

Ballymoney Borough Council

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Ballymoney Borough Council

Minutes of Council Meeting No 868 held in the Council Chamber, Riada House, Ballymoney on Monday 5th November 2007 at 7.00 pm

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

IN ATTENDANCE: Robert White, Chief Building Control Officer (items 1-6)
Chief Executive
Director of Borough Services (items 1-11)
Head of Corporate & Development Services
Head of Building Control (items 1-6)
Head of Leisure Services (Items 1-11)
Head of Finance & IT (Items 1-11)
Committee Clerk

Press

868.1 CONDOLENCES

The Mayor, Councillor Finlay, expressed his condolences to the family of Rory Duncan from Rasharkin, who was tragically killed recently in a road traffic accident in the Borough.

868.2 CONGRATULATIONS

The Mayor extended congratulations to Sammy Graham on his further success in the world power lifting championship. He said that Mr Graham's

achievements bring distinction to the Borough and he looks forward to hosting an event to recognise his achievements.

The Mayor also congratulated Dunloy Hurlers who won Sunday's final of the AIB Ulster Club Hurling Championship at Casement Park. Councillor McGuigan concurred with the Mayor and requested good wishes be passed on to the team in the All Ireland Final competition.

Alderman Connolly congratulated Dunloy Cuchullians who recently won the Antrim County Championship and the Ulster Championship and Loughgiel Shamrocks on their success in the Antrim County Senior League, Antrim County Minor Championship, the Antrim County under 16 Championship, North Antrim Minor Championship and North Antrim under 16 League.

Councillor McCamphill congratulated Dunloy GAF intermediate football team who are through to next round of the competition.

868.3 GOOD WISHES

The Chief Executive thanked members for their good wishes at the time of his mother's illness. She remains stable in hospital.

868.4 MINUTES – MEETING NO 867 – 1ST OCTOBER 2007

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

that the minutes of Meeting No 867 on 1st October 2007, as circulated, be adopted.

868.5 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 9 and 10 (Rasharkin) and 1081, 1082, 1083 (Ballymoney) respectively.

868.6 PRESENTATION OF CHIEF BUILDING CONTROL OFFICER'S ANNUAL REPORT 2006/2007

The Mayor welcomed the Chief Building Control Officer for the Northern Group to the meeting to present his Annual Report to Council. Mr White extended thanks to Alderman Campbell as Council's representative on the Committee and Councillor McCamphill as Chair of the Committee for their input during the period of the report.

* **Councillor Patterson arrived at 7.10 pm**

Mr White referred to such issues as the staffing complement at the Ballymoney Office, performance indicators, revised building control regulations and the number of applications received prior to onset of new regulations on 30th November 2006 and necessary training relating to the new regulations.

* **Councillor Wilson joined the meeting at 7.15 pm.**

Mr White advised members that a report would be put before Council in the near future detailing staffing requirements at the Ballymoney Office. Mr White reminded members of the Annual Building Control Convention in Fermanagh (22nd –23rd November), which members are invited to attend.

* **Councillor McKeown joined the meeting at 7.18 pm**

The Mayor thanked the Chief Building Control Officer for his report and congratulated Council's Building Control Officer and his staff on the work they do.

* **The Chief Building Control Officer left the meeting at 7.20 pm**

* **The Building Control Officer left the meeting at 7.20 pm**

868.7 CONSULTATION COMMITTEE NO 19 – 17TH SEPTEMBER 2007

Councillor Wilson presented the report together with an addendum as at 7.1 below.

7.1 Planning Policy Statement PPS14 – Courts Final Decision

The Chief Executive of Planning Service has written regarding Mr Justice Gillen's final decision on the judicial challenge. Following the decision the DoE Minister, Arlene Foster, on 25th October, issued a statement confirming that the Department will assume responsibility for rural planning policy and will take over the chair of the Executive sub-committee's review of draft PPS 14 from the DRD Minister, Conor Murphy.

The Minister has also taken the decision to re-issue the draft policy under the powers conferred on the Department by Article 3 of the Planning (Northern Ireland) Order 1991 because speculative development still poses a very real threat to the countryside. The policy provisions of draft PPS 14 will therefore continue to apply to all relevant applications received after 16 March 2006.

At the practical level, Planning Service will resume processing planning applications taking account of draft PPS 14 and will present recommendations to Council in the normal manner. Given that the draft policy is under review, however, it will only issue decisions on applications recommended for approval. Applications scheduled for refusal because of draft PPS14 will be automatically deferred at the request of Council to await the outcome of the policy review. It is stressed that this automatic right of deferral will only apply to those applications considered by Planning Service to be unacceptable in terms of the current draft PPS 14.

There are two exceptions or modifications to this general approach. The first is where an applicant wishes a refusal to be issued in order to exercise his or her right of appeal to the Planning Appeals Commission. The second is where the applicant or the Council wishes Planning Service to consider additional information that may make a difference to our opinion. Planning Service will adopt a flexible approach to such requests in order to help the throughput of applications. If, in the event, Planning Service opinion to refuse remains unchanged after it have considered the additional information, it will exceptionally agree to a second and further deferrals until the outcome of the policy review is known.

The Minister has also decided that those who submitted planning applications between 7 September 2007 and 25 October 2007 (inclusive) in the belief that draft PPS 14 no longer applied will be offered an opportunity to withdraw. In the exceptional circumstances they will also be offered a refund of their fee. It will be up to individual applicants to decide whether or not they wish to take up the offer. It is not possible to refund fees in any other circumstances.

One further point of clarification. Over the last number of weeks there have been calls for Planning Service to reconsider applications that were refused under draft PPS 14 before 7 September 2007. The Planning Service Chief Executive stresses that there is no legal mechanism to re-assess a planning application once a decision has been issued. Indeed to do so would in itself be illegal. It is also an established principle of administrative law that decisions remain valid regardless of how they were made unless they are legally challenged in a timely fashion. In short, decisions on those applications previously refused under draft PPS 14 still stand and cannot be changed. Applicants may of course lodge an appeal with the Planning Appeals Commission in such cases if they are within the time limits for doing so.

7.2 Adoption of Minutes

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

that the minutes of Meeting No 20 – 15th October 2007, as circulated be adopted.

868.8 DEVELOPMENT COMMITTEE NO 187 – 8TH OCTOBER 2007

The report was presented by Councillor McCamphill. An addendum, as at 8.1, was put forward by the Head of Corporate & Development Services for consideration.

* **Councillor Kennedy joined the meeting at 7.22 pm.**

Addendum

8.1 Rural Development Programme 2007-2013 (187.3)

The Head of Corporate & Development Services referred to committee minute 187.3 regarding arrangements for the delivery of the Rural Development Programme 2007-2013 which was considered by committee at its last meeting and deferred pending receipt of guidance from DARD on the selection of local action groups, submission of funding bids and draft agreement.

She advised that this documentation has now been received and following a meeting earlier in the afternoon between Chief Executives and Directors/Heads of Development of Council and representatives from DARD,

It is **RECOMMENDED**:

- (a) Council agree to form a North Antrim Council Cluster comprising Ballymoney, Coleraine, Moyle, Ballymena and Larne Councils, subject to review if the results of RPA are announced before Council has to sign up to a formal letter of offer from DARD.
- (b) Tenders be invited on behalf of the Cluster for consultancy support to undertake the developmental animation stage to provide the basis for a robust cluster bid, on the basis of terms of reference agreed by the cluster group.

This consultancy assignment will be funded from monies available from DARD.

Council has already taken the view that the proposed Cluster, managed by a Joint Committee, deal with all EU programmes and this remains the thinking.

Matters Arising

8.2 Visitor's Centre at Giant's Causeway (187.2)

Councillor McGuigan stated his opinion that there would be no merit in asking the Minister to attend committee to give her thoughts on why she is minded to give approval to a private sector proposal. He said Council should follow the lead of Moyle and Coleraine and stand firmly behind the public sector proposal. He proposed that the motion, set out at 187.2, be accepted. This was seconded by Councillor McKay.

*** Councillor Storey joined the meeting at 7.35 pm.**

Councillor McCamphill and Alderman Simpson voiced support for the public sector proposal.

Following discussion, a vote was taken with 8 members voting in favour of the motion and 7 members voting against.

The Mayor declared the motion carried.

8.3 Adoption of Minutes

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

that the minutes of Meeting No 187 – 8th October 2007, as circulated, be adopted and the recommendations therein, including recommendation on delivery of the Rural Development Programme, as at 8.1 above, be approved.

868.9 LEISURE & AMENITIES COMMITTEE NO 336 – 16TH OCTOBER 2007

Alderman Campbell presented the report.

Matters Arising

9.1 Community Support Grants (336.18)

Councillor McGuigan requested clarification on criteria for applications for Community Support Grants and the Head of Leisure Services confirmed that a local band competing in an event in Galway would qualify for a grant of £100.00.

9.2 Lands at Rockend, Corkey & Scally Park (336.4)

Councillor Cavlan requested clarification as to the transfer of land at Rockend to Roads Service to enable completion of footpath. The Director of Borough Services advised that this matter would be tabled on the agenda for discussion at the next committee meeting together with options for a play area at Scally park.

9.3 Riverside Park Tunnel Link (336.10)

Councillor Stevenson has raised this issue at the recent meeting of the DPP.

9.4 Community Support Grants

Councillor Stevenson reported on a discussion with Mr Morrow, Community Relations Council regarding additional funding for Council and had been advised that an approach should be made to OFMDFM as the matter was being looked at at this time. Head of Leisure Services undertook to pursue the matter and report to members.

9.5 Killyrammer Community Centre (336.2.2)

The Director of Borough Services informed members that Council's consultants have written to advise the outcome of the recent advertisement for the Select List for the contract at Killyrammer Community Centre.

Seven requests for the Select List Questionnaire were received. Five applications were received on the basis of the advertisement from the following contractors:-

1. John Gamble, 29 Moneycannon Road, Ballymoney
2. Paul Cox Builders, 12 Mullaghacall Road, Portstewart
3. JS Dunlop Limited, 48 Kirk Road, Ballymoney
4. Piperhill Construction Limited, Unit 12 Acorn Business Centre, 2 Riada Avenue, Ballymoney
5. WH Arbuthnot, Station Works, Upperlands

From that list, the following represents a satisfactory list from which tenders could be invited :-

1. John Gamble, 29 Moneycannon Road, Ballymoney
2. JS Dunlop Limited, 48 Kirk Road, Ballymoney
3. Piperhill Construction Limited, Unit 12 Acorn Business Centre, 2 Riada Avenue, Ballymoney
4. WH Arbuthnot, Station Works, Upperlands

The remaining contractor, Paul Cox Builders, was unable to supply the information requested on the questionnaire, since he has only been trading since July 2007.

9.6 Adoption of Minutes

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

that the minutes of Meeting 336 - 16th October, as circulated be adopted and the recommendations therein approved together with the Select List of contractors for Killyrammer Scheme as set out at 9.5 above.

868.10 HEALTH & ENVIRONMENTAL SERVICES COMMITTEE NO 333 – 23RD OCTOBER 2007

Councillor Robinson presented the report.

* **Councillor McGuigan left the meeting at 7.55 pm**

Matters Arising

10.1 Erection of Street Nameplates in a Language other than English (333.16)

It was noted that Councillor Finlay and Councillor Wilson requested that the minute record their opposition to the erection of Street Nameplates in a Language other than English.

It was proposed by Councillor McCamphill, seconded by Councillor McKay

that Council implement its policy for the erection of street nameplates in a language other than English at the three locations detailed in the minute.

At the request of Councillor McKay, a recorded vote was taken

FOR (4)	AGAINST (4)	ABSTAINED (7)
Councillor McKay	Councillor Kennedy	Councillor Storey
Councillor Cavlan	Councillor Patterson	Alderman Campbell
Councillor McCamphill	Councillor Finlay	Alderman Cousley
Alderman Connolly	Councillor Wilson	Alderman Simpson
		Councillor McKeown
		Councillor Robinson
		Councillor Stevenson

The motion fell, the Mayor not having opted to use his casting vote.

10.2 Separation of Waste

At the request of Councillor Finlay, the Director of Borough Services agreed to obtain information on a plant in Newry, which is separating waste, and to ascertain the possibility of a visit by members to the site. The matter will be tabled for further discussion at the NILAS Working Group meeting on 14th November.

10.3 Landfill Closure Plan

It was agreed that this matter, as raised at Corporate & Central Services Committee (359.2) be listed for consideration at committee's next meeting

10.4 Adoption of Minutes

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

that the minutes of Meeting No 333 – 23rd October 2007, as circulated, be adopted with the amendment as detailed at 10.1 and that the recommendations therein be approved.

868.11 CORPORATE & CENTRAL SERVICES MEETING NO 359 – 22ND OCTOBER 2007

Alderman Simpson presented the report.

* **Councillor McKay left the meeting at 8.05 pm.**

Matters Arising

11.1 Councillor's IT Equipment (359.3)

The Head of Finance and IT requested that questionnaires issued relating to IT equipment be returned.

11.2 Single Status/Job Evaluation Update (359.4.3)

A meeting will take place on 7th November at 5.00 pm in the Council Chamber to be held 'in committee', to allow the Chief Executive to present a report on the job evaluation exercise which Council commissioned from Belfast City Council, Business Improvement Section, as part of the single status process.

In response to a question by Councillor Storey, the Chief Executive advised that information on costs in relation to the single status/job evaluation will be made available at the meeting.

11.3 NJC Pay Offer 2007 – Industrial Action Ballot (359.4.4)

The Chief Executive advised that the matter has now been resolved and Council has been advised that agreement has been reached on the new pay scales for staff of 2.47% which will be implemented in accordance with National Joint Council Agreed Scales.

11.4 Staff Matters (359.4)

A full-time refuse collection vehicle driver at the Knock Road Depot, will be retiring on 31 March 2008. This post is required for effective service delivery of the refuse collection service and approval is sought to fill the vacancy through a recruitment campaign.

A full-time Leisure attendant at the Joey Dunlop Leisure Centre has resigned his post on the 30th September 2007. This post is required to ensure the delivery of the service and approval is sought to fill the vacancy through a recruitment campaign.

11.5 Somme Heritage Centre Charity Concert (359.8.2)

It was agreed that in the event of Councillor Storey's unavailability to attend the concert, a substitute attend.

11.6 Adoption of Minutes

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

that the minutes of Meeting No 359 – 22nd October 2007, as circulated, be adopted and the vacant posts detailed at 11.4 above be filled.

* **The Director of Borough Services, the Head of Finance & IT and the Head of Leisure Services left the meeting at 8.10 pm**

868.12 RPA – EMERGING FINDINGS

Emerging Findings of the Review of Local Government aspects of the RPA relating to vision for local government, number of councils and transfer of functions

The Chief Executive explained that the purpose of the workshop was to consider the emerging findings report, issued by DOE on 19th October, on its proposals for the transfer to local government of an initial package of functions and to formulate a response for approval by Council and submission to DOE Local Government Reform Division by 16th November.

A copy of the DOE Report “Review of Local Government Aspects of the Review of Administration - Emerging Findings”, had previously been circulated to members. Other documents circulated to members which would inform their deliberations were:

- Professor Derek Birrell’s paper on Review of Local Government Reform in NI
- NILGA Manifesto
- NILGA/SOLACE Report “Strong, Effective Local Government for NI (Executive summary circulated)

The Chief Executive, by means of a power point presentation (circulated), summarised the emerging findings, dealing with Vision, Number of Councils and functions to be transferred which included Planning – covering local development plan functions, development control and enforcement, local roads public realm, rural development, urban regeneration and community development and local economic development.

Following discussion on the emerging findings Members **AGREED**:

Vision

- General Principles agreed, but members were strongly of the view that unless additional powers were devolved to councils to enable them to make a difference to local communities, the vision was meaningless.

Numbers

- Restate Council view that there should be 15 Councils
- Local identity is viewed as a strong factor. Local people identify with North Antrim, nearest town. There are some anomalies which could be addressed by the Boundary Commissioner.
- Access to Services is a strong factor. There should not be centralisation of all services.
- Wealth base needs to be rectified and this can be done as at present through General Grant.

Transfer Proposals

The functions proposed to be transferred were agreed, with the exception of DRD, which members took the view that either all or none of the DRD functions should transfer to Council as services such as roads maintenance/lighting etc are integrated and roads are also linked with planning function.

Additional powers, as detailed below, were regarded as necessary to deliver the vision.

- **DOE**
- **DCAL**
 - Youth and library services
- **DARD**
 - Farm diversification
 - Countryside Management Scheme which aligns with Council's access to the countryside function
- **DRD**
 - All Local Roads functions
- **DSD**
 - Role for Council's in the provision of social housing (with ability to draw down funds) and transfer of all aspects of unfit housing.
 - (Council strongly resent the "fit for purpose" statement and question the special treatment suggested for DSD staff.)
- **DETI**
 - INI Local Offices – functions, staff
 - Industrial land bank
 - Trading Standards
- **OFMDFM**
- **DE**
 - School facilities – halls and playing fields to allow community as well as school use and the value for money in the utilisation of public facilities
- **DEL**
- **DFP**
- **DHSSPS**
 - Fire Service, bringing NI into line with the remainder of the UK.
 - Health Promotion
- **Other Comments**
 - Power of Community Planning and Wellbeing should be given to Councils
 - Budget and staff must transfer to Council with functions

The Chief Executive advised that the workshop comments, tabled for Council's approval, will be fed into stakeholder events 12-16 November and submitted to DOE by 16th November.

A copy of NILGA's Draft Reponse to the Emerging Findings Paper was circulated to members, NILGA requesting Council's consideration to its endorsement.

It was **AGREED:**

- a) ***that the comments emanating from the workshop be agreed and submitted to the DoE***
- b) ***NILGA's draft response be endorsed***

868.13 REMEMBRANCE DAY SERVICE

Invitations to Council from Royal British Legion, as follows, were accepted

- (a) The Mayor and Chief Executive will attend a Remembrance Day Wreath Laying ceremony at Ballymoney War memorial on 11th November at 10.30am.
- (b) The Deputy Mayor will attend a Remembrance Day Wreath Laying ceremony at Dervock Cenotaph on 11th November at 10.30am.
- (c) A Remembrance Day Church Service will take place in 1st Ballymoney Presbyterian Church on 11th November 2007 at 3.00pm. All members are invited to attend and should arrive no later than 2.45 pm.

868.14 DELEGATION

A request has been received from the Animal Welfare Federation Northern Ireland to present to Council on the case for ban on performing animals in circuses.

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

to invite the Animal Welfare Federation Northern Ireland to give a presentation to Council on the case of banning performing animals in circuses.

868.15 LONDON 2012 OLYMPIC GAMES AND PARALYMPIC GAMES – BRIEFING SESSION

An invitation has been received from the Department of Culture, Arts & Leisure to a Local Government Briefing Session on the 2012 Games on 8th November 2007, 3.30 p.m. – 5.00 p.m. in Island Hall, Civic Centre, Lisburn. (3 places are allocated) Sebastian Coe KBE, Chair of the London Organising Committee will attend. The session will explore the role that local authorities can play to assist in NI's plans for benefiting from the 2012 Games.

It was **AGREED:**

that the Committee Chair, Head of Leisure and the Sports Development Officer be appointed to attend the briefing session on 8th November.

868.16 LORD'S DAY OBSERVANCE SOCIETY

A letter has been received from The Lord's Day Observance Society on behalf of concerned Christians within Council's jurisdiction about the proliferation of different events on Sunday or the Lord's Day. They express the view that it seems to them that this special day of the week is being used simply as a day for recreation and various attractions. It urges Councillors to take into account the command of the Lord who said: "Remember the Sabbath Day to keep it holy ..."

868.17 ROADS SERVICE

Roads Service have advised of abandonment orders and street adoptions as follows.

1. The Eastermeade Gardens, Ballymoney (Abandonment) Order (NI) 2007
2. The Finvoy Road, Ballymoney (Abandonment) Order (NI) 2007
3. Private Streets (NI) Order 1980 Development at Carnany Estate, Ballymoney Developer NIHE – streets adopted
4. Private Streets (NI) Order 1980 Development at Riverview Park, Ballymoney Stage 1 Developer Donaghy & Co – streets adopted

868.18 NORTHERN IRELAND OFFICE

'Hidden Crimes, Secret Pain' – Consultation Paper on a Proposed Regional Strategy for addressing Sexual Violence in Northern Ireland.

The DHSSPS & NIO issued the above for consultation on 29 January 2007. The responses can be viewed at

www.dhsspsni.gov.uk/hidden-crimes-consultation-responses.html

The finalised strategy and associated action plans are scheduled for publication later in the year.

The Mayor indicated that he wished to consider an additional item and asked that staff and the press leave the meeting for this business and confirmed he did not want a record made.

The Chief Executive, the Head of Corporate & Development Services, the Committee Clerk and members of the press left the meeting at 8.18 pm.

The meeting concluded at 8.40 pm.