

## Ballymoney Borough Council

### Health & Environmental Services Committee Meeting No 341 – 24<sup>th</sup> June 2008

#### Table of Contents

<b>341.1</b>	Election of Chair	<i>Councillor Robinson</i>
<b>341.2</b>	Election of Vice Chair	<i>Councillor Cavlan</i>
<b>341.3</b>	Minutes - Meeting No 340 – 27 <sup>th</sup> May 2007	<i>Adopted</i>
<b>341.4</b>	Vehicle Tenders	<i>Tender accepted</i>
<b>341.5</b>	Pollution Control & Local Government (NI) Order 1978	<i>Serve Notice</i>
<b>341.6</b>	Local Government Action on Climate Change	<i>Support NILGA EU bid</i>
<b>341.7</b>	The Private Tenancies (NI) Order 2006 Article 36 (4)	<i>Grant Certificate of Fitness</i>
<b>341.8</b>	The Private Tenancies (NI) Order 2006 Article 36 (4)	<i>Grant Certificate of Fitness</i>
<b>341.9</b>	Proposed Legislation to Replace the Forestry Act (NI) 1953	<i>Deferred to Council Meeting</i>
<b>341.10</b>	Local Government (Misc) Provisions (NI) Order 1985 – Licence Application (Full Licence) Renewal	<i>Renew Licences</i>
<b>341.11</b>	Local Government (Misc) Provisions (NI) Order 1985 – Licence Application (14 unspecified days) (Grant)	<i>Grant Licence</i>
<b>341.12</b>	Local Government (Misc) Provisions (NI) Order 1985 – Licence Application (14 unspecified days) (Grant)	<i>Renew Licence</i>
<b>341.13</b>	Local Government (Misc) Provisions (NI) Order 1985 – Licence Application (14 unspecified days) (Renewal)	<i>Renew Licence</i>
<b>341.14</b>	The Business of Tattooing, Ear Piercing & Electrolysis – Registration of Persons & Premises	<i>Register persons and businesses</i>
<b>341.15</b>	Betting, Gaming, Lotteries & Amusements (NI) Order 1985	<i>Register Society</i>

<b>341.16</b>	Be Streetwise/Bee Safe 2007	<i>Contribute £150.00</i>
<b>341.17</b>	Consultation on the future of Tobacco Control	<i>Response agreed</i>
<b>341.18</b>	Street Trading Act (NI) 2001 – Mobile Street Trading Licence	<i>Grant Licence</i>
<b>341.19</b>	Building Control Applications	<i>Noted</i>
<b>341.20 – 341.33</b>		<i>For information</i>
<b>341.34</b>	Public Health Act (Ireland) 1879 as Amended	<i>Request meeting</i>
<b>341.35- 341.45</b>		<i>For information</i>

**BALLYMONEY BOROUGH COUNCIL**

Minutes of Health & Environmental Services Committee Meeting No 341 held in the Council Chamber, Riada House, Ballymoney on Tuesday 24<sup>th</sup> June 2008 at 2.30 pm.

<b>IN THE CHAIR</b>	Councillor J Finlay (Item 1) Councillor E Robinson (Item 2-45)
<b>PRESENT</b>	<b>Aldermen</b> F Campbell C Cousley  <b>Councillors</b> A Cavlan J Finlay M McCamphill T McKeown A Patterson I Stevenson
<b>APOLOGIES</b>	<b>Councillor</b> P McGuigan D McKay, MLA
<b>IN ATTENDANCE</b>	Deputy Director of Borough Services Committee Clerk

**341.1 ELECTION OF CHAIR**

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

***that the Mayor be nominated to conduct the election of Chair.***

The Mayor invited proposals for the position of Chair of the Committee.

It was proposed by Alderman Cousley, seconded by Alderman Campbell

***that Councillor Robinson be re-elected as Chair of the Health & Environmental Services Committee for the ensuing year.***

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

***that Councillor Cavlan be elected as Chair of the Health & Environmental Services Committee for the ensuing year.***

A vote was taken with Councillor Cavlan receiving two votes and Councillor Robinson five votes.

**The Mayor declared Councillor Robinson elected as Chair of the Committee for the ensuing year.**

Councillor Robinson took the Chair and thanked members.

Councillor Cavlan congratulated Councillor Robinson on her re-election, referring to her excellent work as Chair over the last year.

#### **341.2 ELECTION OF VICE CHAIR**

Councillor Robinson thanked Councillor Cavlan for her congratulations and words of encouragement and invited proposals for the position of Vice Chair of the Committee.

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

***that Councillor Cavlan be elected as Vice Chair of the Health & Environmental Services Committee for the ensuing year.***

**The Chair declared Councillor Cavlan elected as Vice Chair of the Committee for the ensuing year.**

\* **Councillor McKeown joined the meeting at 2.35pm.**

#### **341.3 MINUTES – MEETING NO 339 – 27<sup>TH</sup> MAY 2008**

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

***to recommend that the minutes of Meeting No 340 – 27<sup>th</sup> May 2008, as circulated, be confirmed as a correct record.***

The Deputy Director of Borough Services congratulated Councillor Robinson on her re-election of Chair.

## MATTERS FOR CONSIDERATION

### ENVIRONMENTAL SERVICES

#### 341.4 VEHICLE TENDERS

In accordance with European/National procurement legislation, fixed price tenders were sought for the supply and delivery of 1 no. 26t GVW Rear Loading Refuse Collection Vehicle and 1 no. Medium Panel Van by 12.00 noon, Tuesday 3<sup>rd</sup> June 2008.

The tenders received were opened by the Committee Chair and Head of Environmental Services on Thursday 5<sup>th</sup> June 2008 and a schedule detailing the tenderers and products offered is to be found as Appendix 1 to this report.

**IT IS RECOMMENDED** that the Borough Council accept the tender from Castlereagh Motors in the sum of £118,755 for a Mercedes Econic chassis fitted with a Farid T1M body.

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

***to recommend that Council accept the tender from Castlereagh Motors in the sum of £118,755 for a Mercedes Econic chassis fitted with a Farid T1M body.***

### ENVIRONMENTAL PROTECTION

#### 341.5 THE POLLUTION CONTROL AND LOCAL GOVERNMENT (NI) ORDER 1978

##### USE OF LAND 180M SW OF 62 KIRK ROAD, BALLYMONEY AS A MOTO CROSS CIRCUIT

On 19<sup>th</sup> November 2007, at a meeting of Ballymoney Borough Council, planning application ref D/2005/0305/F proposing a change of use of the above agricultural land to moto cross circuit was refused on the basis of unacceptable use in greenbelt.

It had been brought to this department's attention that this land is continuing to be used as a moto cross circuit on a regular basis. This matter was passed to Planning Enforcement on 14<sup>th</sup> February 2008 for further action.

Officers from this department have reviewed the case with regard to the existence of a statutory noise nuisance and Ballymoney Borough Council's statutory obligations under the above Order. Formal letters to the owner of the land and organiser of the moto cross circuit have been issued to advise that this department will be recommending to Council that an Article 38 notice be served under the above Order to require the abatement of the nuisance and to prohibit the recurrence of the noise nuisance.

**IT IS RECOMMENDED** that Council serve an abatement notice under Article 38 of The Pollution Control and Local Government (NI) Order 1978 to prohibit recurrence of the aforementioned noise nuisance.

The Deputy Director responded to members' questions with respect to the length of time of operation of the circuit and other planning issues. He also advised of the efforts made by the Director in seeking information from the operator regarding proposed noise mitigating measures. Members wished it to be recorded that they were disappointed that the operator had not provided information regarding noise control measures as requested by Council previously. Being satisfied of the existence and likely recurrence of a noise nuisance:

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

***to recommend that Council serve an abatement notice under Article 38 of The Pollution Control and Local Government (NI) Order 1978.***

### **341.6 LOCAL GOVERNMENT ACTION ON CLIMATE CHANGE**

Further to Committee item 341.6 and Council Minute 881.9.1, the above matter is to be reconsidered. The previous Committee Minute is reproduced for information.

#### **'341.6 LOCAL GOVERNMENT ACTION ON CLIMATE CHANGE**

Correspondence from NILGA was received on 20<sup>th</sup> inst. by the Borough Services Directorate regarding Government Action on Climate Change and was circulated to members at the meeting. Council's response is requested by 20<sup>th</sup> June 2008 at the latest.

***IT IS RECOMMENDED*** that Committee consider the correspondence and declaration received from NILGA regarding climate change action and make recommendation(s) to Council on the matter.

The Director pointed out that were Council to subscribe to the NI district council declaration proposed by NILGA that this would inevitably have resource implications for Council both finance and people in order to participate in the proposed baseline survey work and action plan preparation and implementation.

In the ensuing discussion a number of Members expressed differing views.

It was proposed by Councillor Kennedy, seconded by Councillor Finlay

***to recommend that Council note the correspondence from NILGA.***

An amendment to the motion was put forward:

It was proposed by Councillor McGuigan, seconded by Councillor Stevenson

***to recommend that an invitation be extended to NILGA representatives to give a presentation to Council on its proposal for Action on Climate Change.***

Votes for Amendment proposed by Councillor McGuigan

<b>For</b>	<b>Against</b>
3 votes in favour	5 votes against

**The Chair declared the amendment lost.**

Votes for Councillor Kennedy's proposal

<b>For</b>	<b>Against</b>
5 votes in favour	4 votes against

**The Chair declared Councillor Kennedy's proposal to note the correspondence carried.'**

A copy of the correspondence received from NILGA, the draft NI Local Government Declaration on Climate Change and a project summary of the Interreg IVA Climate Change Bid was circulated for assistance.

NILGA have further advised that:-

- (1) There is no need for Council to sign up to the climate change declaration unless the bid for financial support is successful.
- (2) That sufficient staff will be provided as part of the project to work on behalf of Councils.
- (3) That funding will be provided directly to each Council for this work (20k for internal Council work, 15k for community work).
- (4) There will be an ability to tender for up to £100k for innovative projects.

***IT IS RECOMMENDED*** that Council support the NILGA EU bid for funding for the Achieving Sustainable Councils (ASC) project in principle.

At the request of Councillor McCamphill, the Deputy Director advised that the bid would be 100% funded.

It was proposed by Councillor Cavlan, seconded by Councillor Stevenson

***to recommend that Council support the NILGA EU bid for funding for the Achieving Sustainable Councils (ASC) project in principle.***

A discussion ensued with Alderman Campbell expressing the view that this Action on Climate Change should be an issue for Central Government rather than Local Government.

A vote was taken with four members voting in favour of supporting NILGA's bid and four members voting against. Councillor Robinson used her casting vote in favour of supporting the bid.

**The chair declared the motion carried.**

## ENVIRONMENTAL HEALTH

### 341.7 THE PRIVATE TENANCIES (NORTHERN IRELAND) ORDER 2006 ARTICLE 36 (4)

#### CERTIFICATE OF FITNESS

**Landlord**

Mr David McNeill

**Dwelling- House**

60 Charlotte Street  
BALLYMONEY BT53 6AZ

10 Charlotte Street  
BALLYMONEY BT53 6AZ

A Fitness inspection of the above dwellings have been conducted on the 10<sup>th</sup> June and 13<sup>th</sup> June 2008 respectively. Both Dwelling Houses meet the fitness standard for human habitation as set out in Article 46 of the Housing (NI) Order 1981.

***IT IS RECOMMENDED*** that the Borough Council grant an Article 36 (4) Certificate of Fitness in respect to the above dwelling houses.

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

***to recommend that the Borough Council grant an Article 36 (4)  
Certificate of Fitness in respect to the above dwelling houses.***

### 341.8 THE PRIVATE TENANCIES (NORTHERN IRELAND) ORDER 2006 ARTICLE 36 (4)

#### CERTIFICATE OF FITNESS

**Landlord**

Mr. Joseph Kane

**Dwelling- House**

15 Kilmoyle Road  
BALLYMONEY BT53 6NR

A fitness inspection of the above dwelling was conducted on the 12<sup>th</sup> June 2008. The dwelling house meets the fitness standard for human habitation as set out in Article 46 of the Housing (NI) Order 1981.

***IT IS RECOMMENDED*** that the Borough Council grant an Article 36 (4) Certificate of Fitness in respect of the above dwelling house.

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

***to recommend that the Borough Council grant an Article 36 (4)  
Certificate of Fitness in respect to the above dwelling houses.***



**341.9 PROPOSED LEGISLATION TO REPLACE THE FORESTRY ACT (NI) 1953**

DARD, Policy and Legislation Branch, have invited comments on a new Forestry Bill to replace the above legislation, in accordance with the proposals, as circulated. Comments are to be returned by 26<sup>th</sup> June 2008.

***IT IS RECOMMENDED*** that Committee consider the matter with the view to making a recommendation to Council.

Following discussion, Alderman Campbell suggested, and it was agreed, that as Council's representative on the Royal Forestry Society, Alderman Connolly be invited to comment to inform Council's response.

**LICENSING****341.10 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATION (FULL LICENCE) (RENEWAL)****Premises****Applicant**

Sé Og's Bar  
15 Main Street  
Rasharkin  
BALLYMENA BT44 8PT

Mr Stephen Hardy

Lissanoure Castle Ltd  
Concourse Centre  
11 Knockahollet Road  
Loughguile  
BALLYMENA BT44 9JP

Mr P Mackie

Lissanoure Castle Ltd  
and Public House  
11 Knockahollet Road  
Loughguile  
BALLYMENA BT44 9JP

Mr P Mackie

The Diamond Bar  
2 High Street  
BALLYMONEY BT53 6AY

Mr Martin Doyle

***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 7<sup>th</sup> October 1985 the additional conditions detailed on the premise file also apply.

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

***to recommend that Council renew the Indoor Entertainment's Licence as detailed above, in accordance with conditions as detailed.***

**341.11 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATION (FOURTEEN UNSPECIFIED DAYS) (GRANT)**

**Premises**

Killyrammer Community Centre  
137 Kilraughts Road  
BALLYMONEY BT53 8ND

**Applicant**

Killyrammer & District Community  
Association

***IT IS RECOMMENDED*** that the Borough Council grant the Indoor Entertainment's Licence as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7<sup>th</sup> October 1985 the additional conditions detailed on the premise file also apply.

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

***to recommend that Council grant an Indoor Entertainment's Licence as detailed above, in accordance with conditions as detailed.***

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

**Premises**

Stranocum Hall, Stables & Marquee  
139 Fivey Road  
Stranocum  
BALLYMONEY BT53 8HY

**Applicant**

Mr William W O'Neill

***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 7<sup>th</sup> October 1985 the additional conditions detailed on the premise file also apply.

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

***to recommend that Council renew the Indoor Entertainment's Licence as detailed above, in accordance with conditions as detailed.***

**DECLARATION OF INTEREST**

Councillor Stevenson declared an Interest in item 341.13 as a relative of the applicant.

**341.13 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATION (FOURTEEN PARTICULAR DAYS) (RENEWAL)**

**Premises**

McMullans Farm  
17 Clintyfinnan Road  
Armoy  
BALLYMONEY BT53 8TW

**Applicant**

James McMullan

***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 7<sup>th</sup> October 1985 the additional conditions detailed on the premise file also apply.

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

***to recommend that Council renew the Indoor Entertainment's Licence as detailed above, in accordance with conditions as detailed.***

### **341.14 THE BUSINESS OF TATTOOING, EAR PIERCING AND ELECTROLYSIS – REGISTRATION OF PERSONS AND PREMISES – PART V PROVISIONS**

**Applicant**

Ms Geraldine McErlain  
(Electrolysis/Ear Piercing)

Ms Hazel Cochrane  
(Electrolysis/Ear Piercing)

Ms Isobel McHenry  
(Electrolysis/Ear Piercing)

**Premises**

3A Silver Springs  
Market Street  
BALLYMONEY BT53 6RD

17A Navery Road  
BALLYMONEY BT53 8NN

38 Railway View  
Macfin  
BALLYMONEY BT53 6QU

***IT IS RECOMMENDED*** that the above-mentioned persons and businesses be registered accordingly.

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

***to recommend that Council register the above mentioned persons and businesses.***

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

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

**Society**

St. Columcilles  
Accordian Band

**Lottery Promoter**

Mr Shaun Kelly  
122 Bendooragh Road  
BALLYMONEY

**Fee**

£35.00

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

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

***to recommend that Council register the above mentioned Society.***

## HOME SAFETY

### 341.16 BE STREETWISE/BEE SAFE 2008

This event was held from 19<sup>th</sup>-23<sup>rd</sup> May 2008 in the Parish Centre, Queen Street, Ballymoney. As in other years, P7 children were put through safety scenarios set up by HAP Ballymoney, Borough Services (including food safety and litter), PSNI, Health Visitors, Fire & Rescue Service, Translink, NIE, Coastguard and students from the Ballymoney Campus of Causeway Institute.

Some 300 children attended the event this year.

Permission is sought to make the usual donation to St. Patrick's Parish Church as the Councils contribution to the running of the event.

***IT IS RECOMMENDED*** that Council contribute £150 .00 to St. Patrick's Parish Church, in respect of the use of the Parish Centre for Be Streetwise/Bee Safe 2008.

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

***to recommend that Council contribute £150.00 to St. Patrick's Parish Church, in respect of the use of the Parish Centre for Be Streetwise/Bee Safe 2008.***

## CHILDREN & YOUNG PERSONS (PROTECTION FROM TOBACCO) (NI) ORDER 1991

### 341.17 CONSULTATION ON THE FUTURE OF TOBACCO CONTROL

DHSSPS has furnished a consultation document prepared by the Department of Health in London. The Health Minister, Michael McGimpsey, MLA, has agreed that the document should be used as the basis for consultation in Northern Ireland as the issues are similar including the need to protect children and young people and the importance of helping smokers to quit.

Paragraph 1.8 of the document which can also be viewed on line at <http://www.dh.gov.uk/en/consultations/liveconsultations/> DH 085120 specifically invites NI consultees' views on controlling advertising and the display of tobacco products in retail environments and limiting young peoples access to tobacco products (questions 7, 8 and 9). These have been reproduced as follows together with the Department of Health's proposed options.

**Question 7. Do you believe that there should be restrictions on the advertising and promotion of tobacco accessories, such as cigarette papers?**

**Options**

- Option 1 Do nothing, retain current restrictions, maintaining enforcement of relevant legislation.
- Option 2 Regulate point of sale display more strictly by further restricting permitted advertising space or ways in which tobacco products are displayed.
- Option 3 Require retailers to remove tobacco products from display.

**Question 8. Do you believe that there should be further controls on the display of tobacco products in retail environments? If so, what is your preferred option?**

**Options**

- Option 1 Do nothing, retain current restrictions, maintaining enforcement of relevant legislation.
- Option 2 Regulate point of sale display more strictly by further restricting permitted advertising space or ways in which tobacco products are displayed.
- Option 3 Require retailers to remove tobacco products from display.

**Question 9. Do you believe that there should be further controls on the sale of tobacco from vending machines to restrict access by young people? If so, what is your preferred option?**

**Options**

- Option 1 Retain the status quo and continue to allow tobacco products to be sold from vending machines with no legislative restrictions on where vending machines are located or the requirement to include age restrictors on access.
- Option 2 Require mechanisms on all tobacco vending machines to restrict underage access by young people.
- Option 3 Prohibit the sale of tobacco products from vending machines altogether.

***IT IS RECOMMENDED*** that Committee considers the matter with the view to making a recommendation to Council.

A discussion ensued during which the Deputy Director responded to members' questions.

Votes were taken as follows:

**Question 7**

Option 1	2 votes
Option 2	1 vote
Option 3	3 votes

**Question 8**

Option 1	2 votes
Option 2	1 vote
Option 3	3 votes

**Question 9**

Option 1	
Option 2	1 vote
Option 3	4 votes

(Councillor Cavlan abstained from voting against question 9).

These views will be put forward to Council for response to the Consultation document.

- \* **Alderman Campbell left the meeting during the discussion at 3.10 pm and returned at 3.16pm.**
- \* **Councillor Finlay left the meeting at 3.16 pm**

## **STREET TRADING**

### **341.18 STREET TRADING ACT (NI) 2001 MOBILE STREET TRADING LICENCE**

Application for a Mobile Street Trading Licence has been made to this Department as follows:-

**Purpose**

Light Refreshments

**Applicant**

Mr Philip A. Kerr  
106 Garryduff Road  
BALLYMONEY BT53 7DL

***IT IS RECOMMENDED*** that a Mobile Street Trading Licence as applied for be granted.

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

*to recommend that Council grant a Mobile Street Licence as detailed above.*

## BUILDING CONTROL

### 341.19 BUILDING CONTROL APPLICATIONS

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

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

*to recommend that Council note the applications as detailed.*

## MATTERS FOR INFORMATION

## ENVIRONMENTAL SERVICES

### 341.20 MUNICIPAL WASTE RETURNS

<u>Waste Type</u>	<u>May 2008</u>	<u>Year to Date</u>	<u>Apr – May 07</u>
Mixed Residual Waste (waste to landfill)	881.12t +0.54%	1,849.60t -2.31%	1,893.30t
Mixed Dry Recyclables (blue bin recycling)	138.84t -0.47%	276.42t -1.00%	279.22t

A second round of monitoring of all brown bin routes took place from Monday 2nd June to Friday 13th June. A total of 65.42 tonnes of material was collected, and of the 2,875 bins presented for collection 12 were rejected due to contamination. This compares to the first round of monitoring which took place from Monday 17th March to Friday 28th March when 19.80 tonnes of material was collected, 1,013 bins were presented for collection and 3 bins were rejected.

The Chair expressed disappointment in the reduction of mixed dry recyclable waste and looks forward to further reductions during the month of June.

### 341.21 NILGA WASTE WORKING GROUP PAPERS

The Chair, who is a member of the NILGA Waste Working Group has requested that the undernoted information, as circulated is made available to Members:-

- (1) NILGA Waste Working Group Terms of Reference.
- (2) Update on the Revision of the Waste Framework Directive.

### 341.22 WASTE MANAGEMENT LICENSING REGULATIONS (NORTHERN IRELAND) 2003 – RENEWAL OF EXEMPTION

**Ballymoney Showgrounds, Model School Road, Ballymoney.**

EHS have advised that the Waste Management Licence exemption certificated grant to T. O'Connell and Sons has been renewed with an expiry date of 10<sup>th</sup> May 2009. Exempt material applies to the use of soil and stones for the provision of car parking facilities at the above location.

### 341.23 CIVIC AMENITY SITE JULY OPENING HOURS

Knock Road and Crosstagherty Civic Amenity Sites will be closed on Saturday 12th July and Sunday 13th July. Both sites will be open as normal throughout the rest of July.

## ENVIRONMENTAL PROTECTION

### 341.24 AIR QUALITY TRAILER

Funding was secured via the Department of the Environment Local Air Quality Management Grant scheme to purchase an air quality promotional trailer and vehicle emissions testing equipment by the Northern Group of Councils. The picture below shows the trailer in use at an event in Magherafelt.



The trailer will be present at the Mayors Show on 28<sup>th</sup> June 2008 where information will be available on local air quality issues, energy efficiency advice and grants available for home energy efficiency improvements.



In responding to members' questions, the Deputy Director advised members that the equipment used in the trailer will be able to test individual vehicles but will not analyse air quality in individual areas. The promotional trailer was provided through EHS Local air Quality Scheme and is to be used across all 10 Council areas within the Northern Group. A further bid is being prepared locally to investigate specific issues of traffic pollution.

### **341.25 CLIMATE CHANGE – THE ENERGY ISSUE AND NORTHERN IRELAND'S HISTORIC ENVIRONMENT**

Northern Ireland Environment Link (NIEL) have recently issued the two above fact sheets. The fact sheets which are 63 and 38 pages respectively may be accessed on-line at [www.nienvironmentlink.org/publications/](http://www.nienvironmentlink.org/publications/). Climate Change: the energy issue includes sections on climate change, meeting our energy needs and looking ahead, whilst the Historic Environment document considers heritage, learning from the past and showcasing Archaeology.

## **FOOD CONTROL**

### **341.26 MISCELLANEOUS TRANSFERRED EXCISE DUTIES ACT (NI) 1972 – TESCO GAME LICENCE**

Notice has been given to Council by solicitors acting on behalf of Tesco Stores Limited, Castle Street, Ballymoney of their intent to apply on Monday, 16<sup>th</sup> June 2008, for a Certificate under Section 36 of the Miscellaneous Transferred Excise Duties Act (NI) 1972 authorising the issue of a licence to deal in game at their premises.

### **341.27 GARRYDUFF PRESBYTERIAN FOOD HYGIENE TRAINING**

During the report period one Level 2 Award Food Safety in Catering course was completed in Garryduff Presbyterian Church Hall. Results have been received and 19 candidates were successful.

### **341.28 NATIONAL FOOD SAFETY WEEK (NFSW) 2008**

The theme for NFSW this year in Northern Ireland was aimed at food shoppers. It aimed to promote two simple messages to shoppers:

- 1) Pack raw foods separately from ready to eat foods and
- 2) Get home as soon as possible after food shopping to get chilled and frozen foods back into the fridge and freezer.

A reusable 'bag for life' was produced by Food Standards Agency Northern Ireland and Safefood, which highlighted key hygiene messages regarding cross contamination and chilling. This reusable bag was distributed at Trolans Supervalu on Thursday 12<sup>th</sup> June, free of charge. Shoppers also had the opportunity to enter a competition to win Supervalu/Centra vouchers.

**341.29 THE DRINKING MILK REGULATIONS (NORTHERN IRELAND) 2008**

The above Regulations made by the FSA NI on the 2<sup>nd</sup> June came into operation on the 1<sup>st</sup> July 2008. They revoke and replace the 1998 Regulations of the same title and implement Council Regulation EC No. 1234/2007.

**341.30 THE SPREADABLE FATS (MARKETING STANDARDS) AND THE MILK AND MILK PRODUCTS (PROTECTION OF DESIGNATIONS) REGULATIONS (NORTHERN IRELAND) 2008**

The above Regulations made by the Food Standards Agency (NI) on the 2<sup>nd</sup> June come into operation on the 1<sup>st</sup> July 2008. They revoke the following two pieces of legislation.

SR 1999 No. 103 – The Milk and Milk Products (Protection of Designations) Regulations (NI) 1990 and

SR 1999 No. 383 – The Spreadable Fats (Marketing Standards) Regulations (NI) 1999.

With a view to consolidating both into a single piece of legislation. The amending legislation updates references and does not result in any substantive changes.

**341.31 HAND HYGIENE AT NORTHERN IRELAND ASSOCIATION OF MENTAL HEALTH (NIAMH)**

During the report period the Directorate carried out a short session regarding hand washing with staff and residents at NIAMH, Shiels Court, Ballymoney. Those attending were able to carry out an experiment to determine how well they washed their hands. They were also shown the proper way to wash hands.

**HEALTH & SAFETY****341.32 CARE IN THE SUN**

Care in the Sun campaign is an initiative funded by the Ulster Cancer Foundation and Health Promotion Agency to highlight the risks of over exposure to the sun which can result in skin cancer.

Skin cancer, particularly malignant melanoma, is continuing to rise in Northern Ireland and rates are increasing by an average of 4 men and 9 women each year. Research has indicated that this trend will continue and we could see a trebling of malignant melanoma rates over the next 30 years with people being diagnosed at a younger age.

Ulster Cancer Foundation has funded the initiative which will see signs promoting care in the sun being erected at Council play parks. Officers attended the formal launch of the initiative in May at Ballysally Community Centre; however, a local launch will be held in the coming month on delivery and erection of the signs in the local parks, date to be advised.

Councillor Cavlan, Alderman Campbell and Councillor Stevenson welcomed the initiative.

## **ENVIRONMENTAL HEALTH GENERAL**

### **341.33 BALLYMONEY AGRICULTURAL SHOW**

The 6<sup>th</sup> and 7<sup>th</sup> June 2007 saw the annual Ballymoney Agricultural Show at Ballymoney Showgrounds. The Directorate had two stands in the marquee with the aim of addressing two areas;

#### **1) Food Safety – Hand Washing**

This looked at the importance of hand washing. Persons were able to take part in an experiment to see exactly how well they washed their hands and identified where people tended to miss. This was a success with both old and young participating.

#### **2) Fuel Poverty**

Persons could receive information on how to insulate their homes and on any grants available to assist with this. In addition information was given on Ballymoney's Affordable Fuel Scheme.

This was the second time the Directorate has taken the opportunity to use the show to raise publicity of its services and feedback from the public and those Officers who participated was excellent.

The Chair congratulated the Directorate in addressing these issues at the show.

### **341.34 PUBLIC HEALTH (IRELAND) ACT 1878 AS AMENDED**

Further to the query raised by Cllr. Stevenson regarding the review of the above legislation a response has been received from the Department of Health and Social Services and Public Safety. A copy of the correspondence was circulated for members' information

## **CHILDREN & YOUNG PERSONS (PROTECTION FROM TOBACCO) (NI) ORDER 1991**

### **341.35 PROTECTION FROM TOBACCO**

Further to correspondence forwarded to the Minister of Health and Social Services and Public Safety detailing issues of concern arising out of the recent underage sales test purchase exercise carried out by the Directorate a response was received on the 30<sup>th</sup> May. A copy of the reply was circulated to members for their information.

Councillor Stevenson was pleased to note the Minister's intention to bring legislative proposals to the Assembly relating to the age of sale of tobacco products

but expressed disappointment that there are no plans to introduce a legislative requirement for the production of ID cards. Councillor Stevenson requested that Council write to the Department requesting a meeting with the author of the correspondence to discuss the matter of ID cards.

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

***to recommend that Council write to the Department of Health, Social Services and Public Safety requesting that a date be arranged for Councillor Stevenson to meet and discuss those issues as detailed above.***

## **DOG CONTROL**

### **341.36 DOG ATTACK (ARTICLE 29) DOGS (NORTHERN IRELAND) ORDER 1983**

On Friday 2<sup>nd</sup> May 2008 the case of Ballymoney Borough Council -v- Mr. Trevor Richmond was heard at Coleraine Magistrates Court. The defendant entered a plea of guilty in relation to an attack by two of his Rottweiler dogs on a six year old girl and her mother in August 2007. Mr. Richmond was fined on four charges each of £200. An order to pay costs of £518 was also made.

### **341.37 DOGS (NORTHERN IRELAND) ORDER 1983 DANGEROUS DOGS (NORTHERN IRELAND) ORDER 1991**

On Friday 2<sup>nd</sup> May 2008 the case of Ballymoney Borough Council -v- Mr. Gareth Loughran was heard at Coleraine Magistrates Court. The defendant contested the case. The Magistrate convicted Mr. Loughran of keeping a Pit Bull type dog. The defendant was fined £100, banned from keeping dogs for two years and ordered to pay other costs in the sum of £6,742.68 by 2<sup>nd</sup> November 2008. Default in payment will result in 6 months imprisonment.

### **341.38 SEIZURE OF DOGS UNDER THE DANGEROUS DOGS (NI) ORDER 1991**

The Council's Solicitor has advised that two outstanding cases regarding the alleged keeping of Pit bull terrier type dogs in the Borough, contrary to the Dangerous Dogs (NI) Order 1991, have been listed for hearing at Coleraine Magistrates' Court on Friday 7 November 2008.

## **COMMUNITY SAFETY**

### **341.39 COMMUNITY SAFETY PARTNERSHIP FUNDING 2008 - 2011**

The NIO has allocated Ballymoney Community Safety Partnership a total of £109,311 for project costs and £123,000 for technical assistance from 2008 – 2011. A total of £9.625m was secured for Community Safety across the Province by Minister Goggins. The money divided between the 26 community safety partnerships using the following formula:

25% Basic amount allocated to each CSP

25% population

10% Deprivation

40% Recorded Crime

### **341.40 SUMMER SPLASH**

12 Community groups have expressed an interest in participating in the 2008 Summer Splash initiative aimed at addressing anti social behaviour during July and August. Each community group has been offered 5 workshops including creative arts, outdoor pursuits and positive citizenship. The initiative will run from 21<sup>st</sup> July – 8<sup>th</sup> August 2008.

### **341.41 ACTION PLAN EVALUATION**

A copy of the independent evaluation of the Community Safety Partnership's action plan projects 2006-2008 is now available via the councils website.

### **341.42 2008 SAFER BONFIRE COMPETITION**

The subgroup launched their annual safer bonfire competition on Thursday 5<sup>th</sup> June at the Stranocum bonfire site. The aim of the competition is to encourage organisers of traditional bonfires (those which have been in existence for the eight years or longer) in the Borough to think of both safety and the environment when organising the event. A competition pack is available from Borough Services or can be downloaded via the council website.

## **LICENSING**

### **341.43 LICENSING (NORTHERN IRELAND) ORDER 1996**

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
James Stevenson Kelly's Bar 21 Church Street BALLYMONEY	Occasional Licence Ballymoney Agricultural Show 7 <sup>th</sup> June 2008	27/5/08
John Eastwood Clyde Bar Railway Road COLERAINE	Occasional Licence Stranocum Hall 14-15 <sup>th</sup> June 2008	30/5/08

### **341.44 BALLYMONEY AFFORDABLE FUEL SCHEME**

Due to the ongoing success of Ballymoney Affordable Fuel Scheme a best practice event was held in Riada House on 13<sup>th</sup> May 2008 which was attended by

representatives of the ten councils of the Northern Group area. Antrim, Coleraine, Magherafelt, Moyle and Newtownabbey have all launched schemes following the success of the Ballymoney initiative with Carrick, Cookstown and Larne hoping to follow suit. Belfast City Council and the Eastern Group of Councils have also expressed interest in hearing about the fuel stamp saving scheme. To date £65,000 worth of stamps have been purchased in Ballymoney Borough Council.

## **PLANNING CONSULTATIONS**

### **341.45 SERVICE DELIVERY**

As a result of a number of complex planning consultations, an increase in variety of project work and planned annual leave, some customers have experienced and may continue to do so in the near future, increased response times with respect to consultation replies. Where possible pro-active work is being rescheduled and proposed new work prioritized with a view to addressing the current backlog. It is hoped that this can be completed by the end of the forthcoming quarter.

**This being all the business, the meeting concluded at 3.56 pm.**

Appendices attached:

Appendix 1

Appendix 2

Vehicle Tender

Building Control Notices

**Appendix 1****26t GVW Rear-Loading Refuse Collection Vehicle (June 2008)**

Tenders were invited inclusive of vehicle registration and 12 months road fund licence.

Number of tenders received : 4

**Compliant Tenders ( 3 )**

Tenderer	Product Offered			Vehicle (£)		Painting (£)	Road Fund Licence (£)	Total Price (£)	Warranty (months)	Delivery (weeks)
	Chassis	Body	Bin Lift	Chassis & Body	Bin Lift					
Castlereagh Motors Cedarhurst Works Off Beechill Road Newtownbreda Belfast	Mercedes Econic	Farid T1M	Zoeller Euro Delta	103,055	12,000	3,000	700	118,755	12	16 - 18
Castlereagh Motors Cedarhurst Works Off Beechill Road Newtownbreda Belfast	Mercedes Econic	Farid T1SM	Zoeller Euro Delta	104,205	12,000	3,000	700	119,905	12	16 - 18
Castlereagh Motors Cedarhurst Works Off Beechill Road Newtownbreda Belfast	Mercedes Econic	Farid T2	Zoeller Euro Delta	105,825	12,000	3,000	700	121,525	12	16 - 18

**Non-compliant Tenders ( 1 )**

Tenderer	Product Offered			Vehicle (£)		Painting (£)	Road Fund Licence (£)	Total Price (£)	Warranty (months)	Delivery (weeks)
	Chassis	Body	Bin Lift	Chassis & Body	Bin Lift					
Manvik Clifton Industrial Park 161 Dargan Crescent Belfast	Dennis Elite 2	Phoenix 2 – 20W	Terberg TCA - DE	95,925	13,000	3,000	700	112,625	12	14 -16

### Reason for non-compliance.

1. The Terberg TCA – DE bin lift offered by Manvik has a cycle time of 8 seconds for 240L bins. The bin lift specification stated that the bin lift offered have a maximum cycle time of 6 seconds for 240L bins.



**BUILDING CONTROL APPLICATIONS****APPENDIX 2**

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

**Ref No:** B/2006/0014/  
**Applicant:** JMF Ltd  
**Agent:** Market Studio 14 Market Road Ballymena  
**Location:** 67 Frosses Road Ballymoney  
**Description:** Engineering workshop

**Ref No:** B/2006/0388/  
**Applicant:** Mr & Mrs William & Michelle Davidson  
**Agent:** RD Architectural Design Services 75 New Row Coleraine  
**Location:** 10 Grove Park Balnamore Ballymoney  
**Description:** Extension to dwelling

**Ref No:** B/2007/0092/  
**Applicant:** Mr Dathai McKay  
**Agent:** Mr Paul McLean 41 Bridge Road Ballymena  
**Location:** 25 Wallace Park Rasharkin Ballymena  
**Description:** Extension to dwelling

**Ref No:** B/2007/0098/MAST  
**Applicant:** Mr Gerard McKay  
**Agent:** Bell Architects 65 Main Street Ballymoney  
**Location:** Rear of 11 Church Road Rasharkin Ballymena  
**Description:** 4 dwellings

**Ref No:** B/2007/0099/  
**Applicant:** Miss Brenda Boyle  
**Agent:** George Shaw 18 Sandmount Park Ballymena  
**Location:** 111 Bravallen Road Tullaghans Ballymoney  
**Description:** Dwelling and garage

**Ref No:** B/2007/0110/  
**Applicant:** Mr Patrick McIlhatton  
**Agent:** Hunter Associates 8 Charlotte Street Ballymoney  
**Location:** Rear of 88 Finvoy Road Moneycanon Ballymoney  
**Description:** Dwelling

**Ref No:** B/2007/0168/  
**Applicant:** Mr Andrew McMullan  
**Agent:** Mr A Faulkner 65 Mill Road Portstewart  
**Location:** 22 High Street Ballymoney  
**Description:** Replacement of oil-fired boiler

**Ref No:** B/2007/0200/  
**Applicant:** Ms Emily Stringer  
**Agent:** Mr Alan Graham 56 Huey Crescent Bushmills  
**Location:** 36 Queens Avenue Ballymoney  
**Description:** Sun room extension to dwelling

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**Ref No:** B/2007/0215/  
**Applicant:** Mr Neal Kelly  
**Agent:** Hunter Associates 8 Charlotte Street Ballymoney  
**Location:** 15 Ballyweaney Road Corkey Ballymoney  
**Description:** Extension to dwelling

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**Ref No:** B/2008/0018/  
**Applicant:** Mr Norman Holmes  
**Agent:** Mr S N Curran 45 Belmont Heights Antrim  
**Location:** 263 Drones Road Dunloy Ballymena  
**Description:** Extension to dwelling

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**Ref No:** BN/2008/0036/  
**Applicant:** Mr James Reid  
**Agent:** C & C Frames Ltd Unit3 Ballymena  
**Location:** 10 Knock Eden Close Ballymoney  
**Description:** Sun room extension to dwelling

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**Ref No:** BN/2008/0037/  
**Applicant:** Mr Bert Harvey  
**Agent:** C & C Frames Unit 3 Ballymena  
**Location:** 32 Lislagan Road Ballymoney  
**Description:** Sun room extension to dwelling

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**Ref No:** BN/2008/0038/  
**Applicant:** Ms Jacqueline Rouke  
**Agent:**  
**Location:** 9 Castlehill Crescent Ballymoney  
**Description:** Sun room extension to dwelling

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**Ref No:** BN/2008/0039/  
**Applicant:** Mrs Marie Cochrane  
**Agent:** Siobhan McGarry 18 Carnamena Road Ballymena  
**Location:** 49 Bridge Road Dunloy Ballymena  
**Description:** Roofspace conversion to dwelling

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**Ref No:** BN/2008/0040/  
**Applicant:** Mr William McConaghie  
**Agent:** Mr F Quigg 30 Agivey Road Kilrea  
**Location:** 16 Donaghbrook Crescent Ballymoney  
**Description:** Installation of oil-fired central heating

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**Ref No:** BN/2008/0098/  
**Applicant:** Mr & Mrs Andrew Kerr  
**Agent:**  
**Location:** 8 Ben Vista Corkey Ballymena  
**Description:** Sun room extension to dwelling

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**Ref No:** BN/2008/0099/  
**Applicant:** Mr Bernard McKinney  
**Agent:** Mr F Quigg 30 Agivey Road Kilrea  
**Location:** 60 Knock Road Ballymoney  
**Description:** Installation of oil-fired central heating

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**Ref No:** BN/2008/0100/  
**Applicant:** Ms Jean McCloskey  
**Agent:** Mr F Quigg 30 Agivey Road Kilrea  
**Location:** 87 Pharis Road Armoy Ballymoney  
**Description:** Installation of oil-fired central heating

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**Ref No:** BN/2008/0101/  
**Applicant:** Ms Patricia McTague  
**Agent:** Mr F Quigg 30 Agivey Road Kilrea  
**Location:** 58a Mullan Road Ballymoney  
**Description:** Installation of oil-fired central heating

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**Ref No:** BN/2008/0102/  
**Applicant:** Ms Connie Campbell  
**Agent:** Mr F Quigg 30 Agivey Road Kilrea  
**Location:** 1 Hebron Heights Ballymoney  
**Description:** Installation of oil-fired central heating

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**Ref No:** BN/2008/0103/  
**Applicant:** Ms Belinda Stevenson  
**Agent:** Mr F Quigg 30 Agivey Road Kilrea  
**Location:** 50 Market Street Ballymoney  
**Description:** Installation of oil-fired central heating

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**Ref No:** BN/2008/0104/  
**Applicant:** Mr & Mrs David McLaughlin  
**Agent:**  
**Location:** 37 Cypress Park Cloughmills Ballymena  
**Description:** Garage extension to dwelling

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**Ref No:** BN/2008/0105/  
**Applicant:** Ms Pansy Kermonde  
**Agent:** Mr F Quigg 30 Agivey Road Kilrea  
**Location:** 3 Coleraine Road Ballymoney  
**Description:** Installation of oil-fired central heating

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**Ref No:** BN/2008/0106/  
**Applicant:** Mr Brendan Lavery  
**Agent:**  
**Location:** 49 Shelton Road Armoy Ballymoney  
**Description:** Conversion of first floor of garage to apartment

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

	<b>Total</b>
<b>B</b>	<b>10</b>
<b>BN</b>	<b>14</b>
<b>Total</b>	<b>24</b>