

**Ballymoney Borough Council  
Council Meeting No 937 – 19<sup>th</sup> January 2011**

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**BALLYMONEY BOROUGH COUNCIL**

Minutes of Council Meeting No 937, held in the Council Chamber, Riada House, Ballymoney on Wednesday 19th January 2011 at 7.00 pm.

**IN THE CHAIR:** B Kennedy, Mayor

**PRESENT:** **Aldermen**  
C Cousley, MBE, Deputy Mayor  
J Simpson

**Councillors**  
A Cavlan  
M McCamphill  
P McGuigan  
C McLaughlin  
E Robinson  
I Stevenson  
M Storey, MLA

**APOLOGIES:** **Aldermen**  
F Campbell

**Councillors**  
J Finlay

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

**937.1 INCIDENT AT JOEY DUNLOP LEISURE CENTRE – 18<sup>TH</sup> JANUARY 2011**

The Chief Executive commenced by updating members regarding the recent incident at the Joey Dunlop Leisure Centre as follows:

“A fire was discovered in the Sauna Cabin in the Health Suite at the Joey Dunlop Leisure Centre by staff at around 5.00 pm yesterday, Tuesday 18<sup>th</sup> January, 2011.

The building was immediately evacuated by the staff and 999 called to confirm that there was a fire. There were no injuries to any patrons or staff.

Fire Service arrived within 15 minutes and took over responsibility of the building.

The building was handed back to the council around 9.00 pm with the recommendation that a fire watch be maintained during the night. Two members of staff stayed in the leisure centre all night and undertook half hourly checks of the fire scene.

The fire was contained within the Health Suite area which is extensively damaged. There was some smoke and water damage to the surrounding areas.

The leisure centre remained closed today, 19<sup>th</sup> January.

Meetings were set up this morning with the council's consultants, R. Robinson and Cogan & Shackleton, and the council's insurers were informed.

Emergency work and extensive cleaning has been ongoing today to allow the leisure centre to be operational tomorrow.

The leisure centre will be open tomorrow, i.e. the fitness suite, sports halls, swimming pool, Treasure Island and restaurant. The Health Suite i.e. sauna, steam room and Jacuzzi will remain closed.

(M&E consultants confirmed to DCLS after 5 p.m. that the electrical systems are operational).”

### 937.2 MINUTES – MEETING NO 367 – 13<sup>TH</sup> JANUARY 2011

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

***that the minutes of Meeting No 367 – 13<sup>th</sup> January 2011, as circulated, be confirmed as a correct record.***

### 937.3 LANDFILL SITE CLOSURE

Council moved into committee to consider this business and to discuss legal advice received.

The Director of Borough Services referred to the three items of action agreed at the Health & Environmental Services Committee meeting on 13<sup>th</sup> January.

1. Outcomes of meeting on 14<sup>th</sup> January
2. Potential cost of judicial review
3. Request for meeting with DOE Minister.

He reported on the meeting on 14<sup>th</sup> January when all five councils affected were represented by officers and the legal advisor was present. He updated the meeting on the respective positions of each of the Councils affected and how the matter might be taken forward in a constructive way. A major issue was not knowing what closure would cost. It was agreed that were the Department to work in partnership with Councils to resolve the matter this would be in everyone's interest. As a demonstration of good faith by DOE, were it via NIEA to expedite the necessary consideration of the closure plan already prepared by one of the Councils and make its definitive response in a timely manner, this would give a very useful indication to all parties of the probable costs of closure.

In response to members' questions the Director gave an explanation of the relevant EU legislation [the Landfill Directive]; he confirmed that Councils as emanations of the state were obliged to comply with the Directive, albeit the Department of the Environment for Northern Ireland had not transposed its provisions correctly and in a timely manner and indeed its officials had given advice, which with hindsight has proven to be erroneous, which affected councils had accepted in good faith and acted on. He also advised concerning the infraction proceedings that DoE had intimated were on going and drew attention to the terms of the framework document which Council was being asked to sign up to by 21<sup>st</sup> January by the DoE Minister and the Minister's offer without precedent that were councils to do this the DoE would then fund 50% of the cost of preparing the individual site closure plans up to a max of £20,000 each.

#### **\*\* Alderman Simpson and Councillor Storey joined the meeting during discussion.**

Members discussed various issues with the Director and Chief Executive responding to questions.

The Chief Executive then addressed the two remaining points from the Committee meeting on 13<sup>th</sup> January. The potential cost of judicial review was not available but he gave an outline of the timescale for lodging proceedings after the proposed landfill

amendment regulations were made and that a hearing might be expected within three months. He advised that there was no option but to comply with the legislation as the Department was proceeding to make amending regulations and these will provide the means to force councils to close landfill sites to the higher standard. In relation to the framework document it could be recommended for signing, subject to legal advice on the minor amendments made. Commenting on the request for a meeting with the Minister he gave details of the contents of the joint letter sent by Antrim Borough Council and advised that the main purpose was to seek a commitment from DOE towards the cost of site closure.

Councillor Storey indicated that he would seek disclosure of information from the Department on correspondence between councils the department and the minister with regard to landfill closure, the infraction proceedings and advice given in reference to closure of landfill sites.

Following further discussion it was proposed by Councillor Robinson seconded by Councillor Halliday that:

- 1. Council agree to sign the Framework Agreement, subject to agreement of some amendments by the joint legal advisor to the five councils and by the Department, and accept the offer of funding;**
- 2. Before signing the agreement, Council request a further meeting between the DOE Minister and representatives of the five councils to seek further information on any future funding scheme for the remediation works (this request endorses that contained in Antrim Borough Council's letter of 17<sup>th</sup> January to Mr Denis McMahon).**
- 3. Council support the proposal that the Limavady site closure plan be managed through to agreement on the remediation works required, as a matter of urgency, in order to give both Councils and the Department evidence of the works needed to achieve compliance and hence confidence in the scale of costs involved.**

On being put to the meeting 10 members voted for the motion and 1 member against.

The Mayor declared the motion carried.

It was proposed by Councillor McGuigan seconded by Councillor Cavlan and **AGREED:**

***that the following members be appointed to accompany officers to the meeting with the Minister:***

- The Mayor, Councillor Kennedy**
- Councillor Robinson, Chair, Health & Environmental Services Committee**

The meeting concluded at 9.00 p.m.