

## Ballymoney Borough Council

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## Ballymoney Borough Council

Minutes of Council Meeting No 894 held in the Council Chamber, Riada House, Ballymoney on Monday 5th January 2009 at 7.00 pm.

**IN THE CHAIR:** Councillor J Finlay, Mayor

**PRESENT:**

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

**Councillors**  
B Kennedy  
M McCamphill  
P McGuigan  
A Patterson  
E Robinson  
I Stevenson

**APOLOGIES:**

**Councillors**  
A Cavlan  
T McKeown  
M Storey, MLA

**IN ATTENDANCE:**

Chief Executive  
Director of Borough Services **(Items 1-15 inc)**  
Director of Central & Leisure Services **(Items 1-15 inc)**  
Head of Corporate & Development Services  
Head of Human Resources **(Items 1-6 inc)**  
Committee Clerk

**Press**

### 894.1 CONDOLENCES

The Mayor expressed condolences to Mrs Joan Christie, Lord Lieutenant of Co Antrim on the recent death of her husband and to Councillor M Storey, MLA on the death of his mother-in-law. Letters of sympathy have been sent to Mrs Christie and Councillor Storey.

## 894.2 CONGRATULATIONS

The Mayor extended congratulations to Alderman C Cousley, recognized in the Queen's New Year Honours list by the award of an MBE. The Mayor said "It is pleasing that your service to the Boys' Brigade and your service to local government in Ballymoney has been so suitably recognized by Her Majesty. The award brings great honour to you, your family and the local community". A letter of congratulations has been sent to Alderman Cousley. Other members associated themselves with the Mayor's remarks. Alderman Cousley thanked the Mayor and members for their remarks and Councillor Robinson for her nomination.

## 894.3 MINUTES - MEETING NO 891 – 1<sup>ST</sup> DECEMBER 2008

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

*that the minutes of Meeting No 891 on 1<sup>st</sup> December 2008, as circulated, be confirmed as a correct record.*

## 894.4 MINUTES - MEETING NO 892 (RATES) – 9<sup>TH</sup> DECEMBER 2008

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

*that the minutes of Meeting No 892 on 9<sup>th</sup> December 2008, as circulated, be confirmed as a correct record.*

## 894.5 MINUTES – MEETING NO 893 – 22<sup>ND</sup> DECEMBER 2008

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

*that the minutes of Meeting No 893 on 22<sup>nd</sup> December 2008, as circulated, be confirmed as a correct record, subject to the following amendment requested by Alderman Simpson.*

### Item 893.2 Single Status, para 9

Delete "that he had not read" and insert "that he was not in receipt of".

#### 5.1 Single Status (893.2)

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

*that Council 'move into Committee' to discuss a report from the Head of Human Resources on the working hours of the Chief Executive and Directors, as deferred to the Council meeting.*

## DECLARATION OF INTEREST

**The Chief Executive, the Director of Borough Services and the Director of Central & Leisure Services declared an interest in the matter as post holders and left the meeting at 7.10 pm.**

**Members of the press left the meeting at 7.10 pm.**

The Head of Human Resources reminded members of the recommendation and background to this matter, as set out in the minute (893.2)

The Head of Human Resources responded to questions and after a wide ranging discussion it was proposed by Councillor Kennedy, seconded by Councillor McCamphill

***that the Chief Executive and Directors be offered the same compensatory payment of £2,000 as all other full-time staff and bring them into line with the 37 hour working week of the rest of the Council staff.***

A proposal by Alderman Simpson that in the interest of consistency and equality, the working hours of the Chief Executive and Directors be brought into line with that of the rest of the council, failed to find a seconder.

**The Mayor put the motion to the vote. The motion was carried with four members voting for and three against.**

Councillor Robinson asked that she be recorded as abstaining.

**The Mayor declared the motion carried.**

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

***that Council move 'out of Committee' to move to the next business.***

- \* **The Head of Human Resources left the meeting at 7.35 pm.**
- \* **The Chief Executive, the Director of Borough Services and the Director of Central & Leisure Services returned to the meeting at 7.35 pm.**
- \* **Members of the press returned to the meeting at 7.35 pm**
- \* **Council McGuigan left the meeting during the discussion at 7.30 pm before the vote was taken and returned at 7.35 pm.**

**894.6 SEAL DOCUMENTS**

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

*that the Seal of the Council be affixed to Grave Registration Certificate numbers 1130 - 1135*

**894.7 CONSULTATION COMMITTEE NO 33 – 15<sup>TH</sup> DECEMBER 2008**

The minutes of meeting No 33 on 15<sup>th</sup> December 2008, as circulated were received.

**Matters Arising****7.1 PPS21 (33.10)**

It was agreed that a half-day workshop, facilitated by Council's Planning Consultant, would be held on Thursday 29<sup>th</sup> January at 10.30 (venue to be confirmed).

**7.2 Council Powers at Committee Meetings**

At the request of Councillor Robinson, the Chief Executive agreed to ascertain details of the legislation relating to the chairing of meetings with full Council powers.

**894.8 DEVELOPMENT COMMITTEE NO 199 – 15<sup>TH</sup> DECEMBER 2008**

Councillor Stevenson presented the report.

**Matters Arising****8.1 Budget (199.6)**

At the request of Alderman Simpson, the Head of Corporate & Development Services clarified the amount of funding committed to Programmes.

**8.2 Addendum - Rural Development Programme**

Members were reminded of DARD's decision to progress body corporate legislation for the Joint Committee through the Assembly's Agriculture Committee. They have now clarified that their reasons for going down this route were to improve the corporate governance of the programme and afford protection to individuals participating in joint committees. They state that a joint committee formed by councils without such legislation would have no legal identity of its own and all persons and councils involved could find themselves the subject of legal action at

some point in the future. In addition, joint committees, such as currently exist for waste management, cannot deal with rural development as councils do not have the existing function to deal with rural development, that function lying with DARD under section 4 of the Agriculture (Miscellaneous Provisions) (NI) Order 1994 which provides that DARD may, with the approval of DFP, make grants for the purposes of encouraging rural development.

As a consequence of DARD's decision and in order to provide protection to the Department, the Councillors involved in the cluster and participating councillors, the Councils in the Rural Development Cluster (Ballymena, Ballymoney, Coleraine, Moyle and Larne) are being asked to apply to the Department to exercise the powers conferred by section 19(9) of the Local Government Act (NI) 1972 and form the cluster into a Joint Committee Body Corporate.

The role of the cluster group will be to act as lead financial actor to the local action group, providing administration, financial management, programme monitoring and advice to the local action group which is charged with responsibility for the establishment, promotion and implementation of the local rural development strategy and projects under Axis 3 of the Rural Development Programme 2007-2013. In fulfilling this role the Cluster groups will have a governance role in the oversight of the local action group's proposals for awarding financial assistance towards projects nominated for funding under eligibility criteria, terms and conditions of Axis 3 & 4 of the Programme.

**It is recommended** that the Chief Executive be authorised to sign on Council's behalf, an application to the Department to exercise the powers conferred by section 19(9) of the Local Government Act (NI) 1972 and form the cluster into a Joint Committee Body Corporate, (a similar application being made by all councils in the cluster).

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

***that the Chief Executive be authorised to sign, on Council's behalf, an application to the Department to exercise the powers conferred by section 19(9) of the Local government Act (NI) 1972 and form the cluster into a Joint Committee Body Corporate (a similar application being made by all councils in the cluster).***

### **8.3 Adoption of Minutes**

It was proposed by Councillor Stevenson, seconded by Councillor McCamphill

***that the minutes of Development Committee Meeting No 199 – 15<sup>th</sup> December 2008, as circulated, be adopted and the recommendations therein approved.***

\* **Councillor Kennedy left the meeting at 7.50 pm.**

**894.9 LEISURE & AMENITIES COMMITTEE NO 354 – 16<sup>TH</sup> DECEMBER 2008**

Alderman Campbell presented the report.

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

*that the minutes of Leisure & Amenities Committee Meeting No 354 – 16<sup>th</sup> December 2008, as circulated, be adopted and the recommendations therein approved.*

\* Councillor Kennedy returned to the meeting at 7.55 pm.

**894.10 LEISURE & AMENITIES COMMITTEE NO 355 – 19<sup>TH</sup> DECEMBER 2008**

Alderman Campbell presented the report.

**Matters Arising****10.1 Metal Bridge, Stranocum (355.7)**

Councillor Kennedy requested advice on grant aid opportunities for the maintenance and upkeep of the bridge. The Director of Borough Services will look into this and report at the next committee meeting.

**10.2 Adoption of Minutes**

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

*that the minutes of Leisure & Amenities Committee Meeting No 355 – 19<sup>th</sup> December 2008, as circulated, be adopted and the recommendations therein approved.*

**894.11 HEALTH & ENVIRONMENTAL SERVICES COMMITTEE NO 345 – 18<sup>TH</sup> DECEMBER 2008**

Councillor Robinson presented the report and thanked members for their co-operation in the change to the meeting date from 23<sup>rd</sup> December to 18<sup>th</sup> December.

**Matters Arising**



### 11.1 Municipal Waste Returns (345.15)

Referring to mixed dry recyclable waste, Councillor Robinson requested that members continue to urge residents of the borough to recycle their waste in an effort to reduce landfill costs. At the request of Councillor Finlay, the Director advised that Council remains able to dispose of its dry recyclable materials without the need for storage, as is the case in England and other countries due to the economic downturn and the reducing cost per ton for its disposal.

### 11.2 Adoption of Minutes

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

*that the minutes of Health & Environmental Services Committee Meeting No 345 – 18<sup>th</sup> December 2008, as circulated, be adopted and the recommendations therein approved.*

## 894.12 CORPORATE & CENTRAL SERVICES COMMITTEE NO 371 – 22<sup>ND</sup> DECEMBER 2008

Alderman Simpson presented the report.

### Matters Arising

#### 12.1 Staff Matters (371.5.2)

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

*that Council 'move into Committee' to discuss this item of business.*

- \* **Members of the press left the meeting at 8.10 pm.**
- \* **Councillor McGuigan left the meeting at 8.10 pm.**

The Chief Executive responded to questions from members relating to the dissolution of the LSP, Council's role in recruiting and providing support staff, the law in relation to redundancy and Councils responsibilities in this regard.

### 12.2 Adoption of Minutes

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

***that the minutes of Corporate & Central Services Committee Meeting No 371– 22<sup>nd</sup> December, as circulated, be adopted and the recommendations therein approved.***

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

***that Council 'move out of Committee' to continue its business.***

\* **Members of the press returned to the meeting at 8.20 pm.**

#### **894.13 LIBRARY AUTHORITY NOMINATIONS**

The Chief Executive confirmed that four expressions of interest are available to Council. Nominations were requested for members who wish to apply.

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

***that Councillor Robinson be nominated.***

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

***that Alderman Simpson be nominated.***

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

***that Councillor McCamphill be nominated.***

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

***that Councillor Patterson be nominated.***

#### **894.14 RESOURCES TASK GROUP MEETING – 4<sup>TH</sup> DECEMBER 2008**

Councillor Finlay presented the report.

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

***that the minutes of Resources Task Group – 4<sup>th</sup> December 2008, as circulated, be adopted and the recommendations therein approved.***

- \* **The Director of Borough Services, the Director of Central & Leisure Services left the meeting at 8.25 pm.**

#### **894.15 BUDDY BEAR TRUST**

At Council meeting on 1<sup>st</sup> December, Council agreed to lend its support for the Trust's request for a meeting with the Education Minister to explore options in relation to the future of the school.

Dungannon & South Tyrone Borough Council has written following a decision by the Assembly to support conductive education and to commend the Buddy Bear School, Dungannon, to the Office of the First Minister, Deputy first Minister and the Minister of Education for financial support and assistance. A copy of the Assembly Report is available.

To facilitate a co-ordinated approach, Dungannon & South Tyrone Borough Council invite representatives from Council to an information session to address the future provision and choice of special conductive education for children with Cerebral Palsy and look at how Councils can lend their support. Ministers, Committee, MLA's and representatives from the relevant Government Departments will also be invited.

The session will take place in Dungannon & South Tyrone Borough Council Offices, Circular Road, Dungannon, Thursday 15<sup>th</sup> January 2009 from 1.00 pm – 3.00 pm (lunch will be provided).

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

***that Alderman Campbell attend the information session on 15<sup>th</sup> January 2009 at Dungannon & South Tyrone Borough Council offices.***

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

***that Alderman Connolly attend the information session on 15<sup>th</sup> January 2009 at Dungannon & South Tyrone Borough Council offices.***

#### **894.16 HM REVENUE & CUSTOMS CHANGE PROGRAMME PROPOSALS**

Council submitted views on the HMRC's change programme proposals relating to Coleraine area. On 4<sup>th</sup> December, they announced the decisions following the feasibility period, and these are published on their website at: <http://www.hmrc.uk/local/change-programme.htm>.

In accordance with Section 75 of the Northern Ireland Act 1998, HMRC published an Equality Impact Assessment (EQIA) for its estate outside of the Belfast urban centre. This report outlines HMRC's decisions on the proposals and the ongoing mitigating

actions being taken to minimise any adverse equality impacts identified. The report is available to any member of the public as a download from the HMRC website at: <http://www.hmrc.gov.uk/local/equal-impact-assmts.htm>.

#### **894.17 ROADS INVESTMENT – QUARRY PRODUCTS ASSOCIATION**

The Quarry Products Association, in welcoming the urgency and leadership shown by the Executive and Assembly in relation to the wider construction industry, calls for support for the Executive as it steers a course to manage the Northern Ireland economy, stating that any financial package the Executive brings forward has investment in infrastructure as a key priority.

The Association states that current shortfall in funding for roads maintenance now stands at well over £500 million. We need a ring fenced index linked annual budget going forward of no less than that identified in the Roads Service structural maintenance funding plan.

A copy of their recently revised 'State of Your Roads' Bulletin, which contains recent comments and updated data on the maintenance funding of our Roads Network, is available.

#### **894.18 MAGHERAFELT DISTRICT COUNCIL – AUTISM SPECTRUM DISORDER**

The Council has written drawing attention to the apparent shortcomings of the consultative documents – Autism spectrum Disorder (ASD) Strategic Action Plan 2008/09 – 2010/11 – insofar as it has failed to address many of the very serious issues.

The Council has resolved to forward a copy of its comments to all Councils and requests Councils to endorse its response.

#### **894.19 COLERAINE BOROUGH COUNCIL – PLANNING DECISION NOTICES**

The Council's Planning Committee has considered the current procedure for issuing planning decisions, following the Planning Service's consultation with Council. It noted that, in the majority of cases, refusal notices were issued the day following the Council meeting, thus removing the opportunity for applicants/agents to withdraw their applications.

Whilst recognising the Department's strategic objectives in terms of providing an efficient and effective service to the public, they felt that the Department placed undue emphasis on meeting targets at the expense of effectiveness and fair play.

They have made representations to the Chief Executive of the Planning Service requesting that all refusal decisions be held for a 5 day period following Council consultation.

The support of the Chairman of the Environment Committee and the other 25 Councils is sought.

**894.20 REPORTS**

A list of reports was circulated for members' information.

**894.21 NILGA REPORTS & UPDATES**

A list of reports and updates were circulated for members' information.

**The meeting concluded at 8.30 pm.**