted</i>
<b>855.6</b>	Seal Documents	<i>Affix Seal of Council to Grave Registration Certificates 1038-1046 inc</i>
<b>855.7</b>	Minutes of Consultation Meeting No 09 – 15 <sup>th</sup> January 2007	<i>Adopted</i>
<b>855.8</b>	Minutes of Development Committee No 178 – 8 <sup>th</sup> January 2007	<i>Adopted</i>
	8.1 Ballymoney Music Centre (178.4)	
	8.2 North East Partnership (178.6)	
	8.3 International Link (178.8 & Addendum)	
	8.4 Northern Railways Group	
	8.5 Adoption of Minutes	
<b>855.9</b>	Minutes of Leisure & Amenities Committee No 326 – 16 <sup>th</sup> January 2007	<i>Adopted</i>
	9.1 Kilraughts Road Roundabout	
	9.2 Riverside Park Improvements (326.6)	
	9.3 Adoption of Minutes	
<b>855.10</b>	Minutes of Corporate & Central Services Committee No 351 – 22 <sup>nd</sup> January 2007	<i>Adopted</i>
	10.1 Draft Local Government Payments (351.4)	

- |               |  |   |
|---------------|--|---|
| 10.2          | NILGA Annual Subscription  |   |
| 10.3          | EQIA Consultation document – Street Naming (351.7)                               |   |
| 10.4          | Adoption of Minutes  |   |
| <b>855.11</b> | Health & Environmental Services Committee No 325 – 23 <sup>rd</sup> January 2007 | <i>Adopted</i>  |
| 11.1          | Seizure of Alleged Pit Bull Terrier type Dogs                                    |   |
| 11.2          | Waste Collection in Bristol (325.3)  |   |
| 11.3          | Think Differently about Waste  |   |
| 11.4          | Municipal Waste Returns  |   |
| 11.5          | Community Safety (325.33)  |   |
| 11.6          | Domestic Violence Campaign (325.34)  |   |
| 11.7          | Proposed Changes Including Relaxation of Sunday Restrictions (325.27)            |   |
| 11.8          | Fly Tipping  |   |
| 11.9          | Adoption of Minutes  |   |
| <b>855.12</b> | Waste Haulage Contract Tender (325.6)  | <i>Engage AS Calderwood of Dunloy to haul Council's municipal waste 2007-2008</i> |
| <b>855.13</b> | Motion (Elder Abuse) – Councillor Storey   | <i>Motion carried</i>   |
| <b>855.14</b> | Roads Service Issues   | <i>For information</i>  |
| <b>855.15</b> | Post offices   | <i>For information</i>  |
| <b>855.16</b> | Appointment of Sheriffs  | <i>For information</i>  |

**Ballymoney Borough Council**

**Minutes of Council Meeting No 855 held in the Council Chamber, Riada House, Ballymoney on Monday 5th February 2007 at 6.30 pm.**

**IN THE CHAIR:** Alderman H Connolly (item 855.2)  
Alderman C Cousley, Deputy Mayor (items 855.3 – 16)

**PRESENT:**

**Aldermen:**  
F Campbell  
H Connolly  
J Simpson

**Councillors:**  
A Cavlan                      B Kennedy  
M McCamphill              D McKay  
T McKeown                  A Patterson  
E Robinson                  I Stevenson  
M Storey, MLA

**APOLOGIES:**

**Councillors**  
J Finlay  
P McGuigan, MLA  
R Wilson

**IN ATTENDANCE:**

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

**Press**

**855.1 ELECTION OF CHAIR**

In the absence of the Deputy Mayor, Alderman Campbell proposed that Alderman Connolly take the Chair. This was seconded by Councillor Robinson. Alderman Connolly took the Chair for item 855.2.

## **855.2 MODERNISING SOCIAL SECURITY SERVICE - PRESENTATION**

The Chief Executive informed members of correspondence received from the Social Security Agency advising that under the Civil Servants' guidelines, they were unable to deliver the presentation to politicians in view of the declaration of the assembly election.

It was **AGREED:**

*that the presentation be re-arranged at a mutually convenient date.*

- \* **Alderman Cousley joined the meeting at 7.08 pm and took the Chair.**
- \* **Councillor Storey arrived at 7.10 pm.**

## **855.3 PROGRESS REPORT ON THE MAYOR**

Councillor Storey advised members of the progress of Mayor Councillor Finlay who is currently receiving hospital treatment. He thanked members and staff, on behalf of Councillor Finlay, for their expressions of best wishes and get well cards for a speedy recovery.

- \* **Councillor McKay joined the meeting at 7.12 pm.**

## **855.4 MINUTES OF MEETING 853 – 2<sup>ND</sup> JANUARY 2007**

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

*that the minutes of Meeting No 853 on 2<sup>nd</sup> January 2007, as circulated, be confirmed as a correct record.*

## **855.5 MINUTES OF MEETING NO 854 (RATES) – 29<sup>TH</sup> JANUARY 2007**

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

*that the minutes of Meeting No 854 (Rates) on 29<sup>th</sup> January 2007, as circulated, be confirmed as a correct record.*

## **855.6 SEAL DOCUMENTS**

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

***that the seal of Council be affixed to Grave Registration Certificate Number 1038 – 1046 inclusive.***

\* **Alderman Simpson joined the meeting at 7.15 pm.**

#### **855.7 CONSULTATION COMMITTEE NO 09 – 15<sup>TH</sup> JANUARY 2007**

Alderman Connolly presented the report.

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

***that the minutes of Meeting No 09 – 15<sup>TH</sup> January 2007, as circulated, be adopted.***

#### **855.8 DEVELOPMENT COMMITTEE NO 178 – 8<sup>TH</sup> JANUARY 2007**

Councillor Stevenson presented the report, **including the following addendum.**

##### **International Links, Benbrook (178.8)**

Councillor Stevenson advised that, arising from committee's consideration of this matter, he together with the Mayor and Committee Officers, met with the Chair and Vice-Chair of the Twinning Association to consider options with regard to maintaining Ballymoney's link with Benbrook.

Since both the community-based partners in Benbrook and Ballymoney are keen to maintain the link between the two communities it was agreed that there was merit in talking directly to the Benbrook Sister City Organisation.

It is **recommended** that the Mayor and Chief Executive be authorised to visit Benbrook to meet representatives of the Sister City Organisation to pursue options for progressing the matter. It is understood that the Twinning Association are considering sending a representative to accompany the Council's representatives.

#### **Matters Arising**

##### **8.1 Ballymoney Music Centre Property/Community Hub Project (178.4)**

Alderman Simpson requested deferral for two months of Committee's recommendation not to take any further action in relation to this project to enable him to look into the possibility of funding from an independent source. The Chief Executive advised members of correspondence received from the LSP confirming the availability to Council of a grant to assist in funding the project but that the timescale for the grant is limited. He advised that the LSP should be informed at the earliest opportunity if Council decides not to take up their offer, thereby enabling them to re-allocate this funding. The Chief Executive sought clarification from Alderman Simpson that Council would not be expected to contribute to the

project as no provision had been made in the 2007/08 rate estimate. Alderman Simpson confirmed he was looking to other funding sources and had also confirmed the delay in Council reaching a decision did not present a difficulty for the LSP. At the request of Councillor Stevenson, Alderman Simpson confirmed that he may be in a position to give further information relating to funding at the next meeting. The Chief Executive advised members that should Council agree to defer the matter, the LSP should be informed of the deferral whilst discussion with other funding bodies takes place.

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

***that the Committee recommendation not to take any further action be deferred for two months to enable Alderman Simpson to investigate funding sources.***

\* **Councillor Kennedy joined the meeting at 7.37 pm.**

#### **8.2 North East Partnership (178.6)**

At the request of Alderman Simpson, the Chief Executive provided members with background information relating to the Partnership's decision to increase member council representation on the NEP Management Committee. He agreed to provide Alderman Simpson with a copy of the revised constitution for his further information

#### **8.3 International Link (178.8 and addendum as outlined above)**

A discussion ensued as to the cost involved in sending a delegation to Benbrook to discuss the maintenance of the link with Ballymoney. Alderman Campbell reminded members of the cost already incurred by Council in signage promoting the link and suggested that the proposed face-to-face meeting may provide an opportunity for Benbrook to reconsider their decision.

The Chairman advised that this Council remains keen to maintain the link with Benbrook and that options should be explored further. At the request of Councillor McKay, the Chief Executive advised that costings have not yet been obtained for the visit but envisaged that this would entail the cost of airfares estimated at £400-£500 per person, with the host providing accommodation.

#### **8.4 Northern Corridor Railways Group.**

Alderman Simpson requested further details and projected timing of the conference proposed to launch the action plan report. He highlighted several problems and requested Councillor Storey take up these up with Translink on behalf of Council. Councillor Storey advised that he has raised a number of issues with Minister David Cairns who has responded in writing. He advised the meeting of the contents of the Minister's reply.

5th February 2007

The Minister advised that the deployment of train sets to service the Northern Ireland rail network is entirely a matter for NIR. It has no plans to reduce the use of new trains on this particular line.

The Minister had also advised that under the Regional Transportation Strategy, investment in the lesser-used railway lines was dependent upon an assessment of the outcomes from investment in the core network. However, it was then recognised that the lesser-used lines - which comprise the lines beyond Ballymena and Whitehead - needed expenditure in the meantime. Consequently, following a report from the Railways Review Group in 2003, it was agreed to implement an option which would maintain the lesser-used lines at existing levels at a cost of some £23.6m (including £17.2m capital funding). Work has already been undertaken on the Whitehead to Larne line and Translink is currently considering a £10.5m project, which will deliver track life extension on parts of the Ballymena to Londonderry line. In relation to expenditure on the Belfast to Londonderry railway line, Translink have advised that £2,132,426 was incurred in the 2005/06 financial year and £1,309,550 from April to November 2006.

In advance of the Comprehensive Spending Review, an Interdepartmental Steering Group has now been established to take forward the evaluation of recent investment on rolling stock and on the railway network. It will also appraise options for future investment in accordance with the Regional Transportation Strategy and the Railways Review Group reports. The group will consider the levels of services needed on the NIR network in the context of investment plans for all transport modes and taking account of passenger demand projections.

Councillor Storey advised that the Minister had also responded to his concerns about the condition of the Ballymoney Railway Station. He advised that while there are no current plans to upgrade the station, two other large projects will impact on all stations and halts on the NIR network, including the Ballymena to Londonderry line. These projects are the New Rail Service Programme and a Station/Halt Upgrade. The former project is designed to maximise the benefits associated with the new rolling stock and will include a network-wide refurbishment of stations and halts as a visible sign of an improved rail service. The latter will make stations and halts compliant with the Disability Discrimination Act (1995). As a result of these projects, Ballymoney Station will benefit from works costing in the region of £200K on the construction of an accessible ticket counter, accessible toilets, tactile platform paving, upgrading platform lighting, new station signage and some other minor maintenance work. The projects are currently at tender stage and it is expected that work will commence on both in the near future.

Members welcomed this news and congratulated Councillor Storey on his efforts in this matter. It was agreed that a copy of the correspondence be passed to the Railway Group.

### **8.5 Adoption of Minutes**

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

*that the minutes of Meeting No 178 on 8<sup>th</sup> January 2007 and Addendum to 178.8, as circulated, be adopted and the recommendations therein approved.*

\* **Councillor McKay left the meeting at 7.53 pm**

### **855.9 LEISURE & AMENITIES COMMITTEE NO 326 – 16<sup>TH</sup> JANUARY 2007**

Alderman Campbell presented the report.

#### **Matters Arising**

#### **9.1 Kilraughts Road Roundabout**

Councillor Stevenson welcomed the forthcoming meeting with DRD Roads Service to discuss the issue of planting out the Kilraughts Road roundabout.

#### **9.2 Riverside Park Improvements (326.6)**

In response to an inquiry by Alderman Simpson as to whether a report on the visit to Riverside Park Central will be brought back to committee, the Director of Borough Services advised that the matter of planting/bio diversity scheme elements at Riverside Park is included in the Rates Estimates and that a decision will be taken by council as to the budget for next year prior to the next meeting of the Leisure and Amenities Committee.

#### **9.3 Adoption of Minutes**

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

*that the minutes of Meeting No 326 – 16<sup>th</sup> January 2007, as circulated, be adopted and the recommendations therein approved.*

### **855.10 CORPORATE & CENTRAL SERVICES COMMITTEE NO 351 – 22<sup>ND</sup> JANUARY 2007**

Councillor Patterson presented the report.

\* **Councillor McKay returned to the meeting at 8.00 pm**

**Matters Arising****10.1 Draft Local Government Payments (351.4)**

Members discussed the draft regulations circulated for comments and were in agreement with the recommendation that Council support 80% attendance at Standing Council/Committee meetings before payment of the enhanced basic allowance.

**10.2 NILGA Annual Subscription 2007/08**

In reply to a question by Alderman Simpson, the Chief Executive advised that details of the subscription for 2007/08 was tabled for information and to date, there was no commitment to pay.

**10.3 EQIA Consultation Document - Street Naming (351.7)**

A copy of the Chief Executive's report outlining the consequences of a decision by Council to rescind its current de facto policy on Street Naming, as set out below, had been circulated to members.

"At the Corporate & Central Services Committee meeting on 17<sup>th</sup> January 2007, a report on the results of the consultation exercise on the Council's draft Street Naming Policy was tabled for further consideration. The committee asked that a report on a specific point arising from the discussion on the matter be brought to the council meeting on 5<sup>th</sup> February 2007. The point to be addressed was what would be the consequences of a decision by Council to rescind its current policy in relation to the naming of streets and if Council did not name streets what other body would have the power so to do.

This report is based on a reading of the legislation and relevant legal opinions received by Council. No additional legal advice has been sought. The starting point is to consider what powers the council is given by legislation in this matter and what is its current practice in relation to exercising these powers.

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995 amended the Local Government Act (Northern Ireland) 1972. That 1972 Act is the primary legislation from which local government in Northern Ireland derives its powers. In relation to street naming, this power was available to district councils before the 1972 Act and was one of many transferred to the new councils established at that time.

The current legislation is that set out in the 1995 Order and the relevant section on street naming is contained in Annex 1. It will be seen that power of "naming the streets and numbering the houses" has been available to local authorities in Ireland since the Towns Improvement (Ireland) Act 1854. I am not aware of any other body having been given the same powers and it would be a normal principle for Parliament to avoid confusion when conferring powers on public bodies, so that two or more such bodies do not end up competing with one another to exercise the same powers.

This view is confirmed by the provisions of paragraph 5c of Article 11, which states that: "Any person who erects in any street any nameplate purporting to show the name of the street, without the authorisation of the council for the district in which the street is situated, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale." It appears clear that if Council does not exercise the power to name streets, no other body can legally do so.

While this Council has not adopted a formal policy in the matter, it has exercised its discretionary power to name streets and number properties for a considerable number of years, certainly since the passing of the 1995 Order. It has therefore, de facto, adopted a policy and if it were to decide that it no longer wished to exercise its powers would have to rescind the policy. To take that decision lawfully it would have to set out the reasons for so doing and consider the consequences.

The Council currently notifies a wide range of bodies when a new name is added to the Streets Register, including the applicant, OSNI, Royal Mail, Fire & Rescue, Ambulance, PSNI and council departments. By referring to the register it can avoid the confusion due to having more than one street with the same name in a town or village. It is also pro-active in getting developers to seek approval for names of developments before these are widely advertised, as confusion can occur where unofficial names are deemed to be unacceptable by Council after they have come into common use. If Council does not carry out this duty and no other body can legally name streets, how are the emergency services, businesses, council officers, residents and visitors to find their way around new developments?

Since anyone erecting a nameplate without council authorisation is guilty of an offence, it is likely that developers who wish to sell houses will not be happy with a situation where the streets in which the houses are situated do not have legally recognised names. They may demand that Council continues to perform this function.

The committee did not set out the reasons for requesting this report, but it arose during discussion of the question as to how the views of residents in neighbouring streets could be taken into account, where they opposed the erection of an Irish sign in a street where a two-thirds majority were in favour. If the reason for considering rescinding the current policy on street naming is to thereby avoid having to find out the views of occupiers of properties in any street who ask for a nameplate to be erected in Irish, our legal advice is that we cannot avoid seeking the views where we receive a request, but having taken account of the views the council can decide not to erect bi-lingual signs.

The legal advice states: "The Council is not bound to rely only on the views of the residents of a particular street. Other factors can be taken into account but where there is a two-third majority of residents supporting change, it seems reasonable to suggest that there would have to be powerful factors which would persuade a council to override these views, especially given the objectives and principles of the European Charter ..."

Council would also need to satisfy itself that this is a proportionate reaction to a perceived problem. It has received 5 request for Irish street signs in one and a half years – there are at least 488 named streets and roads in the borough with many more being added each year. If such a decision were to face judicial review, the court may find that this is not a reasonable response and decide that the Council has acted unlawfully.

If Council wishes to follow this approach and rescind its current de facto policy on street naming, I would recommend that it first set out the reasons for this decision in writing and seek Counsel opinion if they are soundly based in law and capable of withstanding judicial review.

If, on the other hand, Council wishes to continue following the legal advice it has received and adopt a policy on street naming, three points need to be decided in relation to the comments received on the equality Impact assessment:

1. Does Council want to retain the threshold of 50% of households indicating support for a second language name, before it carries out its own survey or does it want to lower this figure to 25% or a single request as have been suggested?
2. Does Council want to change the wording in paragraph 8.7 of the policy which reads: “Where two thirds or more of respondents to the (Council) survey support the erection of a sign in a language other than English, and that language is either Irish or Ulster Scots, Council will normally agree the request”? Consultees have suggested that “two thirds or more” be deleted and replaced with “a majority”.
3. Does Council want to change the wording in paragraph 8.7 of the policy which reads: “Where two thirds or more of respondents to the (Council) survey support the erection of a sign in a language other than English, and that language is either Irish or Ulster Scots, Council will normally agree the request”? Consultees have suggested that “normally” be deleted.

Extract from The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995

## **ANNEX 1**

### **Powers of councils in relation to street names and numbering of buildings**

11. (1) A council may erect at or near each end, corner or entrance of any street in its district a nameplate showing the name of the street; and a nameplate erected under this paragraph—
  - (a) shall express the name of the street in English; and

- (b) may express that name in any other language.
- (2) A council may, immediately adjacent to a nameplate erected under paragraph (1) which expresses the name of a street in English only, erect a second nameplate expressing the name of the street in a language other than English.
- (3) Neither this Article nor anything done by a council thereunder authorises or requires the use of the name of a street expressed in a language other than English as, or as part of—
- (a) the address of any person; or
  - (b) the description of any land;
- for the purposes of any statutory provision.
- (4) In deciding whether and, if so, how to exercise its powers under paragraph (1) (b) or (2) in relation to any street, a council shall have regard to any views on the matter expressed by the occupiers of premises in that street.
- (5) Any person who—
- (a) obscures, pulls down or defaces any nameplate erected under paragraph (1) or (2);
  - (b) erects in any street any nameplate showing as the name of the street a name different from that in any nameplate erected in the street under paragraph (1) or (2); or
  - (c) erects in any street any nameplate purporting to show the name of the street, without the authorisation of the council for the district in which the street is situated, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) Where a council has exercised its powers under paragraph (1) in relation to any street, the occupier of each house or other building in that street shall ensure that that house or building is at all times marked with such number as the council may approve for the purposes of this Article.
- (7) Where a person fails to comply with paragraph (6) the council may serve on him a notice requiring him to comply with that paragraph within 7 days from the date of service of the notice.
- (8) A person who fails to comply with a notice served on him under paragraph (7) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (9) Where a person fails to comply with a notice served on him under paragraph (7) in respect of any house or other building, the council may itself do anything which he has failed to do and may recover

from that person summarily as a civil debt any expenses thereby reasonably incurred by it.

- (10) In this Article—  
 "nameplate" includes any means of signifying a name in writing;  
 "street" includes any road, square, court, alley, passage or lane.
- (11) The power of a council to erect a nameplate under paragraph (1) or (2) includes power—
- (a) to erect it on any building or in such other manner as the council thinks fit; and
  - (b) to cause it to be erected by any person authorised in that behalf by the council.
- (12) The following statutory provisions shall cease to have effect, namely—
- (a) sections 64 and 65 of the Towns Improvement Clauses Act 1847<sup>[7]</sup>;
  - (b) in section 38 of the Towns Improvement (Ireland) Act 1854<sup>[8]</sup> the words "naming the streets and numbering the houses and also so much thereof as relates to";
  - (c) section 21 of the Public Health Acts Amendment Act 1907<sup>[9]</sup>;
  - (d) section 19 of the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949<sup>[10]</sup>;
  - and
  - (e) so much of any local Act as relates to the naming of streets or the numbering of houses or buildings;

and any nameplate erected under any such provision shall be taken for the purposes of this Article to have been erected under paragraph (1)."

The Chief Executive pointed to the matters requiring to be addressed should Council wish to follow the legal advice obtained and adopt the policy.

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

***that the Street Naming Policy be adopted, retaining the threshold of 50% before it carries out its survey, also "two-thirds or more" and "normally" at para 8.7.***

Councillor Storey enquired that if the work is to be carried out by Building Control in terms of the survey, could it be done by desktop? The Chief Executive undertook to address the matter at the Senior Management Team meeting.

### 10.3 Adoption of Minutes

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

*that the minutes of Meeting No 351 – 22<sup>nd</sup> January 2007, as circulated, be adopted and the recommendations therein approved.*

### 855.11 HEALTH & ENVIRONMENTAL SERVICES COMMITTEE NO 325 – 23<sup>rd</sup> January 2007

Councillor Robinson presented the report.

#### Matters Arising

#### 11.1 Seizure of Alleged Put Bull Terrier Type dog (325.1)

Councillor Storey expressed concerns raised by the kennel club and sought reassurance from the Director of Borough Services that every test has been carried to ensure that the legislation is not putting down dogs that are at no risk. The Director confirmed that the aim of the amnesty is to enable people who believe they have this kind of dog to obtain expert opinion. The Director also confirmed that temperament testing is not being used.

#### 11.2 Waste Collection in Bristol (325.3)

Councillor McCamphill queried with the Director of Borough Services, the question of shared bin use by residents living in apartments. The Director advised that Environmental Health is consulted in planning applications so Council are able to put forward proposals for refuse collection at apartment developments. A large number of properties in small sites are causing problems with regard to storage of refuse. Council currently operate a two-bin system, which may be increased to three in the near future, causing even further problems. It may become necessary for Council to request that environmental policy issues are addressed by the Planning Service. The matter will be discussed further at the next Health & Environmental Services Committee meeting.

#### 11.3 'Think Differently about Waste' (325.24)

Councillor Robinson advised members that she had attended a performance of this science-based show aimed at Key Stage 2 pupils in the borough. She stated that it was a first class presentation, which had received a very good response. Councillor Robinson congratulated those involved in its inception.

#### 11.4 Municipal Waste Returns (325.23)

Councillor Robinson referred members to the reduction in mixed residual waste over the Christmas period and advised members that there are budgets available for publicity.

**11.5 Community Safety (325.33)**

Councillor Storey referred to the Peer Leadership Scheme to be led by PSNI and requested the Sinn Féin group leader to confirm that his party will unreservedly support the objectives outlined in the successful application made to LSP by the Community Safety Partnership and actively encourage objective 5 “to identify and train thirty-six young people ..... representative of a cross section of the community, to successfully complete the course.”

Councillor McKay advised that the Sinn Féin party leader has made his position on policing quite clear and hopefully all points, particularly in relation to power sharing, can be resolved to move the whole process forward.

Councillor Storey reiterated his question as to whether Sinn Féin would endorse the objectives of the scheme, to which Councillor McKay asked the member to confirm his party’s support for power sharing, during which he made reference to an ambush of Sinn Féin members outside Ballymoney Council Offices when members of the DUP and UDA were present.

**11.6 Domestic Violence Campaign (325.34)**

Councillor Stevenson recorded his support of the television and radio campaign, which had recently taken place relating to the above issues.

\* **Councillor Kennedy left the meeting at 8.35 pm.**

**11.7 Proposed Changes including Relaxation of Sunday Restrictions (325.27)**

At the request of Councillor McCamphill, the Director of Borough Services advised members that the information relating to the proposed changes was circulated for information and Council do not propose to respond to the consultation document.

**11.8 Fly Tipping**

Alderman Connolly and Councillor Cavlan referred the Director to an area at Fivey Road where fly tipping has become an issue. Signage was requested. The Director advised that whilst Council does have responsibility for cleansing a public area where waste has been dumped, responsibility lies with landowners to secure their land and erect fencing to mitigate against dumping. The Director will look into the problem at the area identified.

\* **Councillor McKeown joined the meeting at 8.40 pm.**

### 11.9 Adoption of Minutes

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

***that the minutes of Meeting No 325 of 23<sup>rd</sup> January 2007, as circulated, be adopted and the recommendations therein approved.***

### 855.12 WASTE HAULAGE CONTRACT TENDER (325.6)

The Director of Borough Services presented a report on tenders received for the haulage of Council's municipal waste for 2007-2008, attached as Appendix 1.

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

***that Council engage AS Calderwood, Waste Line Haulage, 9 Ballinaloob Road, Dunloy, to haul its municipal waste during 2007-2008 in accordance with the Council's specification and Contract Conditions.***

- \* **The Director of Borough Services and the Director of Central & Leisure Services left the meeting at 8.43 pm.**

### 855.12 NOTICE OF MOTION BY COUNCILLOR STOREY

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

"This Council condemns the Abuse of older people in Northern Ireland and supports Help the Aged's campaign to Help Stop Elder Abuse. Furthermore, we call on government to:

- Establish a cross government taskforce to produce an action plan on elder abuse to follow through on recommendations of the Health Select Committee in Northern Ireland.
- Recognise that all government departments and agencies have a role in preventing, detecting and tackling Elder Abuse by developing a mechanism which would enable them come together in seeking to achieve this objective.
- Increase access to independent advocacy for all older people and in particular those affected by abuse to enable them speak out and secure support and redress.

- Secure better protection of older peoples equality and human rights through mechanisms such as the Bill of Human Rights and the Single Equality Bill.
- Ensure the Criminal Justice System effectively and efficiently prosecutes perpetrators of elder abuse.
- Introduce compulsory training of all health and social care workers on human rights and recognising, reporting and preventing elder abuse.
- Increase and improve the body of knowledge and research on elder abuse in Northern Ireland.

The motion was seconded by Alderman Campbell.

Speaking in support of his motion, Councillor Storey said:

“This is no easy subject matter being raised here this evening. Some of what you hear tonight will be uncomfortable to listen to; it may even shock some. However, it is an issue that needs to be brought into the open and that we, together, must commit ourselves to tackling. Elder Abuse, like any form of abuse, leaves a horrific legacy of secrecy, fear, shame and trauma for those older people who experience it.

Help the Aged have been involved in tackling elder abuse for a number of years now. Locally, the charity participates in the Regional Adult Protection Forum and was active in the development of “Tackling Violence at Home” – the Domestic Violence strategy for Northern Ireland. They are also involved in the Elder Abuse Alliance – a coalition of organisations committed to addressing elder abuse in Northern Ireland. Abuse is an intricate and complex issue, which has been hidden away from the eyes of the public for far too long.

### **Definition of Abuse**

It may be a useful starting point to explain what we mean by Elder Abuse. Action on Elder Abuse have usefully defined Elder Abuse as:

*“A single or repeated act or lack of appropriate action occurring within any relationship **where there is an expectation of trust**, which causes harm or distress to an older person”.*

This definition really identifies all the key aspects of abuse, significantly the trust element. This is what separates Elder Abuse from, for example, the ongoing instances of crime against older people we have witnessed in recent years in Northern Ireland – in those instances there was no expectation of trust.

### **Types of Abuse**

There are five types of abuse:

- Physical
- Psychological
- Financial
- Sexual
- Neglect

An older person may be subject to any one or indeed a combination of these forms of abuse. Elder abuse occurs for many reasons and the causes are not yet fully understood. Some abuse is unintentional – for example, physical harm might be caused because someone lacks the training to lift the older person correctly. Frustration, or lack of knowledge; understanding or education can also lead to mistreatment. However, some people harm others deliberately. A vulnerable older person may be seen as an easy target or as someone who will not be believed, such as an older person with dementia.

### **Evidence – Prevalence**

Whilst there is a small evidence base available to inform us about the instance and nature of elder abuse, be in no doubt. Elder Abuse happens in our communities on a daily basis. It is more common than we like to think. We need to somehow find a way of acknowledging that this unspeakable crime is happening in homes across Northern Ireland, because ignoring it only consigns those older people to a life of suffering and silence.

What evidence there is available tells us that 5000,000 older people are believed to be abused at any one time in the UK. This figure is based on a scientific study of elder abuse carried out in 1992. We believe that this figure is a conservative estimate. However, it is difficult to be precise until the report from an ongoing national prevalence study is published.

### **Evidence – Nature**

To help us to understand the better, the nature of elder abuse, we have looked at the data generated through the helpline of Action on Elder Abuse. This data tells us:

- 34% of abuse is psychological; 20% financial; 19% physical; 12% neglect and 3% sexual.
- 78% of abuse occurs after the age of 70 years.
- 67% of those who experience abuse are women; 22% men and in 11% of cases, both men and women experience the abuse.
- 64% of abuse is committed at home, by someone in a position of trust.
- In 37% of situations, two types of abuse occur simultaneously.
- 46% of people who abuse are related to the person they are abusing.

- 23% of those who abuse are sons or daughters.

I don't know about you, but the first time I heard that information, it hit me like a slap across the face. Perhaps these are the aspects of abuse, which make it complex and difficult to address. The fact that abuse is perpetrated by those who we expect to love and care for older people makes it likely more difficult for older people to talk about openly – the fear that their son or daughter, nephew or niece will somehow come to harm because of what they have said.

We believe we are touching the tip of an iceberg as regards elder abuse. We know that we need to develop our understanding of this issue. This will only happen when those who experience abuse come forward to speak and have their voices heard.

### **Evidence – Perceptions Among the Public**

At the end of last year, Help the Aged commissioned a large-scale quantitative research study to explore the public's awareness and perceptions of the subject of elder abuse. 700 interviews were carried out across England, Wales, Scotland and Northern Ireland.

Details of the research are available to members. Overall, the research told us that elder abuse is not a clear and salient issue in the minds of the public. People were not clear what constituted abuse, who perpetrated abuse or where abuse happened or who the perpetrators are. They also disagreed with the statement that there are already sufficient safeguards in place to protect older people. Encouragingly however, people felt that they would report abuse if they suspected that their neighbour was experiencing abuse, and that responsibilities to tackle this issue were shared among family and friends, neighbours of older people, Government, Local Councils and charities such as Help the Aged.

This information has acted as the anchor for the campaign Help the Aged has embarked upon”.

Councillor Storey went on to advise that this is a resolution that has been endorsed by all the main political parties and it has been agreed that this matter be presented to all 26 Councils over the next number of weeks and months. He hoped this Council would lend its support to the resolution and make itself more aware of this matter in our society and condemn any actions that would diminish the lifestyle of our senior citizens.

Members were unanimous in supporting the motion.

The Deputy Mayor declared the motion carried.

### **855.13 ROADS SERVICE**

#### **13.1 Private Streets Order**

Members were advised for their information that the development at Rhencullen Park (Stage 1), Developer: Daniel McAleese has been adopted by Roads Service.

#### **13.2 A26 Dualling – Glarryford to A44 Drones Road, Junction**

The Department of Regional Development Roads Service has held public consultation events during November on the above proposal. A series of information leaflets will be provided as the project develops.

### **855.14 POST OFFICES**

#### **14.1 Office Closures**

The William Keown Trust has issued a press release about the proposed closures of further Post Office branches following speculation that Royal Mail could close up to 3,000 post offices across the UK. The Trust has also pledged its support to MPs of all parties who are urging the government to help the Post Office by loosening the controls on the types of business they presently conduct, eg the restoration of the issue of television licences, pension payments etc.

#### **14.2 Dervock Post Office Branch**

Post Office has issued an update on developments regarding this branch. It now plans to move the branch to the new site at Carancullagh Road on 5<sup>th</sup> March. The current location will close on 28<sup>th</sup> February and customers can use branches at Stranocum, Ballybogey or Ballymoney in the interim.

### **855.15 APPOINTMENT OF SHERIFFS**

The Chief Executive advised members of the Secretary of State's appointment of Sheriffs for 2007. The Sheriff for County Antrim is Dr Joseph Wilson, Ballymena.

**This being all the business, the meeting closed at 9.05 pm.**

**WASTE HAULAGE CONTRACT TENDERS****APPENDIX 1**

Tenders were invited, by public advertisement, regarding the transport of the Council's municipal waste from its Crosstagherty Waste Handling and Transfer Facility to five specified Landfill Sites. The closing date for tenders was 12.00 noon, Tuesday 23<sup>rd</sup> January 2007. The five tenders received were opened by the Chair of the Council's Health & Environmental Services Committee, together with the Director of Borough Services on that date at 12.30 pm. The tender prices submitted are detailed in the table below. In order to preserve commercial confidentiality, the lowest quote for each site is identified by letters A, B, C, D and E.

<b>Contractor</b>	<b>Bairds Brae (Cottonmount)</b>	<b>Aughrim (Lisburn)</b>	<b>Craigahullier (Coleraine)</b>	<b>Magheraglass (Cookstown)</b>	<b>Mullaghglass (Lisburn)</b>
Avenue Recycling Limited 208 Tates Avenue Belfast	A + £1.01	B + £1.60	C + £0.44	D + £0.38	E + £1.60
OM Transport Limited 25 Balintemple Road Killeavey Co Armagh	A + £2.77	B + £3.16	C + £1.54	D + £2.26	E + £2.29
Coleraine Skip Hire & Recycling Limited 56 Craigmore Road Ringsend Garvagh	A + £0.51	B + £0.05	C + £0.61	D + £0.50	E + £0.05
Oliver Transport Services Limited Ballycastle Road Industrial Estate Coleraine	A + £0.77	B	C	D + £0.67	E
AS Calderwood 9 Ballinaloob Road Dunloy Ballymena	A	B + £0.04	C + £1.01	D	E + £0.04

5th February 2007

Presently, the Council's nominated Landfill Site is Bairds Brae (Cottonmount), with Council in 2007-2008 probably switching to Aughrim Landfill Site when that facility is available and when advised to do so under the terms of its Landfill Disposal Contract.

AS Calderwood is the lower tenderer as regards the work on offer and has undertaken successfully this important work previously.

It is **RECOMMENDED** that Council engage AS Calderwood, Waste Line Haulage of 9 Ballinaloob Road, Dunloy, Ballymena, to haul its municipal waste during 2007-2008, in accordance with the Council's Specification and Contract Conditions.