

**Ballymoney Borough Council
Council Meeting No 925 – 6th September 2010**

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BALLYMONEY BOROUGH COUNCIL

Minutes of Council Meeting No 925 held in the Council Chamber, Riada House, Ballymoney on Monday 6th September 2010 at 7.00 pm.

IN THE CHAIR: Councillor B Kennedy, Mayor

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

Councillors
Councillor J Finlay
R Halliday
M McCamphill
P McGuigan
A Patterson
E Robinson
I Stevenson
M Storey, MLA

APOLOGIES: **Councillors**
A Cavlan
D McKay, MLA
T McKeown

IN ATTENDANCE: Chief Executive
Director of Borough Services
Head of Corporate & Development Services
Committee Clerk

Press

925.1 MINUTES - MEETING NO 924 – 2ND AUGUST 2010

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

that the minutes of meeting No 924 – 2nd August 2010, as circulated, be confirmed as a correct record.

925.2 CONSULTATION COMMITTEE NO 53 – 16TH AUGUST 2010

The minutes of meeting No 53 on 16th August 2010, as circulated, were received.

925.3 DEVELOPMENT COMMITTEE NO 217 – 16TH AUGUST 2010

Councillor Finlay presented the report. The Head of Corporate & Development Services advised that an invitation will be issued to Geographic Survey NI to give a presentation to Committee.

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

that the minutes of Development Committee Meeting No 217 on 16th August 2010, as circulated, be adopted and the recommendations therein approved.

925.4 SEAL DOCUMENTS

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

that the Seal of Council be affixed to Grave registration certificate numbers 1213, 1214, 1215 & 1216

925.5 DEVELOPMENT REPORT

The Head of Corporate & Development Services presented the report.

5.1 Northern Regional College – Business Improvement Plan 2010-2016

Council's agreed response was submitted to the Northern Regional College by the closing date of 23rd July. In the light of the difficulty experienced in considering this matter in detail due to holiday period and closure of schools at end of June Council's response indicated that Council reserved the right to take the opportunity to further expand on the issues, including implementation timelines, efficiency measures/expected savings, economic impact and impact on S75 categories when it has the opportunity to further consult the education and business sector and NIPSA on a range of measures which directly impact on education provision, students, staff eg:

- a) Removal of A level provision across all sites;
- b) Restricted opening hours at all sites from September 2010
- c) Withdrawal of catering, painting and decorating and engineering courses;
and
- d) Closure of Ballymoney Campus 2014-16.

Further consultation session(s) will be arranged to facilitate consideration of the issues.

Following the closure of comments the Northern Regional College advised that a meeting of the Governing Body to review comments was scheduled for 17th August 2010 and a response to comments submitted would be forwarded after this date.

Following discussion with NIPSA the Union shared its response to the consultation, a copy of which was circulated. **Council is invited to endorse this response.**

Councillor Storey stated the need to ensure that a quality education is retained. He has had a meeting with Trevor Neilands to discuss this issue and is hoping to meet with the Minister in October. Councillor Storey expressed the view that Council write to Sir Reg Empey advising of Council's views on retention of Northern Regional College, Ballymoney Campus.

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

that Council endorse the response submitted by NIPSA to the Northern Regional College consultation on its Business Improvement Plan 2010-2016 and write to the Minister for Education & Learning on the restructuring proposals.

5.2 DARD Farm Modernisation Programme

The Department of Agriculture and Rural Development published an equality impact assessment of the Farm Modernisation Programme, Tranche 2, on which comments were invited by 3rd September.

It is recommended that the draft comments, attached as **Annex 1 (DC/2)** be endorsed.

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

that Council's comments, as circulated, be endorsed.

5.3 Twinning Request – Heuvelland, Belgium

Committee considered a request on behalf of the local authority in Heuvelland, Belgium for the development of a twinning link on the basis of the connection between the two areas, in that - one of Heuvelland's most famous personalities during this Great War is Private John Meeke, who helped the wounded Major William during the Battle of Messines Ridge. Private Meeke is buried in Derrykeighan Graveyard. The matter was deferred by committee to enable further information to be obtained and a report to committee. In the interim the opportunity has arisen for the Chair of Committee and Councillor McCamphill to meet with representatives from the Heuvelland authority while on a visit to Brussels. **It is recommended** that Council authorise the exploratory meeting and any additional cost involved, which is expected to be minimal.

Councillor Finlay recommended to members a booklet available from the museum entitled 'The Story of John Meeke and Major William Redman' stating that this is an interesting and worthwhile read. Councillor Robinson concurred

stating that John Meekes is an often mentioned name at the Somme commemorations. At the request of Alderman Simpson, the Head of Corporate & Development Services clarified the provision of funding for the visit from Northern Group Building Control and NEP and the additional cost involved to facilitate the meeting with representatives from Heuvelland.

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

that Council authorise the exploratory meeting and any additional cost involved.

5.4 Townscape Heritage Initiative

The Heritage Lottery Fund has announced funding for the regeneration of conservation areas – “Townscape Heritage Initiative”, details of which were circulated. First round applications are invited by 30th November 2010, if successful second round applications can be advanced. Schemes run for five years with HLF awards between £500k and £2m. 25% partnership funding is required.

Initial expression of interest has been registered and feedback sought. If a bid for funding is to be made it may be necessary to procure consultancy support to assist in the process. In this regard the matter of budget provision will require consideration.

It is recommended that consideration be given to granting approval for a first round application to be progressed in respect of Ballymoney Town Centre.

At the request of Alderman Simpson, the Head of Corporate & Development Services clarified the timescales involved in working up the bid, the need to engage consultancy support and the resources necessary to support a bid. A more detailed report will be made at the next meeting of Committee.

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

that Council approves the progression of the first round application and consultancy support.

5.5 Dark Hedges

Councillor Storey referred to letter of support to Dark Hedges Preservation Trust which was set up to try to preserve the Dark Hedges. He advised that the Trust submitted a funding application for work to be carried out at the Dark Hedges and it is anticipated that an announcement will be made by mid September as to whether the application has been successful.

925.6 AMENITIES REPORT

The Director of Borough Services presented the Amenities report.

6.1 BALLYMONEY CEMETERY – MEMORIALS

Applications have been received as undernoted for the erection of memorials in Ballymoney Cemetery.

Section I3 No. 102

Mr. James Ritchie, 9 Semicock Park, Ballymoney.
All Polished Black Granite Headstone & Base.

Section E2 No. 16 & 17

Mr. James McGinley, 19 Millbank, Killyrammer, Ballymoney.
Black Granite Headstone & Base.

Section 10 No. 17

Ms. Ethel Murray, Stewart Memorial House, Downshire Road, Bangor.
All Polished Grey Granite Headstone & Base with Surrounds.

Section I3 No. 154

Mr. Basil Kane, 41 Curragh Road, Aghadowey, Coleraine.
Black Granite Headstone & Base.

Section I3 No. 156

Mr. Robert Brownlow, 48 Trinity Drive, Ballymoney.
All Polished Black Granite Headstone & Base.

Section I3 No. 158

Mrs. Deborah Morrison, 32 John Street, Ballymoney.
All Polished Granite Headstone & Base.

Section C No. 22

Mr. Albert Beckett, 9 Beechwood Drive, Balnamore, Ballymoney.
All Polished Black Granite Headstone & Surround.

Section 2 No. 80

Mrs M McClelland, 15 Antrim Park, Ballymoney.
Black Granite Headstone & Base.

IT IS RECOMMENDED that Council grant permission to the above applicants to erect memorials in Ballymoney Cemetery, subject to usual requirements.

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

that the Amenities report, as circulated, be adopted and the recommendation therein approved.

925.7 HEALTH & ENVIRONMENTAL SERVICES REPORT

MATTERS FOR CONSIDERATION

ENVIRONMENTAL PROTECTION

7.1 DoE CONSULTATION ON THE PROPOSAL TO AMEND THE LANDFILL REGULATIONS (NORTHERN IRELAND) 2003

The Department of the Environment issued a Consultation Paper which advised that it intends to amend the Landfill Regulations (Northern Ireland) 2003 “to change the date from which landfill sites which close (or have closed) must comply with the Landfill Directive (1999/31/EC) to 16th July 2001 and to redefine the term ‘operator’ to extend its meaning to cover the period 16th July 2001 to 18th December 2003”.

As the Consultation Paper states “those affected by the proposal will be District Councils and private operators of landfill sites. The Regulations will clarify that all landfill sites which closed after 16th July 2001 were required to do so in compliance with the Landfill Directive (1999/31/EC). This will have a financial impact on the small number of Council and private landfill operators whose sites closed within the period 16th July 2001 to 18th December 2003 and may not be in full compliance with the requirements of the Directive”.

In its Partial Regularity Impact Assessment (PRIA) to the Consultation Paper the Department intimates that to do nothing “would fail to satisfy the European Commission that the Landfill Directive had been fully transposed and applied to all sites closed after it came into force on 21st July 2001. There would be a significant risk of infraction penalties on the grounds that these sites are in breach of Article 13 of the Landfill Directive”. The Department, when addressing the question of compliance costs in its PRIA states “... full compliance with the Directive could amount to up to £10m per site, over a period of 3-5 decades”. It concludes that for the ten sites identified that when compliance costs are expressed in net present cost terms (i.e. an estimate of the value of future costs (and benefits) in present day terms) its calculations give a net present cost of £8.6m per site or £86m in total.

Council is aware of this issue and has authorized joint working with the other four authorities in a similar position. On foot of legal advice received, ***IT IS RECOMMENDED*** that Council make the following comments on the Department of the Environment’s Consultation on its proposal to amend the Landfill Regulations (Northern Ireland) 2003:-

Council has considered the above Consultation Paper upon which it has the following comments:-

1. The Consultation Paper fails to recognise the Department of the Environment’s role in failing to properly implement the Landfill Directive when it introduced the Landfill Regulations (Northern Ireland) 2003 (“the 2003 Regulations”) and the consequences of that on innocent third parties who at all times have complied with national law;

2. The effect of the proposal is to amend the 2003 Regulations in such a way as to give them retrospective effect. Council believes that paragraph 16 which sets out that the amendment is not deemed to be retrospective is incorrect and should the Regulations be made in this form and with this effect, they will be *ultra vires*;
3. Council also has serious reservations in respect of the Regulatory Impact Assessment which has been carried out. Council believes that the Department has failed accurately to identify the compliance costs involved and therefore its Regulatory Impact Assessment does not form a sound basis for proceeding with the proposed Regulations.

The Director of Borough Services responded to questions from members, dealing with the issue of precedence and affirming the view that the proposed Regulations were retrospective in their effect. Responding to Councillor Storey's question relating to the potential cost to Council, he stated that the figures quoted in the Department's PRIA were on a per site basis, an estimate of the cost of closing to Landfill Directive standards, but did not include an estimate as regards the potential cost of EU infraction proceedings which may be levied because the Department had not introduced the necessary domestic legislation to bring in the provisions of the EU Landfill Directive as required. Councillor Storey emphasized the importance of legal advice in this matter. The Chief Executive supported the recommendations brought forward by the Director.

HEALTH & SAFETY

7.2 PETROLEUM (REGULATION) ACTS (NORTHERN IRELAND) 1929 AND 1937 PETROLEUM SPIRIT LICENCE (RENEWALS)

Applications have been received for the renewal of petroleum spirit licences as follows: -

Premises

Dervock Centra,
10-16 Carncullagh Road,
Dervock,
BALLYMONEY BT53 8BT.

Applicant

Mr. S. Sweeney

Centra,
8 Ballybogey Road,
BALLYMONEY BT53 6QD.

Mr. G. Biesty

The renewal of licences as detailed above is **RECOMMENDED**

ENVIRONMENTAL HEALTH

CERTIFICATES OF FITNESS

**7.3 THE PRIVATE TENANCIES (NORTHERN IRELAND) ORDER 2006
ARTICLE 36 (4)**

Landlord

Mr. Eddie Osbourne

Mr. Sean Carey

Mr. R. Wilmot

Dwelling- House

13 Henry Street,
BALLYMONEY BT53 6HX.

25 Henry Street,
BALLYMONEY BT53 6HX.

6 Ozone Avenue,
BALLYMONEY BT53 6HU.

Fitness inspections of the above dwellings have been conducted and the dwelling houses meet the fitness standard for human habitation as set out in Article 46 of the Housing (NI) Order 1981.

IT IS RECOMMENDED that the Borough Council grant an Article 36 (4) Certificate of Fitness in respect of each of the above dwelling houses.

LICENSING

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

Premises

Se Og's Bar,
15 Main Street,
Rasharkin,
BALLYMENA BT44 8PT.

Applicant

Mr. Stephen Hardy

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

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

7.5 ARTICLE 115 – APPLICATION FOR THE RENEWAL OF AN AMUSEMENT PERMIT

Application for the renewal of an amusement permit under the provisions of Article 115 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, has been received from Mr. Samuel Trevor Wylie, 9 Ashbrook Drive, Balnamore, Ballymoney, BT53 7TA, in respect of premises namely Rafters Snooker Club, 18 Seymour Street, Ballymoney, BT53 6JR.

IT IS RECOMMENDED that the Borough Council renew the said permit and that same be subject to the Council's "Amusement Permit Conditions".

MATTERS FOR INFORMATION

FOOD SAFETY

7.6 FOOD HYGIENE REGULATIONS (NI) 2006 REGULATION 6, HYGIENE IMPROVEMENT NOTICES

The following 4 Hygiene Improvement Notices were served on XXX, on 20th August 2010, for failing to comply with the above Regulations. The premises were in breach of Article 17(1) of the Food Hygiene Regulations (NI) 2006 in that they contravened the following community provisions:

- Regulation EC (No) 852/2004, Article 5(1) and 5(4)(b) – insufficient documentation and records in relation to HACCP.
- Regulation EC (No) 852/2004, Article 5(1) and 5(2) – failure to review HACCP.
- Regulation EC (No) 852/2004, Article 4(2) and Annex II, Chapter XII, paragraph 2 – training of those responsible for HACCP.
- Regulation EC (No) 852/2004, Article 4(2) and Annex II, Chapter IV, paragraph 7 – temperature of vehicles transporting food.

7.7 ANIMAL BY-PRODUCTS (NI) 2003 REGULATION 42(A), NOTICE REQUIRING THE DISPOSAL OF ANIMAL BY-PRODUCTS OR CATERING WASTE

The above notice was served on xxx, on 20th August 2010, requiring the immediate disposal of category 3 animal by-products from the premises by the approved manner applicable to the animal by-product category.

BUILDING CONTROL

7.8 OFFICER AUTHORISATION LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 AND THE RATES (NORTHERN IRELAND) ORDER 1977

Land & Property Services (LPS) of the Department of Finance and Personnel (DFP) has appointed Ballymoney Borough Council to:-

- Undertake an examination of vacant property in the Borough of Ballymoney during 2010;
- Establish which properties are occupied or vacant for rate assessment and collection purposes;
- Provide full details of occupiers/owners and dates of occupation where property is found to be in rateable occupation; and send occupancy/ownership information to LPS on the pro-formas provided;

and has authorised Ballymoney Borough Council to act as its agents to collect the data required under the provisions of the Rates (NI) Order 1977 and pass it to LPS.

By virtue of the relevant provisions of the Local Government Act (Northern Ireland) 1972. **IT IS RECOMMENDED** that Ballymoney Borough Council authorize the undernoted Building Control Officers to carry out property vacancy inspections within the Borough and to collect data for the sole purpose of rate assessment and collection where property is found to be in rateable occupation:

- William Campbell
- Trevor Colvin
- Colin Stewart
- John Blair

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

that the Health & Environmental Services Report 7.1 – 7.8, as circulated be adopted and the recommendations therein approved.

* **The Director of Borough Services left the meeting at 7.50 pm.**

925.8 CONSULTATION ON A GOVERNANCE FRAMEWORK FOR THE IMPROVEMENT OF COLLABORATION AND EFFICIENCY (ICE) PROGRAMME

NILGA has published a consultation document seeking council's view on a preferred option for the governance structures needed to support what has become known as, the Improvement Collaboration and Efficiency (ICE) programme. It also seeks council's views on the accompanying operational principles for any regional governance group. A copy of the consultation document was circulated to members.

By 9 September 2010, Council is asked to send to NILGA its comments on: -

1. Proposed operational principles for any regional body
2. Its preferred option for the governance model to support the ICE programme.

The Operational Principles are set out on page 5, paragraph 19 and are based on those used for the sub-regional waste groups. The 8 principles are: -

1. Councils are free to join or opt out
2. All councils have equal representation
3. All nominated councillors have equal status
4. Councils may choose to have only one representative from each council to keep numbers manageable
5. To ensure continuity, NILGAs 5 officer bearers will be members with observer status only (no votes)
6. Decisions based on consensus – no power of veto as council can opt out
7. Limited delegation of power – councils may agree to delegate some functions to regional group

8. Shared funding – costs of regional group borne by councils.

Comments

- *Principles seem reasonable overall.*
- *Having only one representative per council could lead to political unbalance on overall group – perhaps less of an issue due to decisions by consensus and ability to opt out*
- *Some councils may have an issue with NILGA office bearers having seats, even with no voting rights (e.g. Newtownabbey is not a member of NILGA)*
- *Shared funding needs further definition – is it equal funding or based on population or rate base?*

With regard to operational principles, it was agreed that clarification be sought on shared funding ie based on equal funding, or based on population or rate base.

Options for Governance models are set out on page 4, paragraphs 16 and 17 with more details in Appendix A, pages 7-9. Three options are offered: -

1. Status quo – no new central structures – 26 councils free to co-operate or not.
2. Regional collaboration Group comprised of councillors from all councils willing to take part. Role would be to set direction and take decisions, supported by a Regional Chief Executives group to give advice and co-ordinate regional initiatives.
3. Retain voluntary Transition Committees and Transition Management Teams and add in a regional layer based on the 11 clusters of proposed councils. This would have a Regional Transition Committee and a Regional Transition Management Team.

Comments

Option 1

- *Decision-making retained by the 26 councils which are the only local government bodies with any statutory powers.*
- *It is easy to understand and there are no added costs.*
- *However, the status quo is unlikely to deliver any different outcomes than at present, when there is very limited collaboration between councils and almost none between councils and other public, private or voluntary bodies.*
- *Larger councils may be better able to fund initiatives than smaller ones, which may be left behind.*

Option 2

- *Decision-making retained by the 26 councils, except where they choose to delegate it to a regional body*

- *A regional body with councillors in the lead, setting direction and deciding on options for efficiency measures*
- *Supported by Chief Executives with local government experience*
- *Funding needed to meet costs of new structure, but known upfront based on business case*

Option 3

- *Builds on work done by voluntary Transition Committees and Transition Management Teams*
- *Retains link to 11 council model of reform and completes structures already designed*
- *Costs likely to be significant – unlikely to be central funding so all costs fall to councils*
- *Confused structure, giving pre-eminence to voluntary bodies over elected councils*
- *Assumes that 11 council model will survive – is this realistic?*

It is **recommended** that Council agree its comments on the proposed operational principles for any regional body and its preferred option for the governance model to support the ICE programme.

The Mayor expressed reservations about the financial implications of options 2 & 3 and questioned savings and benefits. Councillor Robinson said that for the governance proposal, a group will be set up to look at finance. Alderman Simpson questioned staffing costs to support a regional structure and stated his opposition to these options. Councillor McGuigan, a member of the Transition Committee, stated that Council should offer no comments at this stage. Councillor Storey urged the need for caution relating to convergence and the implications this might have on jobs.

MOTION 1

It was proposed by Councillor Robinson, seconded by Councillor Halliday

that option 2 should be the preferred option as a governance model to support the ICE programme.

MOTION 2

It was proposed by Councillor McCamphill, seconded by Alderman Connolly

that option 1 should be the preferred option as a governance model to support the ICE programme.

The Mayor put motion 1 to the meeting with seven members voting in favour and four voting against.

The Mayor declared motion 1 carried.

925.9 ROADS SERVICE –SPEED LIMIT, WILLIAMSON PARK, SEACON

Requests have been received from members of the public and elected representatives over a number of years for the introduction of a speed limit at Williamson Park in Seacon. Up until now it has never proved possible to justify a limit under the policy that applied for the introduction of speed limits.

Roads Service has recently adopted a new speed management policy entitled, 'Setting Local Speed Limits in Northern Ireland'. This has permitted a review of the stretch of Seacon Park, which includes Williamson Park and Westfield Park, to be carried out. For the purposes of this new policy, the density and layout of the housing at this location can now be considered as a village. Although the requirements relating to the minimum length for a speed limit remain at 600m, this can, in certain circumstances, be reduced to 400m.

It is therefore, proposed to take forward the introduction of a formal 30mph speed limit on Seacon Park over a distance of approximately 400m.

It was **AGREED:**

that Council lends its support to the Department's proposals to introduce a 30mph speed limit at Seacon Park.

Councillor Patterson and other members welcomed the proposals to improve road safety at this location.

925.10 SUSTAINABLE DEVELOPMENT IMPLEMENTATION PLAN CONSULTATION EVENT

NILGA working in partnership with the Sustainable Development Division invite 2 members to a consultation event on the morning of **28th September 2010 in Glenavon House Hotel, Cookstown, commencing at 9.00am.**

The purpose of the event will be to populate the OFMDFM Sustainable Development Implementation Plan with local government commitments and to give views on the commitments proposed by central government.

As the issue of Sustainable Development is so wide ranging, relevant local government officers will be invited on an individual basis in order to ensure an appropriate range of portfolios, skill sets, knowledge and experience.

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

that Alderman Campbell be nominated to attend the Consultation event.

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

that Alderman Connolly be nominated to attend the Consultation event.

**925.11 DRIVER AND VEHICLE AGENCY
ROAD TRANSPORT APPLICATION FOR A NEW STAGE CARRIAGE SERVICE
FROM CHAMBERS COACH HIRE LTD.**

The Department of the Environment has received an application from the above-named operator who proposes to operate the following Stage Carriage service on Saturday night/Sunday morning only.

Outward

Depart	Diamond Ballycastle	2030
Depart	Main Street, Pound Bar, Loughguile	2100
Depart	Main Street, Cloughmills	2115
Depart	Main Street, Chip Shop, Dunloy	2130
Arrive	Sense Night Club, Cookstown	2230

Return

Depart	Sense Night Club, Cookstown	0200
Depart	Main Street, Chip Shop, Dunloy	0300
Depart	Main Street, Cloughmills	0315
Depart	Main Street, Pound Bar, Loughguile	0330
Arrive	Diamond, Ballycastle	0400

Comments are invited by 13th September 2010.

Should Council wish to object on the grounds that this proposed service would impact on a service already in operation, a map showing the route of your existing service should be provided.

No comments were offered.

925.12 NORTHERN AREA PLAN

Notification has been received from Planning Service as to whether Council wish to pursue the objections lodged in 2005 at the forthcoming Examination in Public (EIP). A response is requested by Planning Service **by Friday 3rd September**. This is too short a timeframe in which to review and assess which objections Council are pursuing. In the circumstances **it is recommended** that at this stage Planning Service be advised that Council is pursuing all the objections lodged.

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

that Planning Service be advised that Council is pursuing all the objections lodged.

* **Councillor Storey left the meeting at 8.45 pm.**

925.13 FIRMUS ENERGY GAS PRICES

A press release from Firmus Energy confirms their natural gas price for homes and small businesses will remain unchanged from 1 October 2010. A copy of the press release was circulated to members.

925.14 POST OFFICE BALLYBOYLAND BRANCH

The Post Office has written to inform Council that regrettably, due to the resignation of the sub postmaster and the premises no longer being available for Post Office use the above branch closed temporarily on 22 July 2010.

They will continue to work hard to restore services in the area as soon as possible. Any applications from potential retail partners interested in running Ballyboyland Post Office branch are welcome. Details of the vacancy have been added to Council's website.

Council's input with regard to future planning in the Ballyboyland area is sought. Details of alternative services were circulated.

925.15 NORTHERN IRELAND WATER NON-DOMESTIC CUSTOMER CHARGES 2010-11

Changes to water and sewerage charges have been introduced from 1st April 2010. Given the possibility that members will receive enquiries from constituents a letter intended to assist by outlining the changes for this year was circulated.

If your constituents require any further details on the changes contact Customer Relations Centre on 0845 877 0030 or visit www.niwater.com/watercharges. Or if you require any clarification please contact our elected representatives' line 0845 300 6461.

925.16 DOE CUTS TO LOCAL GOVERNMENT'S 'RESOURCE FUNDS'

A NILGA delegation met Minister Poots to discuss DoE cuts to resource funds. A copy of the NILGA press release following the meeting was circulated.

925.17 NEWTOWNABBEY BOROUGH COUNCIL – CARBON MONOXIDE MONITORS

Newtownabbey Borough Council has advised that at its meeting on 9th August 2010, it was agreed that a letter be forwarded to the Office of the First Minister and Deputy First Minister requesting that legislation be introduced to make it compulsory that carbon monoxide monitors be fitted when gas appliances are being installed. The discussion followed the regent, tragic deaths of Aaron Davidson and Neil McFerran in Castlerock as a result of carbon monoxide poisoning and members are anxious to ensure that a similar situation should not be repeated.

The support of all Councils in Northern Ireland is sought.

Newtownabbey Borough Council request that if support is agreed, Council write to the OFMDFM accordingly.

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

that Council support Newtownabbey Borough Council in its representation to the OFMDFM.

925.18 STRABANE DISTRICT COUNCIL - COMMUNITY BENEFIT CLAUSES IN COUNCIL CONTRACTS

At its meeting on 10th May, Council supported a resolution from Strabane District Council on this subject.

Strabane District Council recently wrote to NILGA seeking support in lobbying the Environment Minister to call for the Department to make an order under the Local Government (Best Value) Act (Northern Ireland) 2002, to provide that certain workforce matters cease to be 'non commercial' considerations for the purpose of s19 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992.

It is now understood that the DOE proposes to make an Order (using powers available in the Local Government (Best Value) Act (Northern Ireland) 2002) to enable councils to include social clauses in their procurement contracts to the extent that they are necessary of expedient to achieve Best Value. Unfortunately, however, NILGA has learned that the Department has indicated that due to legislative timeframes, it could be some time before this is implemented.

It has been recommended in the NILGA written response to the public consultation on the Finance Bill that the Bill should include provision for the inclusion of social clauses in public procurements including, for example, consolidation of the DFP 'Guidance on Equality of Opportunity And Sustainable Development In Public Sector Procurement' as referred to in DAO(DFP) 05/08; the proposals outlined by the Construction Industry Federation Northern Ireland Task Group in relation to promoting equality and sustainable procurement in construction; and the Scottish Social Enterprise Coalition guidance on Community Benefit Clauses.

Council is invited to indicate if it is supportive of NILGA engaging with the Minister to urge the Department that this work is completed on a timely basis.

It was **AGREED:**

that Council support NILGA engaging with the Environment Minister to urge the Department that the necessary legislative work be completed on a timely basis.

925.19 BALLYMENA BOROUGH COUNCIL – PRESBYTERIAN MUTUAL SOCIETY

At its meeting on 2nd August 2010, Council supported a resolution from Ballymena Borough Council relating to the loss of savings invested with the Presbyterian Mutual Society.

The Office of the First Minister and Deputy First Minister has responded advising that the latest proposals call for more direct intervention from government to provide conditions that will give practical help to deal with hardship experienced by small savers. They advised that unfortunately, it is not possible to disclose the full detail of these proposals at this stage while they remain under consideration.

Ministers have asked OFMDFM to give assurance that every option, from both a financial and legal perspective, has been rigorously explored in an effort to find a satisfactory solution to the PMS problem. This has included the personal involvement of a number of Executive Ministers, the current and former Prime Minister, the former Chief Secretary to the Treasury, the Secretary of State, Owen Paterson (who will now chair the PMS Ministerial working Group), a senior team of HM Treasury officials and key legal advisers both here and in Westminster administrations. The meeting of the First Minister and deputy first Minister with Prime Minister David Cameron on 20 May recognised the urgency to push ahead with a resolution as quickly as possible. Ministers remain hopeful of reaching a satisfactory solution soon.

925.19 REQUEST TO PRESENT TO COUNCIL

Age concern Causeway has requested an opportunity to inform Council about the services it offers for older people and their carers within the council area and to provide an overview of its future plans.

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

that an invitation be extended to Age Concern Causeway to give a presentation to Council.

925.20 REPORTS

A list of reports was circulated for members' information.

925.21 NILGA REPORTS/UPDATES

A list of reports was circulated for members' information.

The meeting closed at 8.50 pm.

Appendices attached.

Annex 1 Response to DARD Consultation

ANNEX 1 (DC/1)

Response to DARD Consultation
'Equality Impact Assessment of the Farm Modernisation Programme – Tranche 2'

Ballymoney Borough Council proffers its thanks to the Department of Agriculture and Rural Development (DARD) for giving the Council this opportunity to respond to its proposed changes to the Farm Modernisation Programme's criteria.

Ballymoney Borough Council recognises that the ultimate aim of the Farm Modernisation Programme '*... is to improve the agricultural and horticultural businesses in Northern Ireland by encouraging farmers to invest in their holdings.*' It is therefore with this ultimate aim in mind that the following response has been produced.

1. Level of Modernisation

This criterion relates to the degree of modernisation of the eligible item(s) for which funding is sought. It refers to 9 criteria to determine the banking of items into 3 categories of modernisation, i.e. top, middle and lower. However, there are no details on how this banding has been agreed or which items would fall under each category.

As a result, there is a misgiving that the level of innovation/technology incorporated into the item rather than the contribution it will make to production levels will afford higher scoring. There is therefore a subsequent concern that items that display lesser innovative/technological characteristics but would have a considerable relative contribution to make to production *and* be more affordable to farmers/producers who are most in need would be scored lower.

Accordingly, it has also been suggested that the higher the level of innovative/technological characterisations included in an item, the more expensive they it is. As this programme is an intervention rate of 40%, this would immediately put those most in need at a disadvantage. Therefore, this could be deemed to be reinforcing inequality of opportunity for the grouping that has been established as being the most in need, which (it has been stated) is particularly pertinent to one side of the community. Therefore, it could be argued that this criterion as it stands discriminates on the grounds of religious belief/political opinion.

Subject to seeing evidence of what is included in each banding and therefore how relevant these concerns are, it is suggested that to reduce possible inequality the % potential increase in production that an item has in relation to current production levels should be a major

consideration, i.e. Level of Modernisation/Potential % Production Growth should be this first criterion.

2. Land Classification

In the initial paragraph, it states that *'Beef and sheep farms tend to have lower levels of profitability compared with dairying, for example.'* It then refers to the sizes of the farms in the different land classifications and how farms in particular areas have been growing at slower rates.

There is a concern that larger, more profitable farms in LFA and SDA designated areas would have an advantage over those that are in lowland areas that are relatively small and less profitable. There is also concern that this proposed criterion also discriminates on the grounds of religious belief/political opinion, as it has been stated that most farms in LFA and SDA areas come from one side of the community.

It is therefore suggested that to make this criterion fairer and more robust, rather than looking at land classification in isolation, profitability, growth (over a 5-year period, for example), and farm size should also be incorporated with the smallest, least profitable and slowest growing farms being awarded the highest marks. The criterion could be renamed *'Evidence of Need'*.

3. Succession Opportunity

This criterion is in contravention of section 75, as it discriminates on the ground of age.

The suggested alternative criterion submission of a farm strategy or business/action plan is the suggested alternative criterion for determining future modernisation and competitiveness plans. This criterion could be renamed *'Strategic/Developmental Planning'*.

4. Use of IT

The 5 marks of use of IT, discriminates against those who may not have convenient access to a computer and therefore the most disadvantaged.

In terms of addressing lack of IT usage, which is an element of business development where NI lags behind most of EU, redress has been identified in Measure 111 of Axis 1, for *'vocational training targeted at members of the farm household and linked to knowledge transfer in the agriculture, horticulture and agri-food sectors'*. However, bearing in mind the highlighted importance of this area, of the €410,172,472 allocated to the NI RDP a total of €1,000 (approx. 0.00024%) has been allocated to this measure.

Therefore, to make this a criterion without reinforcing its importance through developmental assistance appears rather unfair.

To mitigate this unfairness, it is suggested that assistance to complete applications forms is offered at various rural sites that have internet access throughout Northern Ireland. This could be in local primary schools (after hours to mitigate potential Child Protection issues), throughout the day/evening in community halls, libraries, etc. If done through a local centre a call could be made for volunteers who are IT literate to assist with the completion of forms. This would ensure that there was sufficient assistance made available.

Advance notification through national radio and TV stations would be required to ensure that everyone was aware of the opportunity. Activities could be co-ordinated through local DARD offices.

However, it should be noted that where supporting evidence is required, e.g. strategic plan, copies of annual accounts, etc this would still be an issue. Therefore, provision would still have to be made to allow these documents to be submitted manually without reprisal (in the form of loss of points).

Proposed Tie-Breaker

As the use of the Succession Opportunity is in contravention of section 75 (see 3. above) and there are a number of suggested changes to the other criteria to align them more closely to the overall aim, it is believed that the tie-breaker should also be more closely aligned.

Therefore, as increase in production and future competitiveness are the main aim and small, less profitable farms are the main target, the following is a suggested alternative for tie-break situations.

Tie Break Ranking	Criterion Nr	Criterion
1	2.	Evidence of Need
2	1.	Level of Modernisation/Potential % Production Growth
3	3.	Strategic Developmental Planning.

Finally, Ballymoney Borough Council hopes that DARD finds this feedback of benefit and wishes it success with Tranche 2 of the Farm Modernisation Programme.

16th August 2010