

Ballymoney Borough Council
Health & Environmental Services Committee Meeting No 320, 22nd August 2006 at 2.30 pm

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[This summary of recommendations has been provided to assist Members. The text is neither comprehensive nor definitive and ought to be considered as such.]

BALLYMONEY BOROUGH COUNCIL
HEALTH & ENVIRONMENTAL SERVICES COMMITTEE
Meeting No. 320 held in the McKinley Room, Riada House,
Ballymoney, on 22nd August 2006 at 2:30 pm

IN THE CHAIR

Councillor E Robinson

PRESENT

Aldermen

F. Campbell
C. Cousley

Councillors

A. Cavan	J Finlay, Mayor
M. McCamphill	P McGuigan
D. McKay	A. Patterson
I. Stevenson	M Storey

APOLOGIES

T McKeown
R Wilson

IN ATTENDANCE

Director of Borough Services
Chief Executive
Committee Clerk

320.1 MINUTES OF MEETING NO. 319 – 25TH JULY 2006

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

***that the minutes of Committee Meeting No. 319 held on 25th July 2006, as
circulated, be confirmed as a correct record.***

Matters Arising

1.1 Fair Trade – Implement Plan and Promotional Strategy (319.4)

The Borough Services Director advised that arrangements were being made for an event to be held in September hosted by the Mayor to officially launch the Councils Fair Trade Policy and Implementation Plan. It was agreed that this be done.

*** Councill Patterson, Alderman Campbell and Alderman Cousley joined the meeting, the time being 2.35 pm.**

320.2 DIRECTOR OF BOROUGH SERVICES' REPORT

MATTERS FOR CONSIDERATION

ENVIRONMENTAL SERVICES

1. Waste Management Grant

It is imperative that Council finalise and submit to Environment & Heritage Service, its written profile detailing its anticipated expenditure in 2006/07 and 2007/08.

- As has been reported to Council, EHS on 25th January 2006 advised that the Waste Management Grant allocation to Council was £117,565 in the financial year 2006/07 and £33,590 in the financial year 2007/08.
- Waste Management Grant can only be used for capital expenditure.
- Capital expenditure includes the provision or improvement of waste handling/recycling facilities, vehicles, bins etc., measures which would assist Council to implement its Waste Management Plan.
- Following a number of meetings Council has agreed that –
 1. the 2005-2006 carry over money (£75,326) remain earmarked for 'brown' bins.
 2. £70,411 of the 2006-2007 grant go towards the purchase of a refuse collection vehicle (which was budgeted for this year) and
 3. the 2007-2008 grant (£33,590) be used for further recycling activity.
- The only outstanding issue is how Council might use the balance of its 2006-2007 grant (£47,154).
- Given where we now are in the present financial year and the real time constraints which exist regarding the spending of this money ***IT IS AGAIN RECOMMENDED*** that Council agree to the purchase of a replacement vehicle (a 'big bite' skip handling lorry) (approximately £135,000) applying the remainder of its 2006-2007 grant (£47,154) for this purpose and covering the cost of the balance by a loan. This recommendation will be achievable within the present budget.

* **Councillor McKay and Councillor McGuigan joined the meeting, the time being 2.40 pm.**

How the remainder of the Waste Management Grant offered might be spent was discussed in conjunction with point 13 of the report (Municipal Waste Returns).

A discussion ensued with the Director of Borough Services answering a number of questions from Members in relation to the provision of brown bins as an alternative to funding via the 2006-2007 grant, part of the cost of a replacement vehicle. The Director advised that he had recommended that the remainder of the 2006-2007 grant be applied to the purchase of a replacement vehicle for a number of reasons. There was less uncertainty with this recommendation. The provision of brown bins, he advised, required their purchase, distribution and being in use before EHS would

pay out grant, and being in use entailed the separate collection and also the processing of the waste collected separately in this way. He indicated that as a result of the need to make revenue savings in setting this year's budget, the provision for brown bins initially made had been removed. He also advised that the recent procurement of a facility to process brown bin waste on behalf of the NWRWM Group had had to be abandoned for a number of reasons which he outlined.

*** Councill Storey retired from the meeting, the being 2.55 pm**

The Director of Borough Services advised that were Council minded to introduce a 3rd bin throughout the Borough, then the first step was to secure a facility to process the waste to be collected. As this recycled material would be a mixture of both garden and food waste, because of the food element, it would all have to be treated at the type of facility Members had viewed at Magherafelt. To obtain such process capacity would require Council to undertake a public procurement process as would the purchase of brown bins. As this would take some time, the Director recommended that Council write to EHS to advise as the proposed use of 2006-2007 and 2007-2008 grant and request that all monies earmarked for brown bins be carried over to 2007-2008 to give Council sufficient time to implement the first phase of the introduction of a 3rd 'brown' bin system throughout the Borough.

*** Councillor Kennedy retired from the meeting, the time being 3.00 pm**

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

that the remainder of the 2006-2007 grant [£47,154], together with the grant of £33,590 for 2007-2008 from EHS be used to purchase and distribute brown bins and that the Director of Borough Services write to EHS to request that it permit all the money earmarked for 'brown' bins to be carried over to 2007-08 to enable Council to implement the first phase of its introduction of a 3rd 'brown' bin system throughout the Borough.

*** Councillor Patterson retired from the meeting, the time being 3.25 pm**

2 Landfill Disposal Tenders

Council has been advised by Belfast City Council that it will not be in a position to accept this authority's municipal waste for disposal at its Dargan Road Landfill site after 31st October 2006. In order to secure landfill capacity for Council, tender documents were prepared, with the assistance of RPS Consulting Engineers and advertisements were placed in both the Official Journal of the European Union and the Belfast Telegraph in June inviting tenders for landfill disposal. The deadline for submission of tenders was 12.00 noon, Friday 11th August. Six tenders were received as follows:

Cookstown District Council
Burn Road
Cookstown BT80 9DT

Natural World Products Limited
t/a NWP Recycling
55 Cargaclougher Road
Keady BT60 3RA

Re-Gen Waste Limited
 Shepherds Drive
 Carnbane Ind Estate
 Newry BT35 6JQ

Clearway Disposals Limited
 41 Dobbin Road
 Portadown BT62 4EY

Coleraine Borough Council
 Cloonavin, 66 Portstewart
 Coleraine BT52 1EY

Whitemountain Quarries Limited
 26 Ballycarngannon Road
 Lisburn BT27 6YA

Clarity is still be sought on some issues and it was agreed that a special meeting may need to take place in order to discuss all relevant information prior to Council's meeting on 4th September, when it is hoped all information relating to costs and transportation, etc., will be available.

ENVIRONMENTAL PROTECTION

3 **Consultation on Regulations and Statutory Guidance for Part 3 of the Waste and Contaminated Land (Northern Ireland) Order 1997**

Correspondence (dated 5th July) has been received from DoE Environmental Policy Division advising that it has issued the above consultation documents (extending to 246 pages). The proposed regulations contain detailed provisions regarding the operation of the Contaminated Land regime in Northern Ireland. The regulations mirror existing GB regulations.

The primary regulatory role under Part 3 will rest with NI district councils. Councils must –

- inspect their areas to identify contaminated land;
- determine whether any particular site is contaminated land; and
- act as enforcing authority for all contaminated land which is not designated as a "special site".

Enforcing authorities (primarily councils) will have four main tasks –

- to establish who should bear responsibility for the remediation of the land;
- to decide, after consultation, what remediation is required in any individual case and to ensure that such remediation takes place, either through agreement with the appropriate person, or by serving a remediation notice on the appropriate person if agreement is not possible or, in certain circumstances, through carrying out the work themselves;
- where a remediation notice is served, or the authority itself carried out the work, to determine who should bear what proportion of the liability for meeting the costs of the work; and

- to record certain prescribed information about their regulatory actions on a public register.

Council need to appreciate that dealing with contaminated land will be a new task and one, going on the GB experience, which will require considerable new resources. EPD seems to recognise that additional resources will be required as it states "It should be noted that this consultation is issued on the basis that the regime will only be implemented when the necessary resources have been secured." Whether this statement will be borne out in reality remains to be seen and Council can take no comfort in this regard given previous experiences where the Department of the Environment simply imposed new onerous environmental legislation on NI district councils without also making available adequate new resource.

This is the major issue, which needs to be clarified with the DoE. It would also be helpful to know as soon as possible as to the Departments proposed timetable for the introduction of the new Contaminated Land regime. The closing date for comments on the consultation on Regulations and Statutory Guidance for Part 3 of the Waste and Contaminated Land (NI) Order 1997 is 11th October 2006.

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

to recommend that Council write to the Environment Policy Division to clarify both the availability of funds and the commencement date of the scheme.

4. Producer Responsibility for Non Packaging Farm Plastics

DoE Environmental Policy Division has written to Council (4.8.06) indicating that it has published proposals to improve the management of waste farm films and other agricultural plastics, excluding plastic packaging. The proposals are that the producers and importers of these products should take responsibility for their environmentally secure disposal when they become waste. The consultation paper seeks views on whether producer responsibility ought to be extended to non-packaging farm plastics and, if so, whether a voluntary take back scheme would suffice or would a statutory take back scheme be necessary. Responses are invited by 27th October 2006.

It is considered that producer responsibility ought to be extended to non-packaging farm plastics and that a statutory take back scheme is likely to be more effective in guaranteeing environmentally secure disposal of such waste rather than a voluntary scheme.

These comments are **RECOMMENDED** to Council.

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

that the Directors comments be endorsed by Council.

5. Review of Environmental Governance – NILGA Draft Response

The NILGA Draft Response on the Review of Environmental Governance has been reproduced as Appendix 1 (page 12) to this report for member consideration.

Committee is invited to consider the paper and make recommendation to Council.

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

to recommend that Council adopt NILGA's draft response relating to the Review of Environmental Governance.

6. Water (NI) Order 1999 – Application for Consent to Discharge Effluent

Notification has been received from EHS Water Management Unit advising that the undernoted application for consent to discharge effluent to a waterway has been made.

Armoy Homes Limited re. 6 dwellings at Chatham Mill, near 21 Chatham Road, Armoy, Ballymoney.

As EHS will set levels as to the quality of effluent to be discharged ***IT IS RECOMMENDED*** that Council note the application.

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

to recommend that Council note the application.

HEALTH & SAFETY AT WORK

7. Petroleum (Regulation) Acts (Northern Ireland) 1929 and 1937 PETROLEUM SPIRIT LICENCE (RENEWAL)

Application has been received for the renewal of petroleum spirit licences as follows:-

<u>Premises</u>	<u>Applicant</u>
11 Main Street Cloughmills BALLYMENA BT44 9LE	Mr Dennis Moore
Finvoy Filling Station 180 Finvoy Road BALLYMONEY BT53 7JS	Mr Vincent Drain
Stranocum Service Station 4 Main Street Stranocum BALLYMONEY BT53 8PE	Mr James McFadden

The renewal of licences as detailed above is **RECOMMENDED** and in the case of Finvoy Filling station subject to the receipt of a satisfactory electrical test certificate.

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

to recommend to Council, the renewal of Petroleum Spirit Licences as detailed.

LICENSING

8 Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 - LICENCE APPLICATION (FULL) (RENEWAL)

Premises

The Tower Bar
41 Church Street
BALLYMONEY
BT53 6HS

Applicant

Mr Daniel Gerald Gillan

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 apply.

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

to recommend to Council, renewal of the Indoor Entertainment's Licence, as detailed.

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

9 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".

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

to recommend to Council, renewal of the Amusement Permit, as detailed.

DOG CONTROL**10. DOGS (NORTHERN IRELAND) ORDER 1983****Article 13 – Registration of Dog Breeding Establishments**

Application, as undernoted, has been made to the Borough Council that the premise to which it refers be registered in accordance with the provisions of Article 13 of the Dogs (Northern Ireland) Order 1983 as a dog breeding establishment:-

Applicant**Premises**

Rhonda Millican

1 Hamilton Park, Ballymoney, BT53 6HQ

IT IS RECOMMENDED that the Borough Council register the above-mentioned premise accordingly.

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

to recommend to Council, registration of a dog-breeding establishment at the above named premises.

11. Seizure of Dogs under The Dangerous Dogs (Northern Ireland) Order 1991

On 4 and 5 July 2006 the department received complaints regarding dogs of the type known as the Pit Bull Terrier being kept on premises at Dervock. As a result of this information and further enquiries, three dogs were seized. The dogs are currently being kept and well cared for at kennels. All of the dogs have been identified as the type known as the Pit Bull Terrier by an experienced officer from the USPCA who is well recognised by the Court system in Northern Ireland in identifying this particular type of dog.

Statements have been recorded, one man has been interviewed and made amenable.

Due to the circumstances in this case i.e. the dogs concerned are deemed to be an illegal breed, ***IT IS RECOMMENDED*** that legal proceedings be instigated under Article 25A of The Dogs (Northern Ireland) Order 1983 as amended by The Dangerous Dogs (Northern Ireland) Order 1991.

The Director of Borough Services responded to a number of questions relating to the role of PSNI in such instances, confirming that it is the responsibility of Council to instigate legal proceeding. He also advised on the costs likely to be incurred, indicating that it would be Council's intention to apply for recovery of all costs incurred.

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

to recommend to Council instigation of legal proceedings.

INVESTING FOR HEALTH

12. Warmer Ways to Better Health Energy Efficiency Project

Further to CM.841 Members are reminded that the above project will again be funded in the present year (2006-2007) via the NIE Levy and by participating Councils. Council has allocated £7,000 to the project this year. In the previous financial year Council allocated £6,000 and this enabled 6 fuel poor Borough households to be assisted with the full heating and insulation measures package available under the scheme.

Last year the main access to the scheme was via health trust personnel. This year it is hoped to generate more potential applicants for the scheme by promoting it via :-

1. the participating Councils;
2. local Citizen Advice Bureau staff; and
3. local health trust personnel.

A leaflet detailing this scheme will be provided to all Members at the meeting, which will lay out the scheme criteria. This scheme has also received some publicity via the local press in the form of a local success story from last year.

Members are encouraged, that were they to know of any potential applicants, households which might benefit from this project that, the names and addresses be given to Mrs. Lynne O'Brien.

It is also hoped that Members would promote the scheme as widely as possible in their constituencies. To date no referrals have been generated from the Ballymoney Borough Council area.

The Director of Borough Services reiterated to members, the importance of promoting this scheme and requested them to make every effort to ensure that their constituents are made fully aware of the benefits. The scheme is to be promoted by leaflets indicating the criteria, together with application forms etc and these will be made available to members at the earliest opportunity.

BUILDING CONTROL

13. Building Control Applications

IT IS RECOMMENDED that Council note the **Applications, Building Notices and Regularisation Certificates** as detailed in Appendix 2 (page 13) to this report, which are in accordance with the requirements of the Building Regulations (NI) 2000.

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

to recommend that Council note the Applications, Building Notices and Regularisation Certificates, as detailed in Appendix 2.

MATTERS FOR INFORMATION**ENVIRONMENTAL SERVICES****14. Municipal Waste Returns**

<u>Waste Type</u>	<u>July 2006</u>	<u>Year to Date</u>
Mixed Residual Waste (waste to landfill)	969.14t -3.28%	3,992.34t +0.73%
Mixed Dry Recyclables (blue bin recycling)	123.72t +1.58%	371.88t +3.83%

ENVIRONMENTAL PROTECTION**15. Regulation of Water Services Discharges Report 2004**

The above document was received on 3rd August. The following abstract from the covering letter will be of a special interest to Members –

“From 1 April 2007 Water Service will become a Government Owned Company (GOCO) and will be subject to the full Water (NI) Order 1999 regulatory regime.

There are a number of issues highlighted in the previous Reports where progress has been made but EHS acknowledges that substantial improvement is still required to match the performance in the rest of the UK.

I would ask you to note the following key points contained in this Report:

- Percentage waste water treatment works compliance with EHS standards has increased as a result of increased investment in interim improvement and capital schemes. This situation can only get better as WS continues to implement its investment programme.
- Outline information on implementation of the reform process that will result in Water Service becoming self-financing and more independent of Government.
- Updated information on the investment to be provided to ensure that WS fully complies with all regulatory requirements.”

16. WEEE Directive Consultation, July 2006

The DTI issued on 25th July 2006 a further set of consultation documents seeking views on the Government’s proposals for the draft legislation to implement Directives 2002/96/EC and 2003/108/EC on Waste Electrical and Electronic Equipment (the WEEE Directive) and on the draft non statutory guidance. Views are invited by 17th October 2006.

The key proposals are –

- A national Distributor Takeback Scheme which will establish a network of Designated Collection Facilities (DCFs);
- Obligatory registration for producers through approved compliance schemes;
- A Code of Practice covering the collection of WEEE from DCFs;
- Authorised Treatment Facilities (ATFs), which will process WEEE and provide evidence to producers on the amount of WEEE received for treatment;
- Accredited reprocessing facilities which will provide evidence of reprocessing to producers;
- An end-of-year settlement to ensure producers are able to meet their obligation via an “Exchange” system;
- A voluntary approach for producers to show the cost of handling historical WEEE.

The consultation does not go into detail as to how the key proposals are to be delivered in practice, nor is it made clear when the proposed regime is to be operational.

17. **Waste Management Licences**

The Environment & Heritage Service has copied the undernoted licence to Council (as it is required to under Article 34, Paragraph 5 of the Waste and Contaminated Land (NI) Order 1997).

Waste Management Licences are issued by EHS under the Waste Management Licensing Regulations (NI) 2003.

LN/06/23	Joseph McConaghie David McConaghie	49 Ballymena Road, Ballymoney
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18. **Improving Local Environmental Quality – Current Plans**

DoE Environmental Policy Division has advised (letter dated 2nd August) as to its current plans for draft Northern Ireland legislation corresponding to the Clean Neighbourhoods and Environment Act 2005. Members may find the following information informative –

LITTER

We want to find out if the introduction of the new powers has helped district councils to deal with litter offenders more effectively and we plan, therefore, to seek information connected with the issuing of fixed penalty notices from district councils in due course.

The scope of the Litter Order, in so far as the meaning of the littering offence and the definition of litter are concerned appears sufficient, however, we are considering if there is a need to make it clear in the legislation that discarded smoking material and chewing gum are litter and that irresponsible disposal of cigarette butts and chewing gum is an offence.

We plan to draw up instructions for draft legislation to make similar revisions to the SLCN process in Northern Ireland to make it more effective and easier to implement.

In the light of developments under the Clean Neighbourhoods and Environment Act we plan to draw up instructions for legislation to introduce a similar Litter Clearing Notices system in Northern Ireland.

We will be considering the Northern Ireland Code and whether it should be revised and updated. Any future revision of the Code would be subject to a full public consultation to ensure that views of interested parties are taken into account.

We plan to prepare instructions for draft legislation to introduce similar controls for district councils in Northern Ireland.

FIXED PENALTY NOTICES

We plan to prepare instructions for draft legislation to extend the use of fixed penalties to deal with other low level environmental offences corresponding to the provisions in the Clean Neighbourhoods and Environment Act 2005.

We plan to prepare instructions for draft legislation to give district councils the power to set their own rates and to offer discounts for early payment.

We plan to prepare instructions for draft legislation to allow fixed penalty issuing powers in Northern Ireland to be extended to other bodies.

NUISANCE

We plan to prepare instructions for draft legislation to bring statutory nuisance legislation into line with legislation applying in GB.

We plan therefore to prepare instructions for draft legislation to reduce noise nuisance as follows:-

- a requirement for those with audible intruder alarms to register nominated key-holders. (This would help to deal with noise nuisance problems caused by false alarms when the key-holder is away);
- new powers for authorised officers to enter premises or vehicles to silence an alarm that has been ringing for a certain period of time;
- extending the provisions of the Noise Act 1996 in relation to noise from private premises to licensed premises. (This would allow, for example, district councils to issue fixed penalty notices for noise at night to operators of licensed premises);
- providing greater flexibility for district councils to use powers under the Noise Act;
- allowing district councils to retain receipts from fixed penalties;
- clarifying powers for district councils to carry out works in default and recover the expenses incurred.

FLY-POSTING AND GRAFFITI

We plan to prepare instructions for draft legislation to deal with these issues, in particular fly-posting. However, more detailed consideration of the issues is required over the coming months. Issues to consider include an amendment of the Litter Order to make it an offence to display advertising material on property without the consent of the owner; give appropriate persons the power to issue fixed penalty notices to anyone fly-posting or on the beneficiaries of such fly-posting; discourage people from defacing property with the power to issue fixed penalty notices to any offender.

We will be considering this issue in more detail over the coming months.

We plan to prepare instructions for draft legislation to strengthen the law to make it much more difficult for the beneficiaries of fly-posting to claim that they had never consented to it.

DOGS

We plan to draw up instructions for draft legislation to introduce a corresponding dog control regime in Northern Ireland.

NUISANCE AND ABANDONED VEHICLES

We plan to draw up instructions for draft legislation to introduce corresponding new offences in Northern Ireland.

In the light of developments in England and Wales under the Clean Neighbourhoods and Environment Act 2005 we plan to draw up instructions for draft legislation to remove the 7 day requirement and simplifying the rules on the disposal of abandoned vehicles (for example, remove the requirement whereby a vehicle cannot be disposed of while it has a valid licence). However, more detailed consideration of the existing legislation and engagement with key practitioners is required over the coming months before we can finalise our plans on this issue.

ABANDONED SHOPPING AND LUGGAGE TROLLEYS

We plan, therefore, to prepare instructions for draft legislation to allow district councils in Northern Ireland to recover the costs associated with recovering, storing and disposing of abandoned shopping trolleys.

ALLEYGATING

Over the coming months we will be considering the existing procedures for closing off nuisance back alleys in Northern Ireland and, if appropriate, draw up instructions for draft legislation to make the procedure more effective.

COMMUNITY SAFETY

A Review of the Northern Ireland community safety strategy is now under way and we plan to take the opportunity to raise local environmental quality issues in the context of the Community Safety agenda.

ENVIRONMENTAL HEALTH GENERAL

19. The Unauthorised Encampments (Northern Ireland) Order 2005

The above Order was brought into effect on 19th July 2006. It gives the police power to direct people who camp illegally to leave land and to remove their vehicles and other property. Those who refuse to comply may have their vehicles seized and if prosecuted, face imprisonment and a fine of up to £2,500.

INVESTING FOR HEALTH

20. Ballymoney Borough Council – A Smoke-Free Workplace

Further to CM.841 on 5th June whereby Council adopted the revised No Smoking Policy Members are reminded that Ballymoney Borough Council will be a smoke-free workplace from 1st September 2006.

It is pleasing to report that Ballymoney Borough Council has achieved the Gold National Clean Air Award in recognition of its outstanding commitment in providing a tobacco smoke-free environment to protect the health, safety and well-being of all those who enter the premises.

The National Clean Air Award is a Roy Castle Lung Cancer Foundation initiative and is endorsed by the Chartered Institute of Environmental Health, Asthma UK, British Lung Foundation and Ulster Cancer Foundation.

LICENSING (NORTHERN IRELAND) ORDER 1996

21.	<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
	Hanna Ita McGarry Pound Bar 18 Corkey Road Loughgiel BALLYMENA	Occasional Licence (Irish National Sheepdog Trials Quarry Field, Knockahollet Road Loughgiel, 17 th , 18 th & 19 th August 2006, 12 noon – 8pm).	23/7/06
	Seymour Henry Sweeney 10,12 & 14/16 Carncullagh Road Dervock BALLYMONEY	Provisional grant of Licence	9/8/06

22. Article 18(1), Schedule 4 – Application for the Renewal of a Bookmaking Office Licences

The requisite notices have been received, concerning the renewal of bookmaking office licences:

<u>Applicant</u>	<u>Address of Premises</u>	<u>Date</u>
Willstand Limited (formerly L Stanley Ltd)	14 High Street BALLYMONEY BT53 6AG	24/7/06
Willstand Limited	24A Main Street	27/7/06

(formerly BALLYMONEY
L Stanley Limited) BT53 6AL

This being all the business, the meeting closed at 4.05 pm.

APPENDIX 1

**REVIEW OF ENVIRONMENTAL
GOVERNANCE – NILGA DRAFT
RESPONSE**



Review of Environmental Governance - Draft response

Introduction

NILGA, which represents the 26 local councils in Northern Ireland, welcomes the opportunity to make a written submission to the Review of Environmental Governance, particularly at a time when significant developments in the role and functions of local government are being addressed within the context of the Review of Public Administration.

The work of local government is wide-ranging and is inextricably linked to the work of nearly all the environmental governance responsibilities of the relevant government departments. It is therefore vital to the local government sector that the Review of Environmental Governance is successful in its aim of supporting the transition towards sustainable development in Northern Ireland.

A widely held view within local government is that current environmental governance structures are not fit for purpose, particularly in relation to the integration of environmental policies with mainstream government policies and the effective enforcement of environmental legislation. This belief, coupled with the principles outlined in the Review of Public Administration has led NILGA to make a number of observations and recommendations regarding the future of environmental governance in Northern Ireland. These comments have further been informed by the work of the Chief Environmental Health Officers Group, the Chartered Institute of Environmental Health and the local government Technical Advisors group.

Concerns regarding the current system

It is NILGA's view that the environment is not perceived as a pressing issue on the mainstream agenda of many Northern Ireland Departments and is often marginalised rather than being integrated with overall government policy.

The general lack of integration within government acts as an obstacle to the development of optimum solutions to problems. The lack of a devolved system of government in Northern Ireland also has an adverse effect on how policy is developed, implemented, monitored and enforced. There is also significant

disconnection between what should be two closely communicating political layers (central and local government) in the development and delivery of environmental policy.

The Role of Local Government in Environmental Governance

NILGA would strongly contend that there is an important role to be played by the new larger councils in any new environmental governance/regulation arrangement, with a strong argument in favour of the transfer of some existing functions of EHS to the new local authorities. Councils should have a civic leadership role, including that of environmental leadership, responding to the community. They should have an enabling role, potentially with a new independent and integrated environmental protection body innovating and supporting the local councils, particularly within the new community planning agenda. It is important that full consideration is given within the RPA and REG to the significant benefits that can be achieved by providing an opportunity for local government to play an effective and important role in overall environmental governance.

District council services have historically played a significant role in local environmental protection in areas such as industrial pollution control, local air quality management, noise, solid waste management and public health nuisance. Council officers are highly qualified, skilled and experienced professionals who, being based sub-regionally in councils, have a good local knowledge base and can respond rapidly to incidents/complaints. Maintaining or enhancing environmental governance/regulation within councils ensures a high level of local political accountability and would be more accessible to local communities. Specialist services could be provided if necessary by a shared service arrangement.

A high level of involvement of local councils in environmental governance/ regulation would also complement the proposed move of planning functions to councils through the RPA, and would assist in the community planning process. With local involvement in environmental regulation, council officers will be better placed to effectively advise the planning process regarding local information relevant to local development plans or development control.

Local government has worked closely with central government in developing a new Waste Strategy, and would encourage the continuance of this work within the context of the Sustainable Development Strategy. Waste collection should be undertaken at a local level, but it is evident that there is potential for the development of shared

services to facilitate the provision of waste disposal infrastructure, purchasing and strategic planning. Central Government should however, remain in control of overall waste management policy.

The NILGA view on an Environmental Protection Agency for Northern Ireland

NILGA would, in principle, support the establishment of an independent and integrated environmental body for Northern Ireland. The structure and functions of such a body, however, need to be carefully considered and a reinvention of the current Environment and Heritage Service would not necessarily be adequate.

We would like to see such an organisation acting as a catalyst and as an advocate on environmental matters, ensuring that these issues are integrated into mainstream policy and not limiting the ability of government to look at the environment in an integrated way. Governance arrangements for any such agency would need to be structured to ensure effective political accountability. The Agency would need to be locally based, with consistent service provision throughout the region, providing innovative advice and benchmarking for the services provided by local councils. The Agency will need to have sufficient powers and resources to be able to hold stakeholders and government to account.

Independence

There is an argument that Northern Ireland needs a regulator with independence from government departments. Clear separation of policy development from delivery and regulation of environmental protection is also desirable in promoting transparency and trust. Such an arrangement would potentially permit the body to act as a "champion" for the environment and provide independent policy advice to government. Perceived independence and practical outworking of this will hinge on the governance and accountability arrangements chosen for any new body.

Accountability Mechanisms

Accountability must be clear, transparent and democratic. A separate environmental body, if it was less directly accountable in a political, would need to operate within a framework based on strong accountability mechanisms and procedures. In addition to external scrutiny of its activities it would be essential to ensure transparency and openness in all the authority's decision-making to establish public trust and confidence.

- Accountability needs to be both upwards and downwards. Therefore we do not necessarily consider an NDPB model in its more traditional sense, to be the best one as it typically only affords upwards accountability. In the absence of an Assembly, consideration also needs to be given as to whom such an agency would be accountable in the interim.
- The role of the Northern Ireland Audit Office should be strengthened in line with Options 2 and 3 set out in Chapter 8 of the Macrory Report
- Experience of other "independent" agencies needs to be borne in mind as regards accountability issues.
- Local communities, through their council, should have a greater voice in management of an environment agency than the English model provides. Local Authority representation on local area committees ("REPACS") within the EA in England is ineffective, and has led to the accusation of tokenism.
- Accountability needs to include financial probity.
- Governance arrangements for a new body would need to be structured to ensure that the agency sits within an appropriate political framework. For services not provided by local government, adequate democratic input into service provision must be provided, via elected representation at appropriate local and regional levels.
- Prescribed institutional relationships must also be developed with mechanisms for scrutiny, negotiation and accountability. This could potentially be facilitated through community planning legislation/guidelines.

Capacity, Resourcing and Efficiency of a New Agency

It is vital that any new agency is not subject to the same constraints as in the past. DoE(NI) has been consistently criticised for inadequate enforcement due to a lack of resources and this must not be replicated.

- Sufficient funding for any new body must be put in place to ensure the new arrangements are not a 'paper tiger'. Evidence also would suggest that increasing resource constraints in the English Environment Agency have led to a visible loss of expertise as staff left for the private sector.
- It must be established beyond doubt that a new and separate Environmental body for Northern Ireland is necessary, efficient and sustainable.
- Any new Agency must be able to do a demonstrably better job than is done at present and should not be a scapegoat for government.
- Regional delivery of all environmental regulation is neither appropriate nor efficient (see roles and responsibilities)

Roles and responsibilities

An independent and integrated environmental body for Northern Ireland must define its relationship with other regulators, especially councils, with care. Functions and roles must be clearly defined and might include.

- | | |
|--|-------------------------------|
| - strategy | - policy advice to government |
| - advisory | - research |
| - environmental monitoring | - innovation |
| - benchmarking of enforcement practice | |
| - training | |

There would be considerable advantage in creating an integrated body which deals with the protection of both the natural and built environments, working closely with local government. There could also be an opportunity to consider whether environmental regulatory powers resting with other government departments might be consolidated within the new authority or passed to councils.

Any new body would require an appropriate structure and adequate financial arrangements for the range of activities for which it would take responsibility. Environmental regulation also requires an awareness and sensitivity to local issues/concerns and timely response to environmental incidents.

It is essential that any new body has mechanisms to relate at a sub-regional level and particularly should dovetail with council-led community planning with the proposed statutory framework.

Whilst the central co-ordination of many aspects of environmental regulation, for example through a single environmental protection agency, would facilitate consistency of enforcement and potentially be cost effective, it is considered that regional delivery of all environmental regulation is neither appropriate nor efficient.

Any new central regulatory authority's functions should not encroach on the roles and responsibilities that currently lie with local authorities, particularly in the light of the RPA decisions. The main aim of which, is the creation of strong local government, underpinned by the principles of subsidiarity and service delivery at the sub-regional

level. Larger councils, with greater powers and responsibilities, would have the capacity to resource and develop expertise needed to deliver the current, and indeed additional, environmental protection functions into the future.

Arrangements for co-ordination and liaison between any new central environmental protection authority and local councils should be set up to maximise the extent to which they complement each other in their respective roles in environmental protection/governance. NILGA believes that this relationship should be clearly defined to ensure clarity of roles and relationship within the proposed Central local relationship statutory framework.

Integration with central government policy

There is currently a need in NI for much greater integration of policy at central government level. A separate and isolated environmental body without appropriate mechanisms to connect it to other agendas would be an opportunity missed.

The reforms being considered and developed under RPA are not yet finalised. It is essential that these linkages are refined and enhanced within the public sector, and that any proposed models for environmental governance take full account of emerging structures.

Conclusion

NILGA welcomes this opportunity to respond but would be happy to discuss the matter further as work progresses on RPA and REG.

APPENDIX 2

Building Control Applications

BUILDING CONTROL APPLICATIONS

The following *Applications, Building Notices and Regularisation Certificates* are in accordance with the requirements of the Building Regulations (N.I.) 2000.

Ref No: B/2005/0227/MAST
Applicant: Christie Homes Ltd
Agent: Ivan McDonald 17 Lissadell Avenue Portstewart
Location: 128 A & 128 B Vow Road Vow Ballymoney
Description: 2 dwellings

Ref No: B/2005/0249/
Applicant: Very Rev R Butler
Agent: McLean & Forte Partnership 37 Malone Road Belfast
Location: 5 Reservoir Road St Anne's Primary School Corkey Ballymena
Description: Extension to school

Ref No: B/2006/0057/
Applicant: Mr Brian McBride
Agent: Hunter Associates 8 Charlotte Street Ballymoney
Location: 212A Castlecat Road Knockavallan Dervock Ballymoney
Description: Dwelling

Ref No: B/2006/0075/
Applicant: Mr & Mrs Noel Mark
Agent: Colin Mallon 12 Ballyloughan Avenue Ballymena
Location: 160 Ballyveely Road Cloughmills Ballymena
Description: Extension and alterations to dwelling

Ref No: B/2006/0083/
Applicant: Mr William Nelson
Agent: Gibson Design & Build 25 Ballinderry Road Coagh Cookstown
Location: 263A Lisnahunshin Road Drumack Rasharkin Ballymena
Description: Dwelling

Ref No: B/2006/0088/
Applicant: Mr & Mrs James Bartlett
Agent: S. W Atkinson 18 Milltown Road Ballymoney
Location: 11A Killyrammer Road Killyrammer Ballymoney
Description: Dwelling

Ref No: B/2006/0091/
Applicant: Mr Gerry Cochrane
Agent: Hunter Associates 8 Charlotte Street Ballymoney
Location: 23 Eastburn Avenue Ballymoney
Description: Sun room extension to dwelling

Ref No: B/2006/0094/
Applicant: Mrs Hazel Thompson
Agent: S W Atkinson 18 Milltown Road Ballymoney
Location: 19 Kilmoyle Road Benvardin Ballymoney
Description: Dwelling and garage

Ref No: B/2006/0096/
Applicant: Mr & Mrs Thomas Wright
Agent: S W Atkinson 18 Milltown Road Ballymoney
Location: 213 Kilraughts Road Ballytaggart Ballymoney
Description: Dwelling with integral garage

Ref No: B/2006/0105/
Applicant: Mr Martin Doyle
Agent: McGurk Chartered Architects 33 King Street Magherafelt
Location: 151A Vow Road Artnagross Ballymoney
Description: Dwelling

Ref No: B/2006/0109/
Applicant: Mr James Boyd
Agent: RD Architectural Design Services 75 New Row Coleraine
Location: 9 Millview Park Ballybogey Ballymoney
Description: Extension to dwelling

Ref No: B/2006/0111/
Applicant: Mr Gary Edgar
Agent: O Dallas 31A Greenhill Road Blackhill Coleraine
Location: 1 Ballynacree Drive Balnamore Ballymoney
Description: Extension and alterations to dwelling

Ref No: B/2006/0114/
Applicant: Mr Marc Ferris
Agent: Gary Gaston 133 Finvoy Road Ballymoney
Location: 114A Finvoy Road Carrowreagh Ballymoney
Description: Dwelling and garage

Ref No: B/2006/0118/
Applicant: Mr Philip McAuley
Agent: Bell Architects 76 Main Street Ballymoney
Location: 35A Vow Road Ballymoney
Description: Garage and playroom

Ref No: B/2006/0119/
Applicant: Mr Philip McAuley
Agent: Bell Architects 76 Main Street Ballymoney
Location: 35A Vow Road Ballymoney
Description: Extension and alterations to convert garage to creche / day nursery

Ref No: B/2006/0121/
Applicant: Mr & Mrs S Taylor
Agent:
Location: 55 Drumskea Road Claughey Ballymoney
Description: Dwelling and garage

Ref No: BN/2006/0063/
Applicant: Mr Michael Doherty
Agent: CFM Ltd 65 Deerpark Road Castledawson
Location: 85 Bridge Road Dunloy Ballymena
Description: Installation of oil-fired central heating

Ref No: BN/2006/0064/
Applicant: Ms Patricia Dougherty
Agent: CFM Ltd 65 Deerpark Road Castledawson
Location: 17 Macafee Place Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2006/0065/
Applicant: Mr Seamus Dobbin
Agent:
Location: 284 Gortgole Road Rasharkin Ballymena
Description: Roofspace conversion to dwelling

Ref No: BN/2006/0066/
Applicant: Mr Bernand Sean Reid
Agent:
Location: 35 Eastburn Drive Ballymoney
Description: Sun room extension to dwelling

Ref No: BN/2006/0067/
Applicant: David Graham
Agent:
Location: 9 Shanaghy Road Ballymoney
Description: Extension and alterations to dwelling

Ref No: BN/2006/0068/
Applicant: Mr James Cochrane
Agent: HGS Building & Mechanical Services Ltd Victoria House 1 - 7 Hall Street Maghera
Location: 9 Coldagh Cottages Ballymoney
Description: Installation of oil-fired central heating

	Total
B	16
BN	6
Total	22

B - Full Plans Applications
BN - Building Notice Applications
RC - Regularisation Certificate Applications

