

**Ballymoney Borough Council  
Council Meeting No 942 – 4<sup>th</sup> April 2011**

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**BALLYMONEY BOROUGH COUNCIL**

Minutes of Council Meeting No 942 held in the Council Chamber, Riada House, Ballymoney on Monday 4<sup>th</sup> April 2011 at 6.32 p.m.

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

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

**Councillors**  
J Finlay  
R Halliday  
M McCamphill  
C McLaughlin  
A Patterson  
E Robinson  
I Stevenson  
M Storey

**APOLOGIES:** **Aldermen**  
H Connolly  
**Councillors**  
A Cavlan  
P McGuigan

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

**Press (2)**

**NI Housing Executive (Item 2)**  
F O'Connor, Area Manager  
M Myles-Davey, District Manager  
E O'Hara, District Maintenance Manager  
Y Montgomery, Information Officer

**942.1 CONDOLENCE**

The Mayor commenced the meeting by expressing his heartfelt sympathy to the family of young Police Officer, Ronan Kerr, callously murdered on Saturday in a booby trap bomb attack as he was setting off to work from his home in Omagh.

Commenting on the murder, the Mayor said “This callous and dastardly deed has been so roundly condemned by politicians North and South and I add my voice to this wave of condemnation.

Much pain and suffering has been inflicted on the people of Omagh as a result of the terrible atrocity in 1998 and the attack on Saturday must have brought back awful memories for many in Omagh.

My thoughts and those of this Council and the citizens of this borough go to Ronan’s family and the citizens of Omagh at this sad time.”

Councillor Storey concurred with the Mayor’s remarks and condemned all murders of Police Officers as a result of terrorism. Councillor Robinson associated herself with the remarks.

\* **Representatives from NIHE joined the meeting at 6.36 p.m.**

**942.2 PRESENTATION – NI HOUSING EXECUTIVE on EMERGENCY RESPONSE – SEVERE WEATHER DECEMBER 2010/JANUARY 2011**

Following Council’s request that the Housing Executive be invited to address it on the emergency situation arising from the severe weather in late December, early January, the representatives from Housing Executive were in attendance to make their presentation.

\* **Councillor Patterson joined the meeting at 6.42 p.m.**

\* **Alderman Simpson and member of the press arrived at 6.45 p.m.**

Mr O’Connor began his presentation on the severe weather situation in December 2010/January 2011 and made the following points at 2.1 and 2.2.

**2.1 Overview of issues and NIHE response - Area Manager:**

- NIHE has long history of dealing with Emergency situations. One of the few agencies that have 24/7 response in place.
- Severe weather, turning extreme pre Christmas, heating systems freezing up, not a major problem in run-up to Christmas.
- Main problems post Christmas (26<sup>th</sup> Dec) when thaw set in – considerable increase in calls coming in, continued throughout holiday period into New Year. 40,000 calls relating to burst pipes and heating problems.

- Sudden increase in calls - some early difficulties in dealing with volumes.
- Quickly stepped up staffing, staff at all levels covering and monitoring.
- Identified need to increase capacity; extended emergency services to Area locations.
- Weather conditions also caused travel difficulties for contractors in some locations. Situation exacerbated by NIW problems, no mains supply.
- Continued to monitor and respond into New Year.
- Follow up action – ringing tenants to check on repairs situation.
- Series of reviews carried out to analyse response and identify lessons for future.
- Considerable work on phone systems – additional lines; call handling arrangements; new technology.
- Review with contractors though performance generally good.
- Technical issues being followed up e.g. gas boilers - pipes freezing.

## **2.2 Overall, contributory factors:**

- High numbers of tenants out of their homes during the holiday period.
- Burst pipes frequently in unoccupied or under occupied properties.
- Tenant difficulties in financing heating systems.
- Lack of mains water supply.

Ms. Myles Davey addressed members on the local response:

## **2.3 Local response to severe weather – District Manager**

- Detailed numbers of jobs issues – 1070 December; 674 January
- Contractors worked round the clock and performed well.
- All work associated with severe weather completed some weeks ago.
- 3 homes suffered damage – two declined offer of temporary accommodation, made own arrangements; in third case tenant was in hospital and damage repaired in advance of her returning home.
- 69 households have been contacted regarding application for discretionary decoration grant.

Councillors were issued with local mobile contact numbers some time ago and these will be reissued.

**\*Councillor McCamphill joined the meeting at 6.50 p.m.**

**\*The Director of Borough Services joined the meeting at 6.50 p.m.**

A number of members expressed their thanks to the representatives of NIHE, and acknowledged the challenging work that had been undertaken by the contractors at this time.

The representatives responded to comments from members relating to:

- Difficulty contacting the call centre.
- The number of people in the Ballymoney area who were without heat, during the severe weather period.
- Heating problems arising due to the electricity not working.

\* **The Director of Central and Leisure Services arrived in the meeting at 6.56 p.m.**

The representatives responded to further questions from members regarding the following:

- The lack of co-ordination between NIHE and NI Water.
- Protocols in place in preparation for future similar events.
- Suitability of economy 7 heating.

Ms Myles-Davey explained that since January 2011 NIHE were introducing new heating schemes for householders. She agreed to look into the matter regarding a tenant who presently has Economy 7 heating and would be seeking to change to an alternative system. Councillor Stevenson to forward the tenant's details to Ms Myles-Davey.

The Mayor, referring to the extreme weather conditions during this period, said that he hoped lessons could be learned in the event of a similar future situation, and he thanked the representatives for coming along to give their presentation.

Councillor Storey suggested that the Chief Executive follow up with NIHE, regarding an update on their future strategy. The Mayor concurred with these comments.

**\*The representatives left the Council chamber at 7.05 p.m.**

**942.3 MINUTES – MEETING NO 941 – 7<sup>TH</sup> MARCH 2011**

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

*that the minutes of meeting No 941 – 7<sup>th</sup> March 2011, as circulated be confirmed as a correct record.*

**942.4 CONSULTATION COMMITTEE NO 60 – 21<sup>ST</sup> MARCH 2011**

It was **AGREED:**

*that the minutes of meeting No 60 on 21st March 2011, as circulated, be received.*

**942.5 DEVELOPMENT COMMITTEE NO 224 – 14<sup>TH</sup> MARCH 2011**

Councillor Finlay presented the report to Council and endorsed Addendum presented by the Head of Corporate and Development Services as set out at 5.1.

**5.1 Report on review of Causeway Coast & Glens Regional Tourism Partnership (CCGRTP) and recommendations on future tourism delivery structures.****Background**

Council previously approved a report detailing proposals to part fund a consultation exercise to conduct an organisational review of the CCGRTP and to make recommendations on future tourism delivery structures. The review was part funded by the Northern Ireland Tourist Board (NITB) and by the 8 member Councils of the CCGRTP and is being carried out by CHL Consulting.

**Discussion**

A comprehensive review of the work of the organisation has been undertaken with Council members being given the opportunity to attend a special session with the consultants.

This consultation and research element of the work has been completed by the consultants and the draft report on findings have been received at officer level.

However, the timeline involved in agreeing the Assembly budget has delayed the financial settlement within government departments such as NITB, and to date no confirmation of funding arrangements or service level agreements from NITB to the CCGRTP has been received.

This current situation has prevented completion of the report due to lack of firm financial information and its implication for future structures and functions relating to tourism delivery. However it is anticipated that information regarding funding from NITB will be forthcoming in the near future.

Consequently, it is proposed to timetable a more complete and comprehensive draft document to Committee for consideration in June. In the interim period, in order to meet obligations and facilitate current arrangements for the CCGRTP and its staff, it is **recommended** that 50% of the 2011/12 agreed contribution to the organisation for the period April 2011- September 2011, be paid.

**Matters Arising from Minutes**

## 5.2 Brown Signs Audit (224.4.6)

In response to a question, the Head of Corporate and Development Services explained that the audit is being progressed and she will report to Committee on completion.

## 5.3 Interreg Inland Waterways Project (222.4.1)

The Head of Corporate and Development Services, in response to a question, stated that a decision on the project application was pending and she hoped to be in a position to report to the next Committee meeting.

## 5.4 Adoption of Minutes

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

***that the minutes of Development Committee Meeting No 224 on 14<sup>th</sup> March 2011, as circulated, be adopted and the recommendations therein approved, including addendum at 5.1.***

## 942.6 LEISURE & AMENITIES COMMITTEE NO 382 – 15<sup>TH</sup> MARCH 2011

The report was presented by Alderman Campbell and he endorsed Addendum as outlined at 6.1 and 6.2 below presented by the Director of Borough Services.

### 6.1 Amenities Capital Projects 2010-2011 – Balnamore & Stranocum Community Hall Projects

The Director advised as follows:

- Minute 382.5 refers – Councillor Stevenson information to Committee regarding the DARD Rural Development Funding Programme 2007-2013.
- It would appear that Council could make an application[s] for funding under the measure the member mentioned.
- Applications to the present funding round must be made by 3<sup>rd</sup> May 2011. It is necessary to support any application made with appropriate demonstrating additionality, etc.
- There is a fair bit of work entailed in the process and there is no guarantee that Council would be successful in its funding application[s].
- It is unlikely that the outcome of any application will be known before August / September 2011, were an application[s] to be made by 3<sup>rd</sup> May.
- It is understood that the measure will again reopen [largely unchanged] on 29<sup>th</sup> August 2011.
- Were Council to decide to make a funding application[s] to DARD Rural Development Programme it would be advisable not to progress either Balnamore or Stranocum Community Hall projects any further at this time.



- Tenders from the Council's Select List Contractors were received by the deadline set - 12 noon on 25<sup>th</sup> March 2011, but remain unopened.
- It is the case that Council has tendered the work and were the tenders to be opened then the cost would be known. However this ought not to be done were Council minded to progress a DARD RDP application[s].
- In this event it would be necessary when the outcome of the funding application[s] would be known to re-tender the work. It may be that the cost then would have increased but this will factually never be known.
- If Council is not immediately proceeding with the projects then it would be necessary to inform the relevant groups, select list contractors and the Council's consultants of this.

Council is asked to decide whether or not it wishes an application[s] to be made on its behalf to the DARD Rural Development Programme 2007-2013 to be made in respect of its intent to provide community buildings at both Balnamore and Stranocum.

The Mayor said Councillors had agreed to put money in rates to provide halls and its representatives on the Rural Development Partnership were aware funding could be applied for. However, if the schemes were to be now withdrawn and the tender process abandoned to progress funding applications, this would inevitably delay the projects and there was no guarantee funding bids would be successful.

A number of members concurred that the perceived expectations from the Community Groups were that the Council had agreed to fund and deliver to the projects. Councillor Robinson reported on her discussions with the Partnership Manager and advised that applications could be made for additions to community halls to enhance the facility provided the equipment was static. The Director of Borough Services advised that it would be necessary for Committee to decide what proposed enhancements might be built into projects as planning permission was for a particular footprint and development.

A discussion ensued on whether Council submit applications for funding for the 3 no. projects, who would have responsibility managing the facilities and what support could be accessed to assist groups to build capacity in managing facilities including moving the Management Committee to a legal structure. Councillor Robinson said that canvassers would have to accept that if they take ownership of managing halls, raising running costs are part and parcel of their Management Committee responsibilities.

The Director of Borough Services informed members that match funding under the Rural Development Programme would be 75% of the overall cost and that Council would require to provide 25% match funding.

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

***that the 3 community halls (Ballybogey, Stranocum and Balnamore) go ahead as proposed, that tenders (for Balnamore and Stranocum community halls) be opened and evaluated and that when the Rural Development Programme measure re-opens again in August 2011, Council may consider applying for monies to enhance the community halls.***

## **6.2 Festive Lighting Select List – Tender Report**

The Director of Borough Services informed members that the 3 no. applications for inclusion on the Council's Select List received by the deadline set [12 noon, 18<sup>th</sup> March 2011] were opened by both the Committee Chair [Alderman Campbell] and passed to the Council's consultants: Cogan & Shackleton to evaluate. The consultant's report makes the following two recommendations: –

1. 2 no. firms are deemed to meet the criteria and experience necessary for the contract; namely KPL Contracts Limited, Dungiven and Irwin Electrical Services Limited, Armagh. Both are ***recommended*** for inclusion on the Select List. The third firm – Festivalite (Distribution) Limited, London, are considered to be designers and suppliers of festive lighting but appear to use sub-contractors for erection, installation and maintenance. They are not considered to meet the criterion of being Electrical Contractors and it is ***recommended*** that they are not included on the select list.
2. a Select List of 2 no. contractors is considered too low to ensure fair and equitable tendering and the obtaining of competitive pricing. It is ***recommended*** that the Council should consider supplementing the Select List by advertising for further contractors.

The Director of Borough Services advised that he will update members at the Leisure and Amenities committee to be held on 18<sup>th</sup> April 2011.

### **Matters arising from Minutes:**

## **6.3 Dervock 2012 Initiative: Joint Working Group (382.2)**

Alderman Simpson sought clarification regarding the costs and location of the Ulster History Circle Blue Plaque commemorating KK McArther. The Director of Borough Services advised that Committee agreed to recommend that Council support, in principle, the funding of the Plaque. If money could be raised for a sculpture it would also be placed at the same location as the Plaque, presumably within the village of Dervock itself. The Director of Borough Services stated that a proviso in place allows Council to have input as to where the Plaque will be placed and the Community Association are in agreement with this.

**6.3 Joey Dunlop Leisure Centre – Closure on Public/Bank Holidays 2011/12 (392.8)**

Councillor Robinson commended staff for agreeing to take leave on the 24<sup>th</sup> April, 24<sup>th</sup> December and 22<sup>nd</sup> January to facilitate the closure of the centre on these public/bank holidays in order that Council could make financial savings.

**6.5 Adoption of Minutes**

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

*that the minutes of Leisure & Amenities Committee Meeting No 382 on 15<sup>th</sup> March, 2011, as circulated, be adopted and the recommendations therein approved including addendum at 6.1 and 6.2 above.*

**942.7 HEALTH & ENVIRONMENTAL SERVICES COMMITTEE NO 370 – 22<sup>ND</sup> MARCH 2011**

Councillor Robinson presented the report.

**Matters Arising:**

**7.1 North West Waste Management Group – Development Officer Post (370.31)**

The Director of Central and Leisure Services advised that in July 2010 the Department of Environment had made an in-year cut of £61,000 to the Resources Grant which was now being reinstated as the Department were successful in their bid to the NI Executive for additional funding. She stated, however, that this was not additional money to the Council in 2010/11.

In the light of advice given by the Director of Central and Leisure Services and following discussion when it was accepted that the financial position could be reviewed at the year end, it was proposed by Councillor Finlay, seconded by Councillor Robinson and **AGREED:**

*that Council agree to contribute £4521.83 to the North West Regional Waste Management Development Officer post.*

**7.2 Ballymoney Borough Council Emergency Plan (371.10)**

The Director of Borough Services advised members that with Council's permission a budget of £5,000 had been committed for assisting residents in the Borough in the event of an emergency. As a result of the money being spent; Council would not be able to reclaim the first £1,000, The difference would be sought from the NIE, Humanitarian Assistance Fund. The Director advised that funds for training have already been included in the budget.

### 7.3 Adoption of Minutes

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

*that the minutes of Health & Environmental Services Committee Meeting No 370 – 22<sup>nd</sup> March 2011, as circulated, be adopted and the recommendations therein, including that at 7.1 above, be approved.*

## 942.8 CORPORATE & CENTRAL SERVICES COMMITTEE NO 394 – 28<sup>TH</sup> MARCH 2011

Alderman Simpson presented the report to Council.

### Matters arising from Minutes:

#### 8.1 Council Decision Making Structures (394.8)

A discussion ensued in the Chamber as to the financial merits of establishing the changes to committees. Alderman Simpson pointed out that the streamlining of Committees, reducing from five to three, with planning and other consultative matters being dealt with at Council meetings, would produce savings in payments to Chairs and Vice Chairs.

At this point the Mayor asked that members vote to establish if the changes to committees were to proceed.

Councillor Finlay proposed and Councillor Robinson seconded

*that Committees remain as they are until the new Council meets.*

Voting was as follows:

**FOR (9)**

**AGAINST (2)**

The Mayor declared the motion carried and that the report on decision making structures be deferred until the Council meets.

#### 8.2 Adoption of Minutes

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

*that the minutes of Corporate & Central Services Committee Meeting No 394 on 28<sup>th</sup> March 2011, as circulated, be adopted and the recommendations therein approved, subject to amendment, referred to at 8.1 above.*

**942.9 RESOURCES TASK GROUP NO 36 – 28<sup>TH</sup> MARCH 2011**

Alderman Simpson presented the report. He drew particular attention to agreement with regard to establishment of formal agreements between Council and Management Committees including formation of Management Committees as legal entities. He emphasized the need for these to be in place before the handover of the new community halls including the MUGA facility at Glebeside.

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

*that the minutes of Resources Task Group Meeting No 36 on 28<sup>th</sup> March 2011, as circulated, be adopted and the recommendations therein approved.*

- \* Member of Press left the meeting at 8.15 p.m.
- \* The Director of Central and Leisure Services and the Director of Borough Services left the meeting at 8.15 p.m. respectively.

**942.10 SEAL DOCUMENTS**

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

*that the Seal of Council be affixed to Grave registration certificate numbers 2638, 2639 and 2640.*

**942.11 PRESENTATION REQUEST**

Services Industrial Professional & Technical Union (SIPTU) has written expressing disappointment at Council's decision not to receive a presentation as all other 25 Councils has afforded them this opportunity. Council has been requested to consider inviting SIPTU in the near future.

Council agreed to receive a presentation from SIPTU, this to be scheduled after the election period.

**942.12 DARD RESPONSE TO EU COMMISSION ON CAP REFORM**

DARD recently carried out a consultation on EU Commission's Communication Paper on CAP reform. Taking into account the responses received from the consultation, a submission to the EU Commission has been prepared, which the Minister presented at a meeting with Georg Haeusler (Head of Cabinet, Agriculture and Rural Development Commissioner) on Thursday 24 March 2011. A copy of this paper is on the DARD Website at

[www.dardni.gov.uk/submission-to-the-eu-commission-on-cap-reform](http://www.dardni.gov.uk/submission-to-the-eu-commission-on-cap-reform)

You may wish to note that copies of the responses to the Consultation are now available on the DARD website at <http://www.dardni.gov.uk/index/consultations/archived-consultations/consultation-on-eu-commission-communication-on-reform-of-the-common-agricultural-policy-cap-post-2013-summary-of-responses.htm>

Copies also available on request from Office of the Chief Executive.

### **942.13 PLANNING (FEES) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2011 (S.R. 2011 No. 99)**

The Department has made the above Statutory Rule which will come into operation on 11<sup>th</sup> April 2011.

The Regulations introduce an additional charge for applications requiring an Environmental Statement and amend certain fee categories and fee amounts prescribed in the Planning (Fees) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 222 as amended by S.R. 2005 No. 505, S.R. 2009 No. 256 and S.R. 2010 No. 294) (“the 2005 Regulations”). The general effect of the Regulations will be to:

- Remove fees for listed building consents, conservation area consents and demolition within an area of village or townscape character;
- Remove concessionary fees for the Northern Ireland Housing Executive and other statutory bodies listed in regulation 19 of the 2005 Regulations – these organisations will be charged the standard fee for the application;
- Remove the reduced fee for a new application following a previous approval or withdrawal – a new application made after a withdrawal or a previous approval will attract the normal appropriate fee;
- Revise and simplify the fee for outline, reserved matters and full planning permission for single dwellings;
- Change the fee structure and fee maximum for category 2 (housing developments), category 4 (industrial, commercial, community and other buildings) and category 5 (plant and machinery, including telecommunications/data communications, single wind turbines and wind farms) applications; and
- Introduce an additional fixed charge of £10,000 for EIA applications requiring an environmental statement. This charge is to cover the additional costs of processing these applications and will be added to the standard fee for the application up to the maximum fee for the category of application.

Copies of the Statutory Rule are available from the Stationery Office, 16 Arthur Street, Belfast, BT1 4PS and on the Office for Public Sector Information website at [www.legislation.gov.uk](http://www.legislation.gov.uk).

**942.14 CENSUS 2011 – HELP TOMORROW TAKE SHAPE**

In Northern Ireland, the Northern Ireland Statistical Research Agency (NISRA) is responsible for planning the census and ensuring that the operation is carried out efficiently and cost effectively. The Agency has been planning for the census for a number of years. About 2,000 temporary staff have been recruited to ensure that the operation is completed smoothly and efficiently. Locally, 22 Census Area Managers have been recruited and a list of these is attached for your information.

Although the census questionnaires will be delivered and returned by post, enumerators will be working in each area. In the post-census period they will visit those households which have not yet completed the questionnaire. If you require more information please do not hesitate to contact Robert Beatty, Head of Census Office at [robert.beatty@dfpni.gov.uk](mailto:robert.beatty@dfpni.gov.uk) or telephone 028 9034 8101.

**942.15 ADVICE NI THE INDEPENDENT ADVICE NETWORK – UNEMPLOYED BEAR THE BRUNT OF NEW WELFARE REFORM BILL**

On 16<sup>th</sup> February 2011 the Welfare Reform Bill was introduced to Parliament which legislates for the biggest change to the welfare system for over 60 years. Advice NI has outlined a number of concerns in relation to these welfare reform proposals. A copy of press release dated 17<sup>th</sup> February 2011 was circulated.

**942.16 BOUNDARY COMMISSION FOR NORTHERN IRELAND 6<sup>TH</sup> REVIEW OF PARLIAMENTARY CONSTITUENCIES**

On 4<sup>th</sup> March 2011, the Boundary Commission for Northern Ireland (BCNI) commenced the 6<sup>th</sup> Review of parliamentary constituency boundaries in Northern Ireland in accordance with the Parliamentary Constituencies Act 1986, as amended by the Parliamentary Voting System and Constituencies Act 2011. A copy of the Commission's News Release which sets out the figures agreed by the Commissions and a number of Questions and Answers, were circulated.

**942.17 ROADS SERVICE –SPEED LIMIT BANN ROAD BALLYMONEY**

Roads Service is proposing to introduce a short section of 40mph speed limit on a section of Bann Road on entry to Ballymoney. A plan detailing the section of road in question was circulated. Comments are invited.

Council agreed to support the Department's proposals at this location.

**942.18 REPORTS**

The Chief Executive referred to the schedule of reports received, copy circulated, which are available from the Office of the Chief Executive.

**942.19 NILGA REPORTS/UPDATES**

The Chief Executive referred to the schedule of NILGA reports/updates received throughout March 2011, copy circulated.

**942.20 CONDOLENCE**

Councillor Patterson thanked Council for condolences expressed on the death of her father, Mr William McIlpatrick.

**942.21 LOCAL ELECTION 2011**

The Mayor referred to Councillor Patterson's decision not to seek re-election to Council. He expressed thanks to her for her contribution during her time as a Councillor and wished her well in the forthcoming assembly election. He also wished the remaining Councillors success in the May 2011 elections.

**The meeting closed at 8.20 p.m.**