

Ballymoney Borough Council

**Health & Environmental Services Committee Meeting No 323
28th November 2006**

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BALLYMONEY BOROUGH COUNCIL

Minutes of Health & Environmental Services Committee Meeting No 323 held in the Council Chamber, Riada House, Ballymoney on Tuesday 28th November 2006 at 7.30 pm.

IN THE CHAIR Councillor E Robinson

PRESENT

Aldermen
F Campbell
C Cousley

Councillors
A Cavlan
J Finlay
B Kennedy
M McCamphill
D McKay
A Patterson
R Wilson

APOLOGIES

P McGuigan
T McKeown
M Storey, MLA

IN ATTENDANCE

Director of Borough Services
Alderman J Simpson
Committee Clerk

323.1 MINUTES – MEETING NO 322 – 24th OCTOBER 2006

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

That the minutes of Committee Meeting No 322 held on 24th October 2006, as circulated, be confirmed as a correct record.

ENVIRONMENTAL PROTECTION**323.2 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:

Northstone (NI) Ltd., Quarry & Asphalt Division, Long Mountain Depot, Ballycraig Quarry, Mullan Road, Finvoy, Ballymoney, BT53 7ED.

EHS Water Management Unit has also advised that the undernoted application for consent to discharge effluent to the underground stratum has been made:

93 Bridge Road, Dunloy, Ballymena, BT44 9EG.

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

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

to recommend that Council note the above applications.

323.3 INDUSTRIAL POLLUTION CONTROL (NI) ORDER 1997 POLLUTION PREVENTION AND CONTROL REGULATIONS (NI) 2003

McGuckian Milling Company, 29 Drumbare Rd, Cloughmills, BT44 9LA.
Chestnutt Animal Feeds, 55 Main Street, Stranocum, BT53 8PQ

The animal feed compounding processes at the above addresses are currently authorised under the Industrial Pollution Control (NI) Order 1997. The system of pollution control established by the Order is now being replaced by a new regime under the Pollution Prevention and Control Regulations (NI) 2003. These regulations require all prescribed processes to hold a permit to operate in place of the current authorisations.

The proposed permits for the above premises can be found at Appendix 1, and Appendix 2, to this report. These have been prepared having considered the information contained in the Process Guidance Note PG No. 6/26 relevant to the operation. The operators have had the opportunity to consider the conditions contained within the permits and make comments.

IT IS RECOMMENDED that approval be granted for the permits of a prescribed process under Regulation 10 of the above Ordinance to the said operators of the businesses in the form contained in the proposed permit, together with supporting plans and documents and that the annual subsistence fee be applied pro rata as required by statute.

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

to recommend to Council that approval be granted for the permits of a prescribed process under Regulation 10 of the above Ordinance, to the said operators of the businesses, in the form contained in the proposed permit, together with supporting plans and documents and that the annual subsistence fee be applied pro rata as required by statute.

ENVIRONMENTAL SERVICES

323.4 LANDFILL COMPACTOR TENDER

Information was received on 15th November that Derry City Council was inviting tenders for either the hire or purchase of a second hand 26 tonne landfill compactor. The Council's landfill compactor (which is surplus to requirements) has been offered to that authority for the sum of £12,000 plus transport plus vat by the deadline set: 12 noon, Friday, 17th November 2006.

Were Derry City Council to accept the offer made on the Council's behalf, ***IT IS RECOMMENDED*** that Council endorse the sale of its 26t landfill compactor for the sum of £12,000.

Responding to a question from Alderman Campbell, the Director clarified the rationale in offering the equipment for sale rather than for hire. He also advised that Derry City Council had accepted the Council's tender offering to sell its landfill compactor. He also suggested that the proceeds of this sale be earmarked for environmental services purposes.

- * **The Mayor, Councillor Finlay arrived at 7.45pm, apologising for his late arrival.**

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

to recommend that Council sell its 26t landfill compactor to Derry City Council for the sum of £12,000 plus transport costs and VAT and that the proceeds from the sale be earmarked for environmental services purposes.

- * **Councillor McKay arrived at 7.50 pm.**

323.5 WASTE FRIDGES AND FREEZERS CONTRACT

The Director informed Members that the existing Northern Ireland contract to which Council was a party terminates on 31st December 2006 and that work had been undertaken over a number of months by a Management Board [on which he represented the NWRWM Group constituent councils] to set up a new contract to deal with waste fridges and freezers. He advised that another contract was necessary as the UK Government had not yet implemented its WEEE Directive obligations. As previously, were Council to enter into the new contract then it would be able to recycle waste fridges and freezers at no cost as the unit rate of £6.65 would be returned to Council by way of a grant. He further advised that the proposed contract would run initially for six months but would be extended as required.

The Director ***RECOMMENDED*** that Council participate in the proposed [NI Contract] Framework Agreement for the Management of Waste Fridges and Freezers to commence on 1st January 2007, with the service being provided by TechRec (NI) Limited [the successful bidder] at a unit rate of £6.65 per waste domestic fridge/freezer.

The Director also advised that this contract would also be used by Council to recycle waste commercial fridges/freezers which came into its possession either by way of dealing with fly-tipping or which were surreptitiously left at the Council's CA Sties. In response to a question he advised that Council did not offer a disposal service to the commercial sector, but would on request give details of service contractors.

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

to recommend that Council participate in the Framework Agreement for the Management of Waste Domestic Fridges and Freezers.

HEALTH & SAFETY AT WORK

323.6 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>
Golden Plough Filling Station 86-88 Drones Road BALLYMONEY	Thomas Coyle
Centra 100 Ballybogey Road BALLYMONEY	Brian Kennedy

The renewal of licences as detailed above are **RECOMMENDED** and in the case of Golden Plough Filling Station, the same is subject to the proviso that when an approved electrical test certificate is received the licence will be issued.

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

to recommend that Council approve renewal of licences as detailed above, the licence for the Golden Plough Filling station being subject to the proviso that when an approved electrical test certificate is received, the licence will be issued.

323.7 PETROLEUM (REGULATION) ACTS (NORTHERN IRELAND) 1929 and 1937 PETROLEUM SPIRIT LICENCE (TRANSFER AND RENEWAL)

Application has been received for the transfer and renewal of petroleum spirit licence as follows:

<u>Address of Premises</u>	<u>Licence No.</u>	<u>Present Licensee</u>	<u>Applicant</u>	<u>Fee</u>
136 Corkey Rd Loughgiel Ballymena BT44 9JQ	PL026	M McCamphill 2A Shelton Rd Armoy BT53 8YQ	Mary Rose Lynn 216 Corkey Rd Loughgiel BT44 9JB	£8

The transfer of licence as detailed above is **RECOMMENDED**.

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

To recommend that Council approve the applications as detailed above.

* **Councillor Kennedy left the meeting at 8.05 pm.**

323.8 SERVICE LEVEL AGREEMENT FOR ENVIRONMENTAL HEALTH OFFICERS TO ENFORCE THE MANUFACTURE AND STORAGE OF EXPLOSIVES REGULATIONS (NI) 2006 – HAZARD TYPE 4 ARTICLES

A Service Level Agreement has been drawn up between the Northern Ireland Office and the Borough Council to enable Environmental Health Officers to enforce the above Regulations in respect of persons registered to store Hazard Type 4 Pyrotechnic Articles (fireworks) and Power Device Cartridges (air bags, nail guns, flares etc.). It is understood that there are three such premises within the Borough.

The agreement requires EHOs to carry out site inspections to ensure that the storage is in keeping with the guidance contained in the Approved Code of Practice and guidance accompanying the Regulations and provide a written report the NIO within 21 days from the date of issue of the request. Two interim inspections will be carried out during the three-year period of the registration to confirm that the site remains suitable and that the registered person remains fit on each occasion. A renewal inspection is to be completed and reported to the NIO prior to the expiry of the registration. The enforcement of the Regulations will be consistent with the policy set out in the current HSENI guidelines in relation to the Health and Safety at Work Order.

The fees for initial registration and renewal are £124 and £79 respectively and the Council will invoice the NIO on a quarterly basis for the work carried out. The fees are to be reviewed annually with any increases taking effect from 1st April. The Service Level Agreement will take effect from the 1st December 2006.

IT IS RECOMMENDED that the Borough Council enter into a Service Level Agreement (SLA) with the NIO with respect to the enforcement of the above regulations and that the Director of Borough Services be delegated to sign the (SLA) on behalf of Council.

At the request of members, the Director clarified issues of storage within the wholesale sector, advising that the use of such articles would be a matter for other bodies.

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

to recommend to Council that they enter into a Service Level Agreement with the NIO with respect to the enforcement of the above regulations and that the Director of Borough Services be delegated to sign the SLA on behalf of Council.

* **Councillor Cavlan left the meeting at 8.06 pm.**

323.9 PROPOSALS FOR THE TRANSFER OF PETROLEUM LICENSING FUNCTIONS FROM DISTRICT COUNCILS TO HSENI

Proposals issuing from the Health & Safety Executive for Northern Ireland that it and not NI district councils should become the sole petroleum licensing authority for Northern Ireland have been received. In support of its proposals HSENI suggests such change is driven by (1) the Review of Public Administration, (2) the Hampton Review and (3) the Organised Crime Task Force.

The HSENI Consultative Document proposals ought to be rejected for the following reasons –

1. It is considered that the HSENI proposals are primarily driven by that largely unaccountable organisation's desire for self-preservation in the face of RPA, rather than for any other reason. Self-interest is no valid reason for making a change to a licensing/regulatory system, which has been operated successfully by local authorities since its inception in 1929. The proposals run contrary to RPA and not as HSENI would contend in support of the present on-going process. No substantive case is made by HSENI to justify its wish to 'empire build' at the expense of local democracy by removing this type of licensing from NI district councils. RPA is about enhancing local government, providing additional responsibilities and democratic accountability, not the reverse proposed by HSENI. The removal of function to it, a next steps agency and thereby increasing both public service fragmentation and the extant democratic deficit ought not to be condoned.
2. If the proposals are consistent with the Hampton Review recommendations, as it has suggested, why are there no proposals elsewhere in the United Kingdom to remove responsibility for petroleum licensing from local authorities there? It is clearly the case that the HSENI proposals, rather than reducing the administrative burdens on businesses will have the opposite effect. Were HSENI to become the sole petroleum licensing authority for Northern Ireland, then it would be an additional enforcing authority with which proprietors of petroleum filling stations would have to contend. For this not to be the case HSENI would need to take over from district councils their responsibilities for food safety, health & safety and environmental protection. Contrary to Hampton, administrative burdens on businesses would not be reduced, as the regulatory regime would become more fragmented and be made more complicated were the HSENI proposals to be implemented.

3. The HSENI proposal that were it to become the sole petroleum licensing authority for Northern Ireland it would be better able to assist the Organised Crime Task Force in combating the scourge of illicit fuel must also be questioned. Presently it has responsibility for enforcing the Carriage of Dangerous Goods by Road legislation. It is reasonable therefore to judge the soundness of the HSENI assertion on the basis of what it has achieved to date making use of its present powers. It is the case that this work has not been either high priority or high profile. More importantly how is an organization based in the centre of Belfast and proposing to deploy only seven compliance officers going to be able to gain intelligence as to illicit fuel. Councils are proactive within their localities and are thus much better placed to assist the Organised Crime Task Force as is the case presently.
4. The enforcement regime proposed by HSENI will increase business costs substantially. The proposed increases are as follows: 77% for the smallest sites, 68% for intermediate sites and 34% for the largest sites. It is telling that HSENI has chosen not to put a figure on the only benefit it has highlighted, namely the removal of periodic tank and pipework testing. Instead HSENI proposes to protect public safety and safeguard the environment by introducing a requirement for accurate record-keeping to detect any leaks from tanks or pipework. Accurate record-keeping is however not a new provision it is the standard required presently by district council licence.
5. Even with the cost of a petroleum licence under the new regime being calculated on a full-cost recovery basis the HSENI proposals do not represent value for money, as compliance costs would exceed income by some £300,000. District Councils would also be expected to bear the cost of staff no longer required to regulate petroleum.

IT IS RECOMMENDED that the proposals for the transfer of petroleum licensing functions from district councils to HSE NI be vigorously opposed.

* **Councillor Cavlan returned to the meeting at 8.12 pm.**

The Director emphasized his concerns regarding these proposals when presenting his report and advised that the NI Chief Environmental Health Officers Group had also prepared a response to the Consultation Document which it would submit prior to the deadline of 12th January 2007. It was suggested by Members that Council write to MLA's, MP's and NILGA advising of the Council's concerns and inviting their support for the retention of petroleum licensing as a Council function.

* **Councillor Wilson left the meeting at 8.30 pm**

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

to recommend to Council that representations rejecting the proposal by the Health & Safety Executive for Northern Ireland for the transfer of the petroleum licensing function from District Councils to HSENI be made and that the assistance of NILGA, MLA's and MP's be sought in opposing the HSENI proposals.

FOOD CONTROL

323.10 THE TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES REGULATIONS (NI) 2006

AUTHORISATION TO REMOVE SPECIFIED RISK MATERIAL (BOVINE VERTEBRAL COLUMN) FROM ANIMALS AGED 24-30 MONTHS IN BUTCHERS SHOPS

An application has been received from a butcher within the Borough to enable them to remove bovine vertebral column (VC) and specified risk material from 24-30 month cattle. Officers from this department are satisfied that suitable procedures are in place to comply with the requirements of the above Regulations. Council is asked to note that the application has been processed and a temporary authorisation issued.

IT IS RECOMMENDED that Council approves the issue of the necessary authorisation.

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

that Council note the application and approve the issue of a temporary authorization, as outlined above.

LICENSING

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

<u>Premises</u>	<u>Applicant</u>
The Scenic Inn 38 Fivey Road Armoy BALLYMONEY BT53 8UT	Ms Joan Carson
The Corner House Bar 2 Culcrum Road Cloughmills BALLYMENA BT44 9NH	Mr Anthony O'Hanlon
Provincial Towns Indoor Bowling Club Ballybrakes Ind. Estate 38 Ballybrakes Road BALLYMONEY BT53 7PL	Mr Joseph Boyd

Ballymoney United Football Social and Recreation Club
35 Castle Street
BALLYMONEY
BT53 7BJ

Mr Gerry McAleese

The Manor Hotel
69 Main Street
BALLYMONEY
BT53 6AN

Mr Danny Coulter

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.

323.12 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATION (FOURTEEN UNSPECIFIED DAYS) (RENEWAL)

<u>Premises</u>	<u>Applicant</u>
Garryduff Presbyterian Church Hall Garryduff Road BALLYMONEY	Mr Alan Patterson
Dunloy and Hannah McCracken Memorial Hall 12 Station Road Dunloy BALLYMENA BT44 9AU	Mrs Anne Allen
Molly's Restaurant & Bar 24 Main Street BALLYMONEY BT53 6AL	Mr Sammy Mullan

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 Alderman Cousley and **AGREED:**

to recommend that Council renew the Indoor Entertainment's Licences as detailed in 323.11 and 323.12.

* **Councillor McKay** joined the meeting at 8.38 pm apologising for his late arrival.

323.13 THE BUSINESS OF TATTOOING, EAR PIERCING AND ELECTROLYSIS - REGISTRATION OF PERSONS AND PREMISES – PART V PROVISIONS

Applicant

Ms Selina Stewart

Premises

2 Drumnamallaght Road
BALLYMONEY
BT53 7QX

IT IS RECOMMENDED that above applicant be registered accordingly.

Further discussion ensued relating to the use of residential dwellings for business functions, with members agreeing that representations relating to the use of the premises themselves, be taken up with the Planning Department and that the decision of Council to register applicants to trade should not be affected.

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

to recommend that Council register the applicant.

STREET TRADING

323.14 STREET TRADING ACT (NI) 2001 - TEMPORARY STREET TRADING LICENCE

Application for the grant of Temporary Street Trading Licence has been made to this Department as follows:

Purpose

Sale of Chinese Lights in Ballymoney Town Centre
on 30th November.

Applicant

Mr. L W Ching

IT IS RECOMMENDED that the Borough Council grant a Temporary Street Trading Licence.

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

to recommend that Council grant a temporary street trading licence as detailed above.

BETTING, GAMING, LOTTERIES & AMUSEMENTS (NI) ORDER 1985

323.15 Application has been received from the undernoted Society for registration by the Borough Council (Article 136 of the 1985 Order refers):

<u>Society</u>	<u>Lottery Promoter</u>	<u>Fee</u>
Glebe Rangers Football Club	Mr J Morrison 11 Esdale Park BUSHMILLS Co Antrim	£35-00

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

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

to recommend that Council register the Society detailed above.

DOG CONTROL

323.16 DOGS (NORTHERN IRELAND) ORDER 1983 ARTICLE 13 – REGISTRATION OF DOG BREEDING ESTABLISHMENTS

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

<u>Applicant</u>	<u>Premises</u>
Mrs Jennifer Dickson	24 Friary Road, Ballymoney, BT53 8XZ.

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

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

to recommend that Council register the premises detailed above.

OFFICER AUTHORISATIONS – NORTHERN GROUP SYSTEMS

323.17 In order to assist in the delivery of the department's business plan ***IT IS RECOMMENDED*** that the Borough Council gives affect to the following resolutions:

that

Christopher Jordan and Brona McLaverty

be authorised generally to exercise within the Ballymoney Borough the functions, powers and duties exercisable by persons so authorised contained in the undernoted

legislation or any amendment thereof made from time to time, or in any statutory instrument, regulation or byelaw made thereunder:

The Public Health (Ireland) Acts 1878-1967
 The Local Government Act (Northern Ireland) 1972
 The Pollution Control and Local Government (Northern Ireland) Order 1978
 The Clean Air (Northern Ireland) Order 1981
 The Litter (Northern Ireland) Order 1994
 The Waste and Contaminated Land (Northern Ireland) Order 1997

and furthermore indemnifies the above officers as provided for by Section 48 of the Local Government Act (Northern Ireland) 1972.

The Consumer Protection Act 1987

The Ballymoney Borough Council in exercise of the powers conferred on it by virtue of the Consumer Protection Act 1987, the Construction Products Regulations 1991 and the General Product Safety Regulations 1994 (the latter two measures having been made under the provisions of the European (Communities Act 1972) hereby appoints:

Geoffrey Davis

and generally authorises the said officer to exercise the powers of an authorised officer and specifically authorises the aforesaid officer in accordance with Section 28 of the Consumer Protection Act 1987 to:

- (a) make any purchases of any goods; and
- (b) secure the provision of any services, accommodation or facilities;

and in accordance with Regulation 16 of the Construction Product Regulations 1991 to make any purchase of any construction products;

and furthermore, that Ballymoney Borough Council, in exercise of its powers under Section 47A of the Local Government Act (Northern Ireland) 1972, delegates to the undernoted officer:

Geoffrey Davis

the power to serve suspension notices in accordance with the provisions of Section 14 of the Consumer Protection Act 1987 and Regulation 10 of the Construction Products Regulations 1991 and indemnifies the aforesaid officer as provided for by Section 48 of the Local Government (N.I.) Act 1972.”

Industrial Pollution Control (NI) Order 1997

The Ballymoney Borough Council in exercise of the powers conferred on it by Article 16(5) of the Industrial Pollution Control (NI) Order 1997, that the undernoted officers are appointed as inspectors having suitable qualifications as necessary for carrying the Pollution Control Statutory provisions (as defined by Article 17(12) and which include the above Order and any statutory instrument or Regulation made under such provisions) into effect in relation to prescribed processes for local control and that they may exercise all the powers conferred on an inspector by Articles 17 and 18 of the said Order.

**Christopher Jordan
Brona McLaverty**

IT IS FURTHER RECOMMENDED that Ballymoney Borough Council, in exercise of its powers under Section 47(A) of the Local Government Act (Northern Ireland) 1972 as amended by Article 26 of the Local Government (Miscellaneous Provisions) (N.I.) Order 1985, hereby delegates to the undernoted officers being proper and competent persons to exercise the delegated powers or duties, the following powers and duties of the Council under the Industrial Pollution Control (N.I.) Order 1997.

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

to recommend to Council that the delegates referred to above be approved as being proper and competent persons to exercise the delegated powers or duties necessary to assist in the delivery of the department's Business Plan, including the indemnity required in order to carry out such duties.

BUILDING CONTROL

323.18 BUILDING CONTROL APPLICATIONS

IT IS RECOMMENDED that Council note the Applications, Building Notices and Regularisation Certificates as detailed in Appendix 3 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 Patterson and **AGREED:**

that Council note the Applications, Building Notices and Regularisation Certificates as detailed in Appendix 3

MATTERS FOR INFORMATION

ENVIRONMENTAL PROTECTION

323.19 LOCAL AIR QUALITY MANAGEMENT (LAQM) – POLICY GUIDANCE ON SMOKE CONTROL AREAS

The Department of Environment, Environmental Policy Division has issued the above guidance LAQM.SCANI(06) under the Clean Air (NI) Order 1981 and the Environment (NI) Order 2002. The guidance is designed to assist District Councils in the preparation of Smoke Control Orders and in the Declaration of Smoke Control Areas. The guidance will be taken into consideration in the development of the Air Quality Action Plan currently being prepared to meet our obligations under the Ordinance of 2002. It replaces the Memorandum on Smoke Control areas issued by the former Ministry of Health and Social Services in 1964.

323.20 POLLUTION PREVENTION AND CONTROL REGULATIONS (NI) 2003 REGISTER OF PUBLIC INFORMATION

Environment & Heritage Service, on 20th November, furnished 'Annual Monitoring & Reporting' documents relating to Application No. P0038/04A (Yvonne McCrea) for inclusion in the Council's public register.

323.21 WASTE MANAGEMENT LICENSING REGULATIONS (NORTHERN IRELAND) 2003

APPLICATION FOR EXEMPTION:

Mr J Gilliland, 9 Leslie Hill, Ballymoney

The Department of Environment, Environment and Heritage Service, have advised by letter dated 23rd October 2006 that they have issued a Certificate of Registration for Exemption from Waste Management Licensing under the above Regulations.

The Exemption Certificate relates to the injection of sewage sludge. The activity must comply with the Nitrates Regulations when implemented. It does not permit the storage of sludge on the field. The certificate expires on the 17th October 2007.

During the discussion of this item, Councilor Cavlan referred to a previous application/exemption relating to use by Water Service of land at Slieveanorra and stated that it was very difficult getting a response from EHS. The Director advised that as he had also experienced this, it might now be best to raise any concerns via an MLA or the constituency MP.

323.22 WASTE MANAGEMENT LICENSING REGULATIONS (NORTHERN IRELAND) 2003

REGISTRATION FOR AGRICULTURAL EXEMPTION:

Mr R D Douthart, 12 Shelton Road, Armoy.

The above certificate issued by Environment and Heritage Service on the 23rd October 2006 refers to the following activities:

Burning waste plant in the open.
Spreading of dredgings and plant material cleared from inland waterways.

ENVIRONMENTAL SERVICES

323.23 MUNICIPAL WASTE RETURNS

<u>Waste Type</u>	<u>Oct 2006</u>	<u>Year to Date</u>
Mixed Residual Waste (waste to landfill)	997.98t +11.03%	6,928.22t +1.51%
Mixed Dry Recyclables (blue bin recycling)	125.82t +6.45%	878.72t +5.62%

The Director commented on the figures provided for the Member's benefit. It was suggested by Councillor Robinson that further publicity might encourage residents of the Borough to become more vigilant as regard the use of both their blue and black bins and that use be made of the Council's own publication - Ballymoney Bulletin. Councillor McKay queried the need to produce information on the blue bins in relevant languages so as to assist ethnic minorities in understanding what may be recycled. The Director concurred with this view and confirmed that access to translation services was now available to Council.

Councillor Finlay advised that when on the Isle of Man recently he took time to visit the incinerator, which in his view dealt very cost effectively with island waste. He advocated that this technology would be very beneficial and Members would be better informed were they also to visit the facility.

323.24 WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE) COLLECTION.

A WEEE collection facility at Knock Road Civic Amenity Site became operational on Monday 2nd October to facilitate the recycling of waste electrical and electronic equipment with the exclusion of fridges, freezers, washing machines etc.

During the first month of operation 4.09 tonnes of small WEEE (e.g. videos, stereos) and CRTs (e.g. televisions, monitors) was collected to be recycled by Avenue Recycling.

The Director advised that the service was being provided on a pilot basis and at cost to Council. Alderman Simpson asked if Council would allow people to remove items left by their owners for recycling. The Director advised that this would not be possible given that Council had to comply with its Duty of Care obligations. Alderman Campbell mentioned a charitable outlet in Coleraine which recycled electrical goods and undertook to pass details to the Director.

323.25 LANDFILL DISPOSAL

It is pleasing to report that on 1st November the disposal of the Council's mixed municipal waste was successfully switched from Dargan Road Landfill to Bairds Brae Landfill at Cottonmount.

323.26 CHRISTMAS/NEW YEAR HOLIDAY ARRANGEMENTS

Refuse Collection

The following refuse collection arrangements will operate over the Christmas/New Year period:

Public Holiday

Monday 25th December 2006
 Tuesday 26th December 2006
 Monday 1st January 2007

Alternative Collection

Saturday 23rd December 2006
 Unchanged
 Saturday 30th December 2006

Civic Amenity Sites

The Knock Road and Crosstagherty Civic Amenity sites will be closed on –

Christmas Day – Monday 25th December 2006

New Years Day – Monday 1st January 2007

And will have limited opening times on the following dates:

Saturday 23rd December 2006 10.00am – 1.00pm

Tuesday 26th December 2006 10.00am – 4.00pm

The civic amenity sites will be open as normal at all other times.

The Crosstagherty Waste Handling & Transfer Facility will be closed on –

Christmas Day – Monday 25th December 2006

Boxing Day - Tuesday 26th December 2006

New Years Day - Monday 1st January 2007

Street Cleansing

No street cleansing will be undertaken on 26th December 2006 and this service will be curtailed on 25th December 2006 and 1st January 2007.

The Mayor and other Members asked that the Director to convey to his staff Members appreciation regarding the excellent service being provided to Borough residents, particularly over the forthcoming holiday period.

FOOD CONTROL

323.27 THE CURD CHEESE (RESTRICTION ON PLACING ON THE MARKET) REGULATIONS (NORTHERN IRELAND) 2006

The above Regulations made by the Department of Health, Social Services and Public Safety on the 18th October, came into operation on the same date. They implement commission decision 2006/694/EC prohibiting the placing on the market of curd cheese manufactured by Bowland Dairy Products Ltd. (UK PE 23).

323.28 THE RICE PRODUCTS (RESTRICTION ON FIRST PLACING ON THE MARKET) REGULATIONS (NORTHERN IRELAND) 2006

The above Regulations made by the Department of Health, Social Services and Public Safety came into effect on the 9th November. They implement Commission Decision 2006/601/EC on the import into the EU of an unauthorised genetically modified organism LL601 in rice products. The Regulations require importations of long grain rice to be subject to additional testing at the point entry to the EU, following discrepancies between results obtained between laboratories and the failure to agree a common testing protocol with the authorities in the USA.

323.29 THE PLASTIC MATERIAL & ARTICLES IN CONTACT WITH FOOD (NO 2) REGULATIONS (NORTHERN IRELAND) 2006

The above Regulations, which came into force on 19th November 2006, re-enact with certain changes the 2006 Regulations as well as providing for the execution and enforcement of Commission Directives 82/711/EEC, 85/572/EEC and 2002/72/EC.

323.30 FOOD STANDARDS AGENCY AUDIT OF FOOD LAW ENFORCEMENT SERVICE

Further to minute 322.17, the Food Standards Agency NI have requested that the audit be deferred until week commencing 11th December 2006.

323.31 FOOD HYGIENE TRAINING

The Directorate delivered an Intermediate Food Hygiene Course between 5th September 2006 and 17th October 2006. A total of 4 candidates were successful in achieving the qualification.

LICENSING (NORTHERN IRELAND) ORDER 1996

323.32 Applicant	Purpose	Date
Hannah Ita McGarry 18 Corkey Road Loughgiel BALLYMENA	Occasional Licence 11 th November 2006 (8pm – 1am) - Loughgiel Millennium Centre	2/11/06
Joan Carson 31 Moyle Avenue BALLYCASTLE	Transfer of a Licence "The Scenic Inn" Drumdollagh, Armoy, BALLYMONEY	2/11/06
Patrick Molloy 47 Killagan Road Glarryford BALLYMENA	Transfer of a Licence 254 Frocess Road, Cloughmills, BALLYMENA	8/11/06
Samuel Mullan Molly's Restaurant 24 Main Street BALLYMONEY	Application for Additional Permitted Hours – 30/12/06 (11.00pm – 1.00am) 31/12/06 (10.00pm – 1.00pm)	17/11/06

COMMUNITY SAFETY

323.33 APPOINTMENT OF COMMUNITY SAFETY CO-ORDINATOR (JOB SHARE)

Members will be pleased to learn that the above recruitment exercise has now been completed. Catherine Watson will commence duties on the 1st December

2006. Julie McGarry is due to return to the post on 4th December. The position has been vacant since the resignation of Colleen Macauley on the 31st July.

343.34 KNIFE AMNESTY

A second knife amnesty was launched on the 20th November by the PSNI. The campaign will run for three weeks ending on the 12th December. As previously, secure bins have been provided at each of the civic amenity sites (Knock Road, Ballymoney and Crosstagherty) for disposal. The previous amnesty (May/June 2006) yielded 31 knives from within the Borough. It is hoped that the public awareness campaign will encourage others to dispose of such items safely during this period and reduce the incidence of knife related crimes thereafter.

HEALTH ISSUES

343.35 NORTHERN IRELAND TO GO SMOKE-FREE ON 30TH APRIL 2007

The Health Minister, Paul Goggins announced on 16th November that Northern Ireland's smoke-free legislation will come into effect on 30th April 2007.

He stated – "Smoking is the single greatest cause of preventable illness and premature death in Northern Ireland, costing the health service around £44 million each year. This legislation will save lives. It will protect the public and employees from the harmful effects of tobacco smoke".

NI district councils will play a pivotal role in ensuring that the legislation achieves its objective of the cessation of smoking in enclosed public places and the Director advised members of this Council's proposals to provide businesses with any assistance necessary to enable compliance in the run up to the ban.

Following the presentation of this item, the Director advised that were Council to ensure that the ban would be effective in the Borough then there would be need both in the period prior to 30th April 2007 and in the six weeks to use staff to target relevant premises. Such need would mean that other work would have to be given a lower priority and he asked that Members note that this would be the case.

343.36 CHILD MINDER OF THE YEAR AWARD

Councillor Robinson advised members that a Borough resident has been selected as 'Child Minder of the Year'. She requested that Council send a letter of congratulations.

343.37 REVIEW OF PROJECTS FROM REVENUE RESERVES

At the request of Councillor Robinson, the Director agreed at the next meeting to provide an update regarding projects within the Committee remit which were to be funded out of reserves in the current year.

343.38 SEWERAGE IN BAMFORD PARK

Councillor McKay drew attention to sewerage problems at Bamford Park. In the ensuing discussion mention was made of the continuing infrastructural deficit as regards new housing development within the village.

It was proposed by Councillor McKay, seconded by Councillor Cavlan and
AGREED:

that this Council write to Water Services seeking an urgent update on its infrastructure proposals as regards Rasharkin village.

This being all the business, the meeting closed at 9.35 pm.