

Ballymoney Borough Council

Health & Environmental Services Committee Meeting No 326 - 27th February 2007

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326.1	Minutes – Meeting No 325 – 23 rd January 2007	Adopted
326.2	NWRWM Group Landfill Capacity Procurement Tender Report	Recommend that Council endorse the recommendation of the NW Region Waste Management Sub-Committee and appoint B. Mullan & Sons Limited to develop a long-term residual landfill facility at Cam Road, Coleraine subject to the necessary statutory approvals being granted
326.3	Environmental Service Charges 2007-2008	Recommend to Council that the schedule of Environmental Services Charges 2007-2008, in accordance with Appendix 2 to this report, be adopted by Council and applied from 1 st April 2007.
326.4	Public Holiday Arrangements – Refuse Collection 2007	Recommend to Council that the above arrangements be made concerning the Council's Refuse Collection Service in respect of public holidays in 2007-2008.
326.5	Registration of CA Sites as Designated WEEE Collection Facilities	Recommend that Council register both Crosstagherty and Knock Road Civic Amenity Sites as WEEE Designated Collection Facilities with the Distributor Takeback Scheme Operator by 31 st March 2007.
326.6	ECO Schools NI	Recommend that Council contribute £600 to Tidy NI for the funding of a part-time Admin Officer for a three year period.
326.7	Southern Waste Management Partnership	Recommend that Council approve the above four consultancies as the preferred bidders for the framework agreement for the provision of Waste Related Services.
326.8	Air Quality Strategy	Recommend that Council approve and support the Air Quality

		Strategy, as outlined in Appendix 3.
326.9	Pollution Prevention & control (NI) Regulations 2003	Recommend that Council approves the permits of a prescribed process to the operators of the businesses above, 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.
326.10	Application for Conditional Approval of a Standalone Cold Store under Regulation (EC) Nos 852/2004, 854/2004 & 882/2004	Recommend that Council grant conditional approval under Article 31(2)(d) of Regulation 882/2004 for Fastpak, Unit 11a Ballybrakes Business Park, Ballybrakes Road, Ballymoney and that both the food business operator and the Food Standards Agency NI be notified accordingly.
326.11	Petroleum (Regulation) Acts (NI) 1929 & 1937 Petroleum Spirit Licence (Renewals)	Recommend to Council, renewal of licence as detailed above.
326.12	Local Government (Misc Provisions) (NI) Order 1985 – Licence Application (Full) (Renewal)	Recommend that Council renew the Indoor Entertainment’s Licence as detailed above. In addition to the Borough Council’s “Conditions of Licence” adopted on 7 th October 1985, the additional conditions detailed on the premise file also apply.
326.13	Local Government (Misc Provisions) (NI) Order 1985 – Licence Application (14 Unspecified Days) (Renewal)	Recommend that Council renew the Indoor Entertainment’s Licence as detailed above. In addition to the Borough Council’s “Conditions of Licence” adopted on 7 th October 1985 the additional conditions detailed on the premise file also apply.
326.14	Draft Licensing & Regulation of Clubs (Amendment) (NI) Order 2007	Recommend that Council endorse the above response and that this be sent to the Department for Social Development on Council’s behalf.
326.15	Renewal of Club Licence Notification	Recommend that Council note the above application.
326.16	Proposed Changes Including Relaxation of	Recommend to Council that the

	Sunday Restrictions	above draft response be adopted and furnished to DSD.
326.17	Dogs (NI) Order 1983 – Article 13 – Registration of Dog Breeding Establishments	Recommend that Council register the above mentioned premises accordingly.
326.18	Seizure of Dogs under the Dangerous Dogs (NI) Order 1991	Recommend to Council 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 and that Council apply to Court for the recovery of all costs incurred.
326.19	Seizure of Dogs under the Dangerous Dogs (NI) Order 1991	Recommend that Council instigate legal proceedings under Article 25A of The Dogs (Northern Ireland) Order 1983 as amended by The Dangerous Dogs (Northern Ireland) Order 1991 and to apply to the Court for the recovery of all costs incurred.
326.20	Re-Homing Scheme for Certain Impounded Dogs	Recommend that Council work with Watchdog Security Limited as outlined above on a one year trial basis and that the Scheme be reviewed within that period.
326.21	Building Control Applications	Recommend that Council note the Applications, Building Notices and Regularisation Certificates as detailed in Appendix 4.
326.22	Fuel Poverty Worker	Recommend that Council apply to the Northern Investing for Health Partnership for funding for an Energy Efficiency Advice Worker based at Riada House for a 12-month period.
326.23	Pollution Control & Local government (NI) Order 1978 – 24 Drumlee Road, Ballymoney	For information
326.24	The Water Abstraction & Impoundment (Licensing) Regulations (NI) 2006	For information
326.25	Pollution Prevention Control Regulations (NI) 2006	For information
326.26	Waste Management Licensing Regulations (NI) 2003	For information

326.27	Municipal Waste Returns	For information
326.28	NILAS Scheme Year 2006-2007	For information
326.29	Think Differently about Waste	For information
326.30	Smoke-Free Promotion	For information
326.31	Draft Smoke-Free (Exemptions, Vehicles, Penalties & Discounted Amounts) (Amendment) Regulations (NI) 2007	For information
326.32	Food Standards Agency Audit Action Plan	For information
326.33	Food Hygiene Training	For information
326.34	Cook It! Project	For information
326.35	Notification of Marketing of Food for Particular Nutritional Uses Regulations (NI) 2007	For information
326.36	The Quick Frozen Food Regulations (NI) 2007	For information
326.37	The Contaminants in Food Regulations (NI) 2007	For information
326.38	Licensing (NI) Order 1996	For information
326.39	Public Health (Ireland) Act 1978 as Amended 13 Union Street, Ballymoney	For information
326.40	Public Health (Ireland) Act 1878 as Amended 5 Henry Street, Ballymoney	For information
326.41	Stop Smoking Event	For information
326.42	Awareness Raising	For information
326.43	Vehicle Crime Awareness Campaign	For Information
326.44	Appointment of Temporary Community Safety Co-Ordinator	For information
326.45	Joint Strategic & Operational tier Meeting	For information

BALLYMONEY BOROUGH COUNCIL

Minutes of Health & Environmental Services Committee Meeting No 326 held in the Council Chamber, Riada House, Ballymoney on Tuesday 27th February 2007 at 7.30 pm.

IN THE CHAIR Councillor E Robinson

PRESENT

Aldermen
F Campbell
C Cousley

Councillors

M McCamphill
A Patterson
I Stevenson

APOLOGIES

Councillors
A Cavlan
J Finlay
B Kennedy
P McGuigan, MLA
D McKay
T McKeown
M Storey, MLA
R Wilson

IN ATTENDANCE Director of Borough Services
Committee Clerk

326.1 MINUTES – Meeting No 325 – 23rd January 2007 (copy of summary sheet attached)

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

that the minutes of Meeting No 325 – 23rd January 2006, as circulated, be confirmed as a correct record.

ENVIRONMENTAL SERVICES

326.2 NWRWM GROUP LANDFILL CAPACITY PROCUREMENT TENDER REPORT

The Tender Report (prepared by RPS Consulting Engineers) on behalf of the North West Region Waste Management Group relating to the procurement of landfill site capacity for the NI constituent councils was circulated as Appendix 1.

The conclusion of the NWRWM Group procurement exercise, which commenced in October 2004, is “based on a desk study assessment and the scores allocated based on environmental, technical and cost factors the three sites have been ranked in accordance with their suitability and it is considered that the tender for Option 1 provided by B. Mullan & Sons offers the most economically advantageous tender package.”

IT IS RECOMMENDED that Council endorse the recommendation of the NW Region Waste Management Sub-Committee and appoint B. Mullan & Sons Limited to develop a long term residual landfill facility at Cam Road, Coleraine, to serve the needs of the councils of the NW Region Waste Management Group, subject to the necessary statutory approvals being granted.

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

to recommend that Council endorse the recommendation of the NW Region Waste Management Sub-Committee and appoint B. Mullan & Sons Limited to develop a long-term residual landfill facility at Cam Road, Coleraine subject to the necessary statutory approvals being granted.

326.3 ENVIRONMENTAL SERVICES CHARGES 2007-2008

The various charges relating to the Council's Environmental Services (refuse collection, refuse disposal, street cleansing and dog control) have been reviewed for the financial year 2007-2008. (It was on the basis of these proposed charges that the environmental services income in the rates estimates for 2007-2008 was predicted).

IT IS RECOMMENDED that the schedule of Environmental Services Charges 2007-2008 attached as Appendix 2, be adopted by Council and applied from 1st April 2007.

At the request of Alderman Campbell, the Director advised that there has been no increase in the purchase price of bins or accessories for a second year to maintain competitiveness and that the costs quoted include door-to-door delivery.

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

to recommend to Council that the schedule of Environmental Services Charges 2007-2008, in accordance with Appendix 2 to this report, be adopted by Council and applied from 1st April 2007.

326.4 PUBLIC HOLIDAY ARRANGMENTS - REFUSE COLLECTION 2007-2008

IT IS RECOMMENDED that the undernoted arrangements be made concerning the Council's Refuse Collection Service in respect of public holidays in 2007-2008 -

<u>PUBLIC HOLIDAY</u>		<u>ALTERNATIVE COLLECTION</u>
St Patrick's Day	Mon 19 th March	Mon 19 th March
Good Fri	Fri 6 th April	Fri 6 th April
Easter Mon	Mon 9 th April	Mon 9 th April
Easter Tue	Tues 10 th April	Tues 10 th April
May Day	Mon 7 th May	Mon 7 th May
Spring Bank Hol	Mon 28 th May	Mon 28 th May
12 th July	Thur 12 th July	Sat 14 th July
13 th July	Fri 13 th July	Fri 13 th July
Summer Bank Hol	Mon 27 th Aug	Mon 27 th Aug
Christmas Day	Tues 25 th Dec	Sat 22 nd Dec
Boxing Day	Wed 26 th Dec	Sat 29 th Dec
New Year's Day	Tues 1st Jan 2008	Tues 1 st Jan 2008

These dates will be published in the next issue of Ballymoney Bulletin.

At the request of Councillor Robinson, the Director clarified the issue of remuneration for employees working on public holidays.

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

to recommend to Council that the above arrangements be made concerning the Council's Refuse Collection Service in respect of public holidays in 2007-2008.

326.5 REGISTRATION OF COUNCIL CA SITES AS DESIGNATED WEEE COLLECTION FACILITIES

Via the December meeting of Committee, Council was advised regarding both the Waste Electrical and Electronic Equipment Regulations 2006 and the appointment of a Distributor Takeback Scheme Operator in the context of the implementation of the WEEE Directive throughout the UK.

Further information is now to hand concerning the role envisaged for Councils in establishing a UK-wide network of Designated Collection Facilities where householders can take back their waste electrical and electronic equipment (WEEE) free of charge.

Council at its Knock Road CA Site presently facilitates the collection of four out of the proposed five collection categories of WEEE and it is considered that all five categories be recycled via both the Councils CA Sites (Crosstagherty and Knock Road).

It is the case that local authorities which register their Civic Amenity/Recycling Centres with the WEEE Distributor Takeback Scheme Operator by the end of March 2007 as Designated Collection Facilities (DCFs) will –

Alderman Cousley left the meeting at 8.00 pm

- not have to pay the costs of transport, treatment, recovery, recycling and disposal of household WEEE as producers will be responsible for these costs;
- be provided with containers and get free collections by producers of all the separately collected household WEEE at DCFs;
- may count the recycling of WEEE deposited at DCFs and collected by producers towards their recycling targets; and
- reduce the amount of waste sent for landfill and therefore reduce landfill costs.

The Director highlighted the advantages of registering with the scheme operator, which has to take place before the end of March 2007 and that pilot scheme is currently being undertaken at the Knock Road site. Once new provision comes into effect on 1st July 2007, then the contract for the disposal of fridges and freezers will cease. The Director confirmed that facilities exist for the movement of waste from site to site but further work relating to throughput needs to be developed with the providers.

IT IS RECOMMENDED that Council register both Crosstagherty and Knock Road Civic Amenity Sites as WEEE Designated Collection Facilities with the Distributor Takeback Scheme Operator by 31st March 2007.

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

to recommend that Council register both Crosstagherty and Knock Road Civic Amenity Sites as WEEE Designated Collection Facilities with the Distributor Takeback Scheme Operator by 31st March 2007.

326.6 ECO-SCHOOLS NI

A request has been received from Tidy NI that Council continue to make a contribution to the funding of a part-time Admin Officer at that organisation for the promotion of the Eco-Schools Programme in Northern Ireland. Council is asked to contribute £600 to ensure the initiative continues over the next 3 years.

IT IS RECOMMENDED that Council contribute the £600 sought.

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

to recommend that Council contribute £600 to Tidy NI for the funding of a part-time Admin Officer for a three year period.

326.7 WASTE RELATED SERVICES CONSULTANCY FRAMEWORK

The Director advised that the Southern Waste Management Partnership and NW Waste Management Group initiated a procurement process via the OJEC and local press inviting experienced and competent consultancies to tender for the provision of services to the respective waste management groups and their constituent councils. Tender proposals were requested by 12.00 noon on 4th December 2006. The aim of the tendering process was to appoint a framework of four consultancy companies, from which any combination of councils, any single council, or one or both waste management groups could seek professional services in support of the development and implementation of Waste Management Plans. The contract is for 3 years' duration from the date of appointment, with the option for an additional year, subject to satisfactory performance. Valid tenders were received from 12 companies and the tender evaluation process has identified the preferred bidders as –

- White Young Green
- Scott Wilson Limited
- RPS Consulting Engineers
- Jacobs

IT IS RECOMMENDED that Council approve the above four consultancies as the preferred bidders for the framework agreement for the provision of Waste Related Services.

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

to recommend that Council approve the above four consultancies as the preferred bidders for the framework agreement for the provision of Waste Related Services.

ENVIRONMENTAL PROTECTION

326.8 AIR QUALITY STRATEGY

It is important that councils commit themselves to improving and protecting local air quality. Air is one of our most vital resources and we all have a role to play in protecting that resource. It is not enough to just sit back and hope air quality will not deteriorate to a point where it will affect people's health and the environment.

As the public sector organisation responsible for reviewing and assessing air quality, it falls naturally to the council to act as an advocate for good air quality and

act as a catalyst to encourage and aid others in promoting and protecting this life sustaining resource.

Government encourages councils, to draw up local air quality strategies. The council can make a positive contribution to improving air quality through the methods set out in this strategy which was circulated as Appendix 3.

Air quality in Ballymoney Borough Council is generally good, however an Air Quality Management Area (AQMA) has been declared in the Ballymoney Town area due to high levels of Particulate Matter (PM₁₀) from domestic solid fuel burning.

This strategy provides an outline of the role of the council in monitoring, regulating and improving air quality. It examines the contribution the Council can make to preventing air quality from deteriorating and where possible improve it through statutory and non statutory action.

The Director advised that one area in the Borough supercedes air quality standards and that continuous monitoring is taking place in an area where there are a number of solid fuel appliances. A number of properties have been converted to gas, which may improve the air quality in the local area. Conversions to gas are grant aided.

IT IS RECOMMENDED that Council approve and support the Air Quality Strategy.

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

to recommend that Council approve and support the air Quality Strategy, as outlined in Appendix 3.

326.9 POLLUTION PREVENTION & CONTROL (NORTHERN IRELAND) REGULATIONS 2003

**THE LAUNDRY BASKET, 10 MARKET STREET, BALLYMONEY, BT53 6EA.
VICTORIA CLEANERS, 9A VICTORIA STREET, BALLYMONEY, BT53 6DW.**

Applications have been received to operate dry cleaning processes at the above addresses. Permits have been prepared having considered the information contained in the Process Guidance Note PG No. 6/23 relevant to the operation. The operators and statutory consultees have had the opportunity to consider the conditions contained within the authorisation and make comments.

IT IS RECOMMENDED that approval be granted for the permits of a prescribed process to the 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 Alderman Campbell, seconded by Councillor Patterson and **AGREED:**

to recommend that Council approves the permits of a prescribed process to the operators of the businesses above, 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.

FOOD CONTROL

326.10 APPLICATION FOR CONDITIONAL APPROVAL OF A STANDALONE COLD STORE UNDER REGULATION (EC) NOS. 852/2004, 853/2004, 854/2004 AND 882/2004

**Premises: Fastpak, Unit 11a Ballybrakes Business Park,
Ballybrakes Road, Ballymoney.**

As from 1st January 2006 cold stores must be approved, insofar as they are used in relation with activities for which Annex M of Regulation 853/2004 lays down requirements. An inspection of the above premises has been carried out and it has been determined that approval is required.

The premises structurally complies with the relevant food hygiene legislation, however a satisfactory HACCP system was missing.

Article 31(2)(d) of Regulation 882/2004 permits the granting of conditional approval to an establishment following an on-site visit, which does not fully comply with the requirements of food law, but only if the establishment meets all the infrastructure and equipment requirements. It is considered that the premises fulfil these requirements. A further visit must be carried out within 3 months of the grant of any conditional approval to ensure compliance with outstanding matters.

IT IS RECOMMENDED that Council grant Conditional Approval under Article 31(2)(d) of Regulation 882/2004 for Fastpak, Unit 11a Ballybrakes Business Park, Ballybrakes Road, Ballymoney, that both the food business operator and the Food Standards Agency NI be notified accordingly.

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

to recommend that Council grant conditional approval under Article 31(2)(d) of Regulation 882/2004 for Fastpak, Unit 11a Ballybrakes Business Park, Ballybrakes Road, Ballymoney and that both the food business operator and the Food Standards Agency NI be notified accordingly.

HEALTH & SAFETY

326.11 PETROLEUM (REGULATION) ACTS (NORTHERN IRELAND) 1929 AND 1937 PETROLEUM SPIRIT LICENCE (RENEWALS)

Premises

Carnary Service Station
81 Kilraughts Road
BALLYMONEY
BT53 7HL

Applicant

Mr Robert Lamont

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

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

to recommend to Council, renewal of licence as detailed above.

LICENSING

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

<u>Premises</u>	<u>Applicant</u>
Pattons Bar 18 Ballycregagh Road Cloughmills BALLYMENA BT44 9LB	R Dennis Moore
The Royal British Legion Ballymoney Club 11 Townhead Street BALLYMONEY BT53 6BE	William James McCurdy
The Village Inn 2 Bellaghy Road Dunloy BALLYMENA BT44 9AE	Messrs Daniel & Patrick Dixon
Ballymoney Masonic Social Centre 6-8 Charlotte Street BALLYMONEY BT53 6AY	Mr George Field
The Glynn's Bar 23 Church Street BALLYMONEY BT53 6HS	Mr Brooke Huey
Ballymoney Rugby Football Club 63 Kilraughts Road BALLYMONEY BT53 7HL	Trevor Fleming
The Bridge Bar 145 Bridge Road Dunloy BALLYMENA BT44 9EQ	Daniel J McFerran

Topp Orange Hall
161 Gracehill Road
BALLYMONEY
BT53 8LS

Clifford Bellingham

Sé Ogs Bar
15 Main Street
Rasharkin
BALLYMENA
BT44 8PT

Donna Martin

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 Councillor McCamphill, seconded by Aderman Campbell and **AGREED:**

to recommend that 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.

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

<u>Premises</u>	<u>Applicant</u>
Roseyards Presbyterian Church Hall 115 Kirk Road BALLYMONEY BT53 8HN	David Ramsay
Bushvale Presbyterian Church Hall 118 Fivey Road BALLYMONEY BT53 8JB	Elaine Wilson
Drumreagh Presbyterian Church Hall 104 Bann Road BALLYMONEY BT53 7NA	Cecil J Cousley
Ballymoney High School (Assembly Hall) 17 Garryduff Road BALLYMONEY BT53 7AN	NEELB

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 Councillor Patterson, seconded by Councillor Stevenson and **AGREED:**

to recommend that 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.

326.14 DRAFT LICENSING AND REGISTRATION OF CLUBS (AMENDMENT) (NORTHERN IRELAND) ORDER 2007

The Department for Social Development has issued the above consultation. A copy is furnished to each Member with this report. The consultation documents comprise a draft Order together with Explanatory Memorandum. The draft Order will –

- Introduce powers enabling police to temporarily close licensed premises and registered clubs due to disorder and a penalty points system for licence holders and registered clubs who break the law.
- Provide for an extension of opening hours for registered clubs and eligible licensed premises up to 2.00am Monday to Saturday (and beyond in exceptional circumstances). Sunday opening hours will remain unchanged as will opening hours for off-licences.
- Allow young people under the age of 18 in certified licensed premises and registered clubs until 10.00pm for private functions when accompanied by an adult.
- Relax the accounting procedures for registered clubs and pave the way for amendments to accounting regulations and the publication of guidance.

The Department for Social Development has invited comments on its proposals by 28th February 2007.

CEHOG Suggested Council Response to Department for Social Development

“ This Council welcomes the opportunity to make response in relation to this key issue of licensing within the liquor industry.

We would reiterate the points raised in our response of Jan 2006 relating to the Government Proposals to Reform Liquor Licensing Law in Northern Ireland - Consultation Document, October 2005 and we shall address some of these points again.

Permitted Hours (Part II)

This Council would strongly object once again to the extension of opening hours to 2.00am. It is our belief that this extension will cause major lack of

amenity and lead to disturbance & nuisance to the general public living in the vicinity of licensed premises.

The Council would also have a great concern about the system being introduced in two phases. In 2007 the licensing will still be carried out by the PSNI through the court system. This means that when the Review of Public Administration is decided that the Councils will be handed a *Fait Accompli* in terms of premises already having been licensed to 2.00am without proper and substantial input from Council at a local level. The premises will also achieve this later opening to their advantage without having to produce Operating Plans which will be a requirement under any post RPA regime. We would therefore suggest that if this provision were permitted, that any applications for extensions to 2.00am should only be heard subject to a sufficient and suitable Operating plan with recognised local input.

We would also have serious concerns about Police resources to deal with any issues or enforcement that will now be extended into longer hours of the early morning.

Closure of Premises (Part IVA)

We would welcome the provisions in principle as being the way forward with the following concerns;

Section 69B (1)(b) – We would have concerns with the use of the term “public nuisance” and what this may mean or imply in terms of its interpretation along side statutory nuisance. It would be, perhaps, more suitable to refer to serious disturbance which should make this provision more enforceable.

There should be clarification of what is meant by closure in this provision as we were unclear as to whether this meant total clearance of the property or closure of the bars for the sale of alcohol or somewhere in between [as per Art 69J (2)].

Penalty Points

This Council very much welcomes the new Penalty points regime, as we did in our previous response. “

IT IS RECOMMENDED that Council endorse the sending of the above response to the Department for Social Development on its behalf.

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

to recommend that Council endorse the above response and that this be sent to the Department for Social Development on Council's behalf.

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

326.15 RENEWAL OF BINGO CLUB LICENCE NOTIFICATION

Premises

Lucky's Bingo Club
27-29 Castle Street
BALLYMONEY

Applicant

Bingovision Limited
Unit 5 Sandel Village
Knocklynn, COLERAINE

IT IS RECOMMENDED that Council note the application.

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

to recommend that Council note the above application.

326.16 PROPOSED CHANGES INCLUDING RELAXATION OF SUNDAY RESTRICTIONS

The Department of Social Development has issued the above Consultation Paper seeking comment on its proposals by 26th March 2007. A copy of the said Consultation Paper was circulated previously. Comments are invited on any aspect of the following proposals –

Sunday Opening of Bookmaking Offices

- 7.1.1 the removal of the prohibition on the opening of bookmaking offices on Sundays (other than Christmas Day); the prohibition on opening on Christmas Day and Good Friday would be retained;
- 7.1.2 restriction of the Sunday opening hours of bookmaking offices to 10.30am to 6.30pm; and
- 7.1.3 the provision of employment protection rights for betting workers in bookmaking offices on the same basis as those currently available to on-course betting workers in Northern Ireland and to on and off-course betting workers in Great Britain;

Sunday Hours for Bingo and Other Gaming in Licensed Bingo Clubs

- 7.1.4 the removal of the prohibitions on the provision of bingo, gaming for prizes and gaming by way of gaming machines in licensed bingo clubs on Sundays (other than Christmas Day); the prohibitions applying to Christmas Day and Good Friday would be retained;
- 7.1.5 restriction of the Sunday hours for these activities to 2pm to 11pm (midnight where the Sunday is New Year's Eve); and
- 7.1.6 the provision of employment protection rights for workers in licensed bingo clubs on the same basis as those currently available to on-course betting workers in Northern Ireland;

Payment Methods for Certain Gaming Machines

- 7.1.7 allow jackpot machines to accept banknotes and payments by means other than cash (e.g. smartcards), as well as coins, and to give out prizes in

banknotes and in non-cash forms (e.g. smartcard credits and credit notes exchangeable for cash or cheques), as well as coins;

- 7.1.8 allow higher value AWP machines to accept payments and give out prizes in banknotes, as well as coins (but not by any other means);
- 7.1.9 enable a player's winnings on jackpot machines to be retained for further play, if the player wishes, without the player having to insert money into the machine; and
- 7.1.10 for both types of machines, dispense with the requirement that they should be able to accept payment for a single play;
- 7.1.11 the content of the guidelines and their adoption by local trade interests;

Pools Competitions

- 7.1.12 allow any premises to be used for the paying out of football pools winnings, in addition to existing lawful pools activities;
- 7.1.13 for protection, provide the Department with power to make subordinate legislation to remove these concessions for particular types of premises should problems arise; and
- 7.1.14 provide the Department with power to make subordinate legislation to extend the sports on which pools competitions can be retailed through premises in Northern Ireland.

IT IS RECOMMENDED that Council consider the above proposals and indicate its view in respect of same.

Councillor Stevenson tabled the undernoted draft response for Council consideration –

“Council is unanimously opposed to the changes being considered by the paper and would wish the existing restrictions to remain. The decision to oppose this was cross-party and there were very strong opinions expressed in opposition to this from each of the political parties represented on the Council.

Their objections are based on the following points:

1. *This is a further erosion of the Lord's Day and is not welcome or wanted in Ballymoney Borough.*
2. *Sunday in our community is a special day, for some for religious worship and for some as a social family day and further erosion of this should be opposed.*
3. *The Council felt that there is no reasoned argument within the document in support of the changes. They were very critical of the document and viewed it as an attempt to force us down a particular route when there is no justifiable reasoning supporting it. There is no statistics supporting the suggestion that the public or the gaming businesses want it, and the fact that this already applies in England was felt as irrelevant.*

4. *Some people within our community already have a problem with gambling, which affects themselves and their families. Any attempt to make gambling more accessible and available for longer periods will have an adverse effect on these individuals and their families.*

In summary, Council is unanimously opposed to any of the changes as specified in Sections 2, 3, 4 and 5 of the document.”

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

to recommend to Council that the above draft response be adopted and furnished to DSD.

DOG CONTROL

326.17 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>
Mr Dan Taggart	6 Ballynacree Avenue, Ballymoney, BT53 7PQ.
Mrs Ann Magee	28 Gracehill Road, Armoy, Ballymoney, BT53 8TE.
Mrs Rebecca Hunter	89 Garryduff Road, Ballymoney, BT53 7DF.
Mr William and Mrs Amanda Dobbin	59 Kilmandil Road, Cloughmills, Ballymena, BT44 9BH.
Mr Vincent and Mrs Jacqueline Graham	14 Ozone Avenue, Ballymoney, BT53 6HU.

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

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

to recommend that Council register the above mentioned premises accordingly.

326.18 SEIZURE OF DOGS UNDER THE DANGEROUS DOGS (NORTHERN IRELAND) ORDER 1991

On 4th January 2007 the department received a complaint regarding an alleged Pit Bull Terrier type dog at xxxxx, Loughgiel. As a result of this information and subsequent enquiries one dog was seized on 9th January 2007. The dog is currently being housed at private kennels outwith the Borough. The dog has been formally identified as being of a type known as a Pit Bull Terrier by two expert

witnesses. Statements have been recorded and the keeper of the dog is to be made amenable.

Due to the circumstances in this case i.e. the dog concerned is 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.

(It will also be Council's intention to apply to the Court for the recovery of all costs incurred.)

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

to recommend to Council 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 and that Council apply to Court for the recovery of all costs incurred.

326.19 SEIZURE OF DOGS UNDER THE DANGEROUS DOGS (NORTHERN IRELAND) ORDER 1991

On 8th February 2006 the department received a complaint regarding a dog of the type known as a Pit Bull Terrier being kept at xxxxxx, Dervock. As a result of this information and further investigation one dog was seized and is currently being kept and cared for at kennels. The dog has been formally identified as being of a type known as a Pit Bull Terrier by two expert witnesses. Statements have been recorded and the keeper of the dog is to be made amenable.

Due to the circumstances in this case i.e. the dog concerned is 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.

(It will also be Council's intention to apply to the Court for the recovery of all costs incurred. However Members are asked to note that in a recent Coleraine case resulted in the Resident Magistrate not awarding costs.)

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

to recommend that Council instigate legal proceedings under Article 25A of The Dogs (Northern Ireland) Order 1983 as amended by The Dangerous Dogs (Northern Ireland) Order 1991 and to apply to the Court for the recovery of all costs incurred.

326.20 RE-HOMING SCHEME FOR CERTAIN IMPOUNDED DOGS

The Department has been contacted by Watchdog Security Limited in Randalstown. This company is registered by Antrim Borough Council as Guard Dog Kennels. It has offered to train and rehome young German Shepherds, Labradors, Labrador Crosses and Springer Spaniels, that Council has not been

able to rehome. This scheme would offer dogs that would otherwise be put to sleep the opportunity of a new start and would also in effect be a saving to Council.

IT IS RECOMMENDED that Council work with Watchdog Security Limited as outlined above on a one year trial basis and that the Scheme be reviewed within that period.

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

to recommend that Council work with Watchdog Security Limited as outlined above on a one year trial basis and that the Scheme be reviewed within that period.

BUILDING CONTROL

326.21 BUILDING CONTROL APPLICATIONS

IT IS RECOMMENDED that Council note the **Applications, Building Notices and Regularisation Certificates** as detailed in Appendix 4 to this report, which are in accordance with the requirements of the Building Regulations (NI) 2000.

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

to recommend that Council note the Applications, Building Notices and Regularisation Certificates as detailed in Appendix 4.

326.22 FUEL POVERTY WORKER

Council has recently been approached by the Northern Investing for Health Partnership offering funding to utilise an energy efficiency advice worker based in Ballymoney in relation to fuel poverty.

The post holder will be based at Riada House and the aim of the field worker would be to work within the community to raise awareness about fuel poverty issues and available grant assistance for those in need, building on the recent success of the 'Warmer Homes' initiative. The post holder would be funded 100% by the Northern Investing for Health Partnership, working within Coleraine and Moyle districts.

IT IS RECOMMENDED that Council applies to the Partnership to access this service.

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

to recommend that Council apply to the Northern Investing for Health Partnership for funding for an Energy Efficiency Advice Worker based at Riada House for a 12-month period.

MATTERS FOR INFORMATION

ENVIRONMENTAL PROTECTION

326.23 POLLUTION CONTROL & LOCAL GOVERNMENT (NI) ORDER 1978 24 DRUMLEE ROAD, BALLYMONEY.

Further to report item 318.5.5, members may recall approving the service of a notice under Article 38(1) of the above ordinance requiring the abatement of a noise nuisance. The operator has since carried out substantial works enclosing the noise sources (including a timber shredder, fans and ductwork) thus reducing the impact on the neighbouring property. The levels measured outside the complainants property have reduced from 69dBA (corrected – character correction added) to 50dBA. This in line with World Health Organisation Guidelines values for community noise 1999 which sets targets of 50-55dBA for outdoor amenity space. The terms of the notice in respect of abatement have been complied with. The notice will however remain in force as compliance also requires the prohibition of recurrence.

326.24 THE WATER ABSTRACTION & IMPOUNDMENT (LICENSING) REGULATIONS (NORTHERN IRELAND) 2006

The above Regulations, which came into force on 1st February 2007, fulfil Northern Ireland's obligation to the European Commission under the Habitats and Water Framework Directives and will establish a water resource management, assessment and licensing regime within EHS.

326.25 POLLUTION PREVENTION CONTROL REGULATIONS (NORTHERN IRELAND) 2003

Environment & Heritage Service, Industrial Pollution and Radiochemical Inspectorate have forwarded applications as detailed below for consultation and inclusion on the Public Register:

1. Application for permit, Boyland Poultry Farm, 44 Boyland Road, Ballymoney BT53 8LJ [61,440 spaces]
2. Application for permit, Mr D. Ramsey, 10 Culramoney Road, Ballymoney, BT53 8LL [75,000 spaces]
3. Application for permit, Kilmoyle Poultry Farm, 84 Benvarden Road, Ballymoney, BT53 6NS [143,000 spaces]
4. Application for permit, Mr T Forgrave, 143 Finvoy Road, Ballymoney, BT53 7JL [110,000 spaces]

Consultations have been returned to EHS and the applications placed on the public register.

326.26 WASTE MANAGEMENT LICENSING REGULATIONS (NORTHERN IRELAND) 2003

Environment & Heritage Service have advised of the issue of a Certificate of registration for Agricultural exemption from waste management licensing under the above legislation in respect of Mr J. McElheran, 56 Knockmore Road, Stranocum, Ballymoney BT53 8QE. The certificate reference No AGRI 05/03 details the exempt activities.

ENVIRONMENTAL SERVICES

326.27 MUNICIPAL WASTE RETURNS

<u>Waste Type</u>	<u>Jan 2007</u>	<u>Year to Date</u>
Mixed Residual Waste (waste to landfill)	1,140.34t +12.09%	9,972.66t +2.02%
Mixed Dry Recyclables (blue bin recycling)	136.42t +9.21%	1,234.50t +6.24%

The Director drew members' attention to the increase in both black and blue bin waste returns indicating that this may be as a result of the Christmas period but that overall, this performance was not unreasonable in terms of the growth of the Borough and that this year's blue bin returns were an improvement on last year's.

The Director did not foresee targets being exceeded for the coming year but multiple occupations remain of concern in the future.

326.28 NILAS SCHEME YEAR 2006-2007: SIX-MONTH REPORT

The Strategic Delivery Team at EHS advised on 26th January 2007 that the total BMW sent to landfill by Ballymoney Borough Council for the 6 month period (April – September 2006) was 4,156 tonnes, which equates to 38.17% of the Council's allowances for the scheme year 2006-2007.

326.29 THINK DIFFERENTLY....ABOUT WASTE

Think Differently is an educational consultancy specializing in promoting new ways of thinking and learning. It is run by Paul McCrory, who has a degree in Maths and Physics, an MSc in Communications Science and a PGCE in Secondary Science. He has also worked as a Demonstration Leader in W5.

Council was fortunate to secure a new show developed by Think Differently on 31st January, 1st & 2nd February. This new show, never performed before, took children through the 'Reduce, Reuse and Recycle' theme, using science, magic and an entertaining yet informative presentation. As an added bonus, the show was able to travel to rural schools after the initial launch in the Town Hall by the Committee Chair.

Over the 3 days, 9 schools and a total of 466 pupils participated in the shows. The schools involved were: Model PS, Christian Independent PS, St Brigid's PS[Ballymoney], Lislagan PS, Garryduff PS, St Patrick's PS, St Anne's PS, Cloughmills PS, Kilmoyle PS

All schools were offered an opportunity to participate on a first come first served basis. An evaluation is currently being carried out, although verbal evaluations indicated a high level of satisfaction with the show and a desire to avail of similar initiatives in the future. A number of participating schools have expressed an interest in participating in the Eco Schools programme and this will be followed up by the Recycling and Education Officer.

Councillor Robinson, who attended a performance, advised that the children integrated well and understood the message that was being delivered. Councillor Robinson felt that there might be some benefit from producing a DVD to inform the wider sphere of residents in the Borough.

HEALTH & WELL BEING

326.30 SMOKE-FREE PROMOTION

With the implementation of the Smoking (NI) Order 2006 to come into effect on the 30th April 2007 the Department has planned a structured smoke free promotional campaign to be delivered at a local level in conjunction with the Health Promotion Agency regional campaigns.

A Smoke-Free Delivery Plan has been devised and is currently being implemented throughout the Borough. This action plan is being used as a template within the other nine councils with the Northern Group. Already 1000 smoke-free packs have been distributed to all businesses within the Borough. A number of press releases have been issued and the Council web site has been updated to include downloadable materials to assist local businesses comply with this legislation. Three seminars have been arranged to highlight to local business the requirements of the smoke-free legislation and other associated issues. These will be held on the 21st March at Loughguile Community Centre, 28th March at Rasharkin Community Centre and on the 4th April in the Town Hall.

A smoking amnesty is planned for the 14th March coinciding with National No Smoking day in Ballymoney town centre. This event will give the public the opportunity to give up smoking for the day with the fundamental promotion of the smoke free implementation date. On the day smoking cessation support items will be given in exchange for cigarettes.

On the 30th April a Coffee Morning will be held at the Joey Dunlop Leisure Centre. This will be a focal point for local media attention. Smoke-Free compliance visits will be undertaken throughout the year. As part of the plan the Department aims to tackle the issue of underage sale of cigarettes via a test purchase initiative checking compliance among retailers due to take effect in the months of October and November.

326.31 DRAFT SMOKE-FREE (EXEMPTIONS, VEHICLES, PENALTIES AND DISCOUNTED AMOUNTS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2007

DHSSPS have issued the above consultation dated 17th January 2007. The draft Health (Miscellaneous Provisions) (Northern Ireland) Order 2007 currently before parliament, contains an amendment to the Smoking (Northern Ireland) Order 2006.

If approved the amendment will give the DHSSPS the power to make regulations to provide for those participating as performers in a performance, or in a performance of a specified description, not to be prevented from smoking if the artistic integrity of the performance makes it appropriate for them to smoke.

The regulations propose that where the artistic integrity of a performance makes it appropriate for a person who is taking part in that performance to smoke, the part of the premises in which that person performs is not smoke free in relation to that performer, only during the time of the performance. The exemption does not apply to other persons who are present during the performance or to rehearsals.

Responses are requested by the 28th February 2007.

FOOD HYGIENE

326.32 FOOD STANDARDS AGENCY AUDIT ACTION PLAN

The FSA conducted a focused audit of the Council's food law enforcement service on 14th/15th December 2006. This focused audit specifically considered the re-approval of standalone coldstores, where enforcement responsibility transferred to district councils following the introduction of the new EC Hygiene Regulations on 1st January 2006.

The audit report identified relatively minor recommendations in relation to the development and amendment of procedures which will affect all 10 Councils in the Northern Group area. Reviews were also recommended on the Councils Food Service Plan, officer training records and the Councils Enforcement Policy.

An onsite visit of a coldstore was carried out as part of the audit whereby the audits or accompanied the authorised officer to a standalone coldstore. The report advised that the authorised officer was able to demonstrate a sound understanding of the coldstores food safety systems and that the appropriate processes were followed and the decision to recommend conditional approval to Council was correct.

A draft audit report has been issued by the FSA and draft action plan developed by this department subject to agreement of the report and action plan by the FSA, both will be published on the FSA website (www.food.gov.uk).

326.33 FOOD HYGIENE TRAINING

During the report period 1 no. Level 2 Award in Food Safety in Catering Course was completed. 7 candidates participated and all passed.

326.34 COOK IT! PROJECT

The Cook It Project is an innovative scheme running throughout the Causeway Health and Social Services Trust Area that encourages people to eat healthily on a budget. Glebeside Community Association is rolling out this scheme in the Glebeside area over a 6 week period. This department participated in the scheme by providing and delivering advice on food hygiene. The group will then be able to

use this information both in the home and when they prepare food on a budget through the scheme.

NEW LEGISLATION

326.35 THE NOTIFICATION OF MARKETING OF FOOD FOR PARTICULAR NUTRITIONAL USES REGULATIONS (NORTHERN IRELAND) 2007

The above Regulations, which come into operation on 1st March 2007, revoke and replace the 2002 Regulations and provide for the implementation of Article 11 of Commission Directive 89/398/EC.

326.36 THE QUICK FROZEN FOODS REGULATIONS (NORTHERN IRELAND) 2007

The above Regulations, which come into force on 1st March 2007, revoke and re-make with amendments the 1990 Regulations and also provide for the execution and enforcement of Commission Regulations (EC) No. 37/2005.

326.37 THE CONTAMINANTS IN FOOD REGULATIONS (NORTHERN IRELAND) 2007

The above Regulations, which come into operation on 1st March 2007, revoke and re-enact with changes the 2006 Regulations, making provision for the execution and enforcement of Commission Regulation (EC) No. 1881/2006.

326.38 LICENSING (NORTHERN IRELAND) ORDER 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Robert Stewart 12 Church View Dervock BALLYMONEY	Transfer of a Licence (North Irish Horse Main Street Dervock BALLYMONEY)	29/1/2007
James Stevenson 21 Church Street BALLYMONEY	Occasional Licence Cransie Room Ballymoney Town Hall [re. Drama Festival]	5 to 10 /3/2007

ENVIRONMENTAL HEALTH

326.39 PUBLIC HEALTH (IRELAND) ACT 1878 AS AMENDED 13 UNION STREET, BALLYMONEY.

Further to Committee Minute HES 297.3.29, 309.4.14 and 321.3.11, the Director advised that all works have now been completed satisfactorily by the landlord and the notices have been abated.

326.40 PUBLIC HEALTH (IRELAND) ACT 1878 AS AMENDED

5 HENRY STREET, BALLYMONEY.

Further to Committee Minute HES 293.3.30, the Director advised that all works have now been completed satisfactorily by the owner and the notice has been abated.

HOME SAFETY**326.41 STOP SMOKING EVENT**

The Home Accident Prevention Groups of Ballymoney, Coleraine and Moyle in partnership with the Northern Ireland Fire and Rescue Service are running a 'Stop Smoking' Event to highlight the dangers of cigarettes and other smoking materials in the home. A live fire demonstration will be staged at Hazard House, 59 Hamilton Park, Ballymoney to show how quickly fire from smoking materials can develop and the devastating impact this can have on property and the danger to life.

The event is being staged to coincide with National No Smoking Day on 14th March 2007 and with the smoking ban coming into effect on April 30th 2007 it is important to remind people about the dangers of smoking and smoking materials.

The demonstration is being set up in advance to allow for filming and photography to take place for use on the 14th March. It will be held on Tuesday 6th March, 11.30am – 12.30pm at Hazard House. (Times may change dependant on availability of film crew).

326.42 AWARENESS RAISING

To ensure there is ongoing awareness raising of home accident prevention within the area there has been a series of talks to local groups including Balnamore & District Community Group, Balnamore Parent and Toddler Group and to NVQ Childcare students at the Causeway Institute.

Following a meeting with the Carnary Development Worker, Nick Moffat, an article has been written for the community newssheet on home accident prevention for the under fives.

COMMUNITY SAFETY**326.43 VEHICLE CRIME AWARENESS CAMPAIGN**

Further to committee minute 326.35 members may be aware of the recent publicity in the local press regarding the above campaign. In addition to the mobile advertising display at Tesco's carpark on Monday 5th February, the Community Safety Partnership distributed 250 tax disc holders around the town promoting awareness of theft from vehicles.

326.44 APPOINTMENT OF TEMPORARY COMMUNITY SAFETY COORDINATOR

Members may be aware that the recently appointed coordinator, Catherine Watson has commenced maternity leave. Ms Yvonne Loughrey has been appointed as temporary community safety coordinator for the incoming five months and took up

the position on the 26th February. The post will concentrate on the delivery of the LSP funded Peer leadership programme in conjunction with the PSNI, the agreed action plan projects funded through indicative funding from the Northern Ireland Office in addition to providing support to the Community Safety Partnership.

326.45 JOINT STRATEGIC & OPERATIONAL TIER MEETING

The next meeting scheduled meeting of the partnership due to be held on the 7th March 2007, has been re-arranged to the 4th April 2007 to be held in the Cramsie Room, Town hall at 2.30pm. Partnership members are asked to note the change of date and venue. All documentation will be forwarded to members electronically in a bid to reduce the use of paper.

This being all the business, the meeting closed at 9.30 pm.