

Ballymoney Borough Council
Council Meeting No 932 – 14th December 2010

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BALLYMONEY BOROUGH COUNCIL

Minutes of Council Meeting No 932 held in the Council Chamber, Riada House, Ballymoney on Monday 14th December 2010 at 7.00pm.

IN THE CHAIR: Councillor B Kennedy, Mayor

PRESENT: Aldermen

F Campbell
C Cousley, MBE, Deputy Mayor
H Connolly

Councillors

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

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

Press

APOLOGIES: Councillors

A Cavlan
Director Borough Services

932.1 COMMUNITY CAROL SERVICE – 13TH DECEMBER 2010

The Mayor mentioned the Community Carol Service in Ballymoney on 13th December and commended the Good Relations Unit on the event and the community who had supported the event.

932.2 MINUTES – MEETING NO 929 – 1ST NOVEMBER 2010

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

that the minutes of meeting No 929 – 1st November 2010, as circulated, be confirmed as a correct record.

In response to a query by Alderman Campbell the Chief Executive confirmed that since the member did not move the motion for which notice had been given it was a matter for the member to give notice if he wished to present the motion at a later date.

932.3 MINUTES – MEETING NO 930 – 1ST NOVEMBER 2010

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

that the minutes of meeting No 930 – 1st November 2010, as circulated, be confirmed as a correct record.

932.4 MINUTES – MEETING NO 931 – 8TH NOVEMBER 2010

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

that the minutes of meeting No 931 – 8th November 2010, as circulated be confirmed as a correct record.

932.5 CONSULTATION COMMITTEE NO 56 – 15TH NOVEMBER 2010

Alderman Connolly presented the report.

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

that the minutes of meeting No 56 – 15th November 2010, as circulated be received.

932.6 DEVELOPMENT COMMITTEE NO 221 – 15TH NOVEMBER 2010

Councillor Finlay presented the report to Council.

MATTERS ARISING**6.1 Geological Survey (221.1)**

The Chair indicated that Committee should give further consideration to lignite development and this item would be tabled at a future meeting.

6.2 Adoption of Minutes

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

that the minutes of Development Committee No 221 on 15th November 2010, as circulated, be adopted and the recommendations therein approved.

932.7 LEISURE AND AMENITIES COMMITTEE NO 378 – 16TH NOVEMBER 2010

Alderman Campbell presented the report to Council.

MATTERS ARISING**7.1 NI Milk Cup Presentation**

In response to a query by Councillor Finlay the Mayor confirmed that Council had agreed to a request from the Milk Cup Committee to receive their presentation at Council rather than at committee.

7.2 Amenities Capital Projects (378.4)

Councillor McCamphill and the Mayor raised queries about the locations being considered for the play area in Cloughmills, whether the lands were in Council or other ownership. It was noted that the matter would be discussed at the next Committee meeting when the various issues could be clarified by the Director.

7.3 Old Courthouse Crest (378.15)

The Chief Executive confirmed, in response to a question, that the presentation related to the Church's request for the return of the crest.

7.4 Ballymoney Sports Advisory Committee (378.17)

The Director of Central & Leisure Services advised that the Committee Chair was unable to attend the meeting and an alternative date would be arranged.

7.5 Dervock 2012 Olympic Initiative (378.5)

Welcoming the establishment of the Working Group, Councillor Storey expressed dissatisfaction at the way in which government departments had dealt with the Dervock 2012 Olympic initiative proposals. Commending the unique story Ballymoney and Dervock had to tell with the 100th Anniversary of the significant sporting achievement of McArthur falling in the 2012 Olympic year, he hoped a celebration event could be delivered with Council's assistance.

The Mayor concurred with the member's remarks and suggested that the NI Tourist Board should be providing funding to support major events such as this which have a significant contribution to make to the Olympic celebrations in Northern Ireland.

7.6 Christmas Trees

The Mayor commended those staff who had worked in difficult conditions to erect Christmas Trees in towns and villages.

7.7 Adoption of Minutes

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

that the minutes of Leisure & Amenities Committee Meeting No 378 – 16th November 2010, as circulated, be adopted and the recommendations therein approved.

932.8 HEALTH & ENVIRONMENTAL SERVICES COMMITTEE NO 365 – 23RD NOVEMBER 2010

Councillor Patterson presented the report to Council and the following addendum:

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 – LICENCE APPLICATION (FULL LICENCE) (GRANT)

Premises	Applicant
The Vintage Café/Racks	Nicola & Nigel Craig
Unit 9a	
Ballybrakes Business Park	
BALLYMONEY	
BT53 6LW	

IT IS RECOMMENDED that the Borough Council grant 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.

MATTERS ARISING**8.1 Review of Fuel Stamp Saving Scheme (365.16)**

The Chief Executive explained that the funding sought was for printing of fuel stamps. He also outlined how the scheme operated with Council selling stamps to the public and shops and meeting claims for recovery of stamp value from participating fuel suppliers.

- **Councillor McGuigan joined the meeting at 7.30pm.**

Arising from discussion on marketing the scheme it was agreed that the Director report to Committee on the arrangements in place for marketing the scheme. Councillor Storey also alluded to the debate between the Consumer Council and suppliers regarding regulation of price of heating oil.

Concluding the discussion the Mayor said that Committee would take on board all these points about fuel prices and promotion of the scheme and do what it can under the scheme to provide a service to the most vulnerable. The Chief Executive agreed to refer the points made to the Director for Committee consideration.

8.2 Adoption of Minutes

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

that the minutes of Health & Environmental Services Committee No 365 on 23rd November 2010, as circulated, be adopted and the recommendations therein approved, including the addendum as detailed above; and that the cost of printing stamps, estimated at £2000, be met from existing amenities salary or other Borough Services Directorate budget.

932.9 CORPORATE & CENTRAL SERVICES COMMITTEE NO 390 – 22ND NOVEMBER 2010

The Mayor presented the Committee report.

MATTERS ARISING**9.1 Holocaust Memorial Day (390.3)**

Councillor Stevenson suggested that Council might mark Holocaust Memorial Day.

It was agreed to refer the matter to Committee to consider marking the event in 2012.

9.2 Adoption of Minutes

It was proposed by Councillor Finlay, seconded by Councillor McCamphill and
AGREED:

that the minutes of Corporate & Central Services Committee No 390 held on 22nd November 2010, be adopted and the recommendations therein approved.

- Alderman Connolly left the meeting at 7.40pm.

932.10 RESOURCES TASK GROUP MEETING NO 34 – 22ND NOVEMBER 2010

Alderman Simpson presented the report.

It was proposed by Councillor Finlay, seconded by Councillor McCamphill and
AGREED:

that the minutes of Resources Task Group Meeting No 34 held on 22nd November 2010, as circulated be adopted and the recommendations therein approved.

932.11 SEAL DOCUMENTS

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

that the Seal of Council be affixed to Grave Registry Certificate Numbers 1222 and 1223.

932.12 DRAFT NORTHERN AREA PLAN (dNAP) OBJECTIONS

A report from Planning Consultant following member workshop on 11th November, circulated to meeting was tabled.

It was agreed to defer consideration of the report to the Consultation Committee.

932.13 CLEARING OF SNOW AND ICE FROM FOOTPATHS

The Chief Executive presented the report as follows:

Problem

Since DRD do not treat footways they become dangerous for pedestrians when snow becomes compacted or during prolonged periods of freezing conditions.

Responsibility for problem

No-one has it. Roads Service (RS) has power to deal with the issue but has a policy of not doing so. The Assembly has agreed that policy. The public want the problem solved, so look to councils because of the failure of RS. Councils do not have power to do the work but are being offered it as agents of RS. This would also be extended to cover any organization councils would contract with for the work. So far only 2 councils have signed up; both use their own labour to do the work. Why have so few done so?

Shortcomings in the RS offer: -

- It is based on a false premise that councils have many staff unable to do other work when footways are snowbound; this may be the case in some councils but not in all. It may be so in one snowfall but not in the next;
- The public will not accept that footways are cleared in one instance but not in the next. If councils take on this duty and don't do it consistently they will receive complaints from the public for their failure to deal with the problem.
- The payment on offer is fixed and not related to the costs incurred; councils would have to make up the shortfall which would be difficult to budget for;
- RS requires councils to indemnify it against any claims arising from work done by Council staff or their agents; where claims are made councils would bear the cost of defending the cases and of any awards made;
- If councils take on this role from RS which has the power to do it itself but chooses not to, what will they be asked to take on next? As pressures mount on departments from cuts to their budgets, this would be a dangerous precedent to set.

Some options to resolve the problem

1. RS amends its policy to take on dealing with snow and ice on a limited range of footways. It currently does not grit the whole road network but prioritises the busiest and most strategic routes; it could equally prioritise the main shopping area footways in the main towns. Advantages of this approach:-
 - RS is the body responsible for roads and footways and already has power to do the work – no agreement is needed;
 - RS is a single agency so there would be a consistent approach across the whole of Northern Ireland, as there is for gritting of roads;
 - RS has the weather forecast and road surface temperature information to allow it to pre-treat footways before heavy snow – trying to deal with it only after it has fallen is less successful;
 - RS has a system of supervisors on-call and staff on stand-by for road gritting which could be extended for the extra work;
 - RS has the expertise, materials and equipment for dealing with snow and ice on roads and could acquire additional equipment, if needed for footways.
 - RS already contracts with farmers to clear snow from minor roads; a similar contract could be developed for footways.
2. If RS is unwilling to do the work but is prepared to pay councils to do it, councils could take it on and do it to the standard specified by RS. Councils already sweep DRD car parks and get paid for it, so there is a precedent for this. It would

involve preparatory work as councils have no plant for the work, their supervisors are not experienced in it and they would need to identify and train suitable staff who could be employed when needed.

3. If RS is unwilling to do the work or pay for it to be done, DRD should heed the call by the Association of Town Centre Managers reported on the BBC NI News website on Friday 10th December 2010 as follows: -

Traders are appealing for clarity from the government over who should be keeping pavements free of ice. The Association of Town Centre Managers wants to know their position before more wintry weather returns. Town centre traders have reported a fall in trade and want to make sure pavements can be kept free of ice.

The association's Andrew Irvine said the Department of Regional Development should let them know the legal position if they grit outside their shops. "We firmly believe that whether the Roads Service clear the pavements, or whether the councils clear the pavements, or some sort of common sense prevails to allow businesses to come out and clear the pavement, somebody has to clear the pavement. This idea that we can have days on end where people can't walk safely on our pavements just isn't acceptable," Mr Irvine said.

Traders hope that the DRD will let them know where they stand before next week, when the icy weather is expected to return.

The department said it would reply to the query in due course.

The Chamber of Commerce in Ballymoney encouraged its members last week to clear the pavements in the town centre and Council and Roads Service co-operated to provide them with a supply of salt to assist the process. If traders were assured that they were covered by DRD to do this work on its behalf, more might be willing to undertake it.

4. If RS is unwilling to do the work or pay for it to be done, Council could accept that it will assume the role of providing this service, which is not a council responsibility. To do so it must be sure that: -
 - a. it is aware of the implications of setting such a precedent when central government is under financial pressures and is looking to offload expensive or difficult functions to local government;
 - b. it has been given the necessary powers to do the work ;
 - c. relevant insurance cover in place;
 - d. an adequate budget is allocated to meet the costs involved. These will depend on the extent of the footway network to be included, the standard to which the service is to be provided and the severity of weather conditions experienced. The last point means that accurate budgeting is not possible;
 - e. it is prepared to meet this cost indefinitely.

In addition, before this option could be implemented, management will need time to secure the necessary staff and equipment to do the work competently and safely.

Of the options presented, 1 or 2 would provide a reliable service at no cost to ratepayers. Neither is possible without a change in DRD policy. Option 3 will not cost ratepayers any extra and will address the problem in part. It may not provide a complete solution as all traders may not respond and there are some areas of footpath in the town centre where buildings are vacant. Option 4 would provide a reliable service but will increase the burden on ratepayers. The extent of that burden cannot be accurately estimated at this time but experience over several winters would increase the reliability of the estimate for an average winter.

Council is asked to consider the matter and make a decision on what action, if any, it wishes to take.

Correspondence dated 9th September 2010 from NILGA providing information on the current position and details recently received from DRD regarding local government clearing footpaths was circulated to members.

The Chief Executive advised that NILGA had sought a barrister's opinion and this should be available shortly.

Councillor Finlay stated that a contract between Council and DRD was not a good option.

- **Alderman Campbell left the meeting at 7.55pm.**

In response to a question from a member the Chief Executive indicated that the capital cost of adapting a street sweeper machine to snow plough was estimated at £20,000.

The Mayor said he would like to see a more decisive and clear option from Roads Service referring to the powers they readily exercise to remove signs etc from footways and roads.

Councillor Finlay expressed fears that customers would opt to shop in towns where snow had been cleared.

Commenting on meetings between NILGA representatives and the DRD Minister, Councillor Robinson said the Minister made reference to the decision to grit and salt roads carrying 80% of traffic and he has ignored footpaths and footpath users in the province, including people with prams and zimmers and small businesses. She asserted that the Department could and should do footpaths and have a proper policy and proper method of payment, for example, as per arrangement for car park sweeping. For Council to act would be a cost in manpower, equipment and vehicles. It was her view Council should not take on responsibility, but may need to consider acting in a state of emergency. The situation, she said was unsatisfactory and a long term solution was needed.

Councillor Stevenson expressed concern about the cost of liability which was not clear and also the effect on trading if shops had to close.

Councillor Storey commended Councillor Robinson for her work with NILGA. He said on Monday at the Assembly the Minister could not conclusively say Belfast and Ballymena were entirely satisfied with the arrangements under the DRD agreement. His constituency office had been inundated with issues including salt piles and roads not gritted and he was meeting the Roads Manager on Friday on a matter which he said had 'been talked to death.' He believed DRD should explore the use of local farmers to do the job.

The Mayor alluded to the some 50% increase in hospital admissions due to falls and it was important the indemnity issue was resolved as people had concerns acting in the absence of decisive guidance.

Councillor McGuigan advised that he had discussions with Roads Service as traders in villages need to be treated the same as those in towns. They need to trade too and Council should ensure fair and equitable treatment.

Councillor McCamphill supported the view that the problem and the responsibility lies with DRD.

Reviewing the position adopted by other Councils the Chief Executive advised members that two councils had signed the agreement, a number of others were using cover given by Roads Service, while other councils had amended the agreement and signed a different agreement. Commenting on NILGA's role on behalf of councils he advised that NILGA was trying to find a framework agreement for councils. Following the discussion last year DRD had modified the agreement to allow councils to deal with 3rd parties but this was considered unworkable.

After further discussion the Mayor urged members to reach a conclusion as all options had been discussed.

The Chief Executive, in the interim, rather than do nothing suggested Council could continue with the arrangement it has made with the Chamber, arranging a grit pile for traders' use, thus getting over the immediate problem. He could also contact Roads Service to see if a similar arrangement could be implemented in commercial areas of those villages who required assistance.

Members endorsed the Chief Executive's suggestion as a goodwill offer, without prejudice, agreeing that in the Town Centre the same streets as agreed with the Chamber before be included:-

Victoria Street, Linenhall Street, High Street, Church Street and Main Street.

Councillor Finlay asked that the portion of Townhead Street from the pedestrian access from the car park to High Street be included in the designated area. This was agreed.

932.14 NORTHERN IRELAND OFFICE - POLICE (NORTHERN IRELAND) ACT 2000 – REVIEW OF TEMPORARY RECRUITMENT PROVISIONS

A public consultation on the temporary “50:50” recruitment provisions was launched 11th November. These provisions, which apply to the appointment of police officers and police support staff in Northern Ireland, will expire on 28 March 2011, unless the Secretary of State decides to renew them.

In deciding whether the provisions should be renewed, the Secretary of State is under a statutory requirement to have regard to progress made towards securing that membership of the police and support staff is representative of the Northern Ireland community. At the time of the introduction of the provisions, Catholic composition in the RUC stood at 8.3%. Today 29.38% of PSNI officers are from a Catholic community background. In view of this significant progress and the broadly representative nature of the PSNI, the Government is minded not to review the provisions.

The consultation document provides further information on the temporary provisions and the composition of the PSNI. It can be downloaded at <http://www.nio.gov.uk/index/public-consultation/documents.htm> Alternatively a hard copy can be obtained on request by emailing consultation5050@nio.x.gsi.gov.uk or telephoning 028 90527054 or contacting the Office of the Chief Executive.

Views on this issue should be submitted by no later than 3rd February 2010.

932.15 ROADS SERVICE WIDENING OF THE CORNERS BALNAMORE

Further to Council’s request for The Corners, Balnamore to be widened Roads Service has advised that prior to taking the decision to make the road one way, the possibility of widening was also considered. It was Roads Service view that by widening the carriageway by the width of the existing footway will allow vehicles to park on one side of the road and the one way system will allow better flow of traffic. These works will be subject to availability of funds.

It was **AGREED:**

that the Chief Executive write to Roads Service conveying the Council’s view that the road needs to be widened. What is proposed is not sufficient and money should be made available for a road widening scheme.

932.16 ARDS BOROUGH COUNCIL

At a recent meeting of Ards Borough Council’s External Affairs & Planning Committee, members considered the current financial and workload related

challenges facing the Citizens' Advice Bureau (CAB) generally and the Newtownards office in particular.

It was highlighted that the demand for the high quality advice and advocacy services provided by the CAB had never been higher and was likely to increase further given the current economic climate in Northern Ireland. Members acknowledged that the CAB's well trained, knowledgeable and dedicated staff, many of whom were voluntary, were equipped to deal with a wide range of issues and that every effort was made to use resources as creatively and effectively as possible.

The Committee resolved to write to the Minister for Social Development asking him to review and increase his Department's contribution to the Citizen's Advice Bureau in light of the present socio-economic climate and the Bureau's continually increasing workload. It was further resolved to draw this resolution to the attention of all other Councils in Northern Ireland and to ask them also to write to the Minister in support of it.

Council's comments are requested on this issue.

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

to support Ards Borough Council's representations to the Minister for Social Development re review and increase of contributions to Citizens' Advice Bureau.

932.17 LOCAL GOVERNMENT REFORM

News release dated 30th November 2010 on announcement by Environment Minister Edwin Poots to the Assembly that an innovative programme to strengthen local democracy and make it more accountable by integrating local government and planning reform.

The Minister indicated that the integrated programme announced would prepare the planning system and local councils culturally and organisationally for the transfer of powers. The Planning Bill had been adapted by the Executive and he aimed to introduce it to the Assembly week commencing 6th December.

'The Bill will provide for the transfer of Development Plan and Development Management powers from the Department of the Environment to councils within a timetable to be agreed by the Executive.

The Councils will be the Planning Authorities with responsibility for drawing up their own development plans and making the vast majority of planning decisions. Councils will also be responsible for determining planning applications. Councils will be the decision makers.

By April, Planning Service functions and staff responsible for them will have been absorbed into the core of DOE and will no longer operate as an agency. These functions will be taken forward by two divisions. Local Planning Operations Division will be responsible for the Development Plan and Development Management functions which will in time transfer to local government. Strategic Planning Operations Division will take forward the responsibilities which will remain with the department.

932.18 TRANSLINK CONSULTATION

Details of Translink's North Antrim public transport political stakeholder update event on 16th December at Ballymena Ulsterbus circulated. Any member interested in attending should contact the Office of the Chief Executive.

932.19 REPORTS

A schedule of reports was circulated for members' information.

932.20 NILGA REPORTS/UPDATES

A list of reports was circulated for members' information.

932.21 CONDOLENCES

Councillor Stevenson expressed his condolences to the family of Mrs Shirley McAuley who recently died in a road traffic accident on the Frocess Road. Other members associated themselves with these remarks.

The meeting closed at 8.35pm.