

### Ballymoney Borough Council

#### Health & Environmental Services Committee Meeting No 352 – 22<sup>nd</sup> September 2009

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**BALLYMONEY BOROUGH COUNCIL**

Minutes of Health & Environmental Services Committee Meeting No 352 held in the McKinley Room, Riada House, Ballymoney on Tuesday 22<sup>nd</sup> September 2009 at 7.00 pm.

**IN THE CHAIR** Councillor E Robinson

**PRESENT**

**Aldermen**  
F Campbell Mayor  
H Connolly  
C Cousley, MBE, Deputy Mayor

**Councillors**  
A Cavlan  
J Finlay  
R Halliday  
M McCamphill

**APOLOGIES** Councillor A Patterson

**IN ATTENDANCE** Director of Borough Services  
Deputy Director of Borough Services  
Alderman J Simpson  
Committee Clerk

**352.1 MINUTES – MEETING NO 351 22<sup>ND</sup> JUNE 2009**

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

*that the minutes of meeting No 351 on 22<sup>nd</sup> June 2009 be confirmed as a correct record.*

**MATTERS FOR CONSIDERATION****ENVIRONMENTAL SERVICES****352.2 DRIVER CPC (CERTIFICATE OF PROFESSIONAL COMPETENCE) TRAINING**

The EU passed the Driver CPC (Certificate of Professional Competence) Directive in 2003. For existing LGV drivers (category C range licences) it will oblige them to take 35 hours periodic training every five years in order to continue driving professionally within the UK or the EU. Upon completion, the CPC will be recorded by the issuing of a Driver Qualification Card, which the driver must carry at all times whilst driving.

All training must be taken with an approved training centre, which must be approved by Driver & Vehicle Agency (DVA) according to the requirements of the Directive. This change for LGV drivers takes effect from September 2009.

***IT IS RECOMMENDED*** that all Council employees who undertake driving duties, and are in possession of an existing LGV licence, complete seven hours Driver CPC training per annum commencing 2009/10.

The Director of Borough Services responded to Member questions and comments as to why Council with its finite life ought to be concerned with a measure only coming into effect post RPA 2011. He explained that as the measure imposed a requirement of 35 hours training to be achieved it was prudent to commence the process now so that an undue burden would not be placed on the new Causeway Coast & Glens District Council. He emphasised that the training proposed would only be made available to the Council's own employees and would not therefore be made available to Agency personnel. The Director also gave an indication of the cost per individual but was not able to state precisely the number of staff involved. He indicated the budget from which funding would be drawn as regards environmental services staff. Alderman Campbell advised that having accessed a website he had to differ from the Director in that in his opinion the training would not apply to Council HGV drivers. At the request of Councillor Robinson, the Director undertook to provide to her the precise amount in the training budget referred to.

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

***to recommend deferral for one month to enable further consideration of the training request.***

- \* **Councillor Finlay arrived during the discussion at 7.15 pm.**
- \* **Councillor Cavlan and Alderman Cousley arrived during the discussion at 7.25 pm**

### **352.3 LANDFILL CAPACITY**

The Director advised that conscious of the Council's financial situation he had given consideration to the extant landfill disposal contract, which with renewals, would run to 30th April 2011 and whether there was potential for savings given the current marketplace. He outlined the results of informal contacts to date, advising that this process was still on-going, which indicated that indeed savings may be possible, but that in order to achieve these, it would perhaps be necessary to formally procure a new contract, one which would take the Council to May 2011 with monthly extension options. In order to do this it would be necessary to employ specialist help at an estimated cost of approximately £5,000 – an expenditure not expressly budgeted for in the current year 2009-2010. The Director responded to Member questions and dealt with administrative and timetabling issues.

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

***to endorse the work commenced by the Director and recommend that should it be necessary Council tender its landfill capacity need with the assistance of specialist help as outlined.***

## ENVIRONMENTAL PROTECTION

### 352.4 THE POLLUTION CONTROL AND LOCAL GOVERNMENT (NI) ORDER 1978, ARTICLE 72

#### FAILURE TO COMPLY WITH A REQUISITION FOR INFORMATION NOTICE

**Premises:** 14 Queen St, Ballymoney, BT53 6JA

Complaints have been received in relation to 14 Queen St as the premises are in a ruinous and dilapidated condition and there have been incidents of antisocial behaviour, involving the PSNI and NIFRS.

A Requisition for Information notice was served on the above named person on 23<sup>rd</sup> July 2009 requesting, in writing, details of their interest in 14 Queen St, Ballymoney. The recipient was requested to give a response within 21 days from the date of service of the notice. No response was received.

Article 72 of the legislation states that:

'A person who fails without reasonable excuse to comply with the requirements of a notice served on him under this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding Level 3.'

**IT IS RECOMMENDED** following consideration of the Councils Enforcement Policy (August 2007) that legal proceedings be instigated against xxxxx for non-compliance with an Article 72 notice.

The Deputy Director responded to members' questions relating to the policy including cost to Council and Council's legal obligations to instigate action.

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

***to recommend that legal proceedings be instigated against xxxxx for non-compliance with an Article 72 notice.***

## FOOD CONTROL

### 352.5 WITHDRAWAL OF CONDITIONAL APPROVAL OF A STANDALONE COLD STORE UNDER REGULATION (EC) NOS. 852/2004, 853/2004 AND 882/2004 DUE TO PREMISES CLOSURE

**PREMISES: FLEMING POULTRY LTD, 31 BALLYMENA RD, BALLYMONEY, BT53 7EX.**

The above premise was granted conditional approval as a cold store on 2<sup>nd</sup> October 2006 (Council minute 849.7 refers). This conditional approval was then granted an extension on 5<sup>th</sup> February 2007 (Council minute 855.11 refers).

During the extension period the premise ceased operation and the required documentation was not received. Ad hoc visits to the premise in August 2007 and November 2008 revealed that the premise was being used for the storage of food

packaging and crates. There was no food on the premise and the cold stores were not in operation. Subsequent attempts to gain access to the premise have been unsuccessful, as it has been locked.

It is now necessary to withdraw the premises Conditional Approval under Article 31(2)(e) of Regulation (EC) No. 882/2004 as they have failed to comply with the requirements to obtain full approval and they have ceased operating as a cold store.

***IT IS RECOMMENDED*** that Council withdraw the Conditional Approval under Article 31(2)(e) of Regulation (EC) No 882/2004 for Fleming Poultry Ltd as they have failed to comply with the requirements of Regulation (EC) 853/2004 to obtain full approval and have ceased trading.

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

***to recommend that Council withdraw the Conditional Approval under Article 31(2)(e) of Regulation (EC) No 882/2004 for Fleming Poultry Ltd for reasons as outlined above.***

### 352.6 FOOD COMPLAINT

During the report period 1 no. informal food complaint investigation was completed.

<u>Ref Number</u>	<u>Nature of Complaint</u>
FC/805/C/03/09	Foreign matter in Brown Bread

***IT IS RECOMMENDED*** that no further action be taken in relation to this complaint as the source of the foreign matter could not be confirmed. The manufacturer, complainant, vendor, and home authority should be informed in writing of the outcome.

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

***to recommend that no further action be taken in relation to the complaint.***

## HEALTH & SAFETY

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

Applications have been received for the renewal of petroleum spirit licences as follows:

<u>Premises</u>	<u>Applicant</u>
Stranocum Service Station, 4 Main Street, Stranocum, BALLYMONEY.	Mr. James McFadden

Trolans Supervalu,  
2 Ballymena Road, BALLYMONEY.

Mr. P. Trolan

Robert Logan Hardware,  
36 Drumadoon Road,  
Cloughmills, BALLYMENA.

Mr. C. Logan

CENTRA,  
8 Ballybogey Road, BALLYMONEY.

Mr. G. Biesty

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

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

***to recommend renewal of licences as detailed above.***

## LICENSING

### 352.8 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATIONS (FULL) (RENEWAL)

#### Premises

#### Applicant

Magherahoney Parochial Hall,  
60 Coolkeeran Road,  
Armoy,  
BALLYMONEY  
BT53 8XN.

Rev. Robert Butler

Joey's Bar,  
15 Seymour Street,  
BALLYMONEY  
BT53 6JR.

Mrs. Linda M. Dunlop

***IT IS RECOMMENDED*** that the Borough Council renew the Indoor Entertainment's Licences as detailed above. In the case of Magherahoney Parochial Hall same will be subject to the provision of a satisfactory electrical test certificate. 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 files also apply.

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

***to recommend Council renew the Indoor Entertainment's Licences as detailed above.***

\* **Councillor Finlay left the meeting at 8.30 pm and returned at 8.32 pm.**

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

**Premises**

Ballyweaney Presbyterian Church Hall,  
128 Ballyveely Road,  
Cloughmills,  
BALLYMENA BT44 9NW.

**Applicant**

Mr. William J. Logan

***IT IS RECOMMENDED*** that the Borough Council renew the Indoor Entertainment's Licence as detailed above subject to the provision of a satisfactory electrical test certificate. 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 applies.

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

***to recommend that Council renew the Indoor Entertainment's Licence as detailed above***

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

**352.10 ARTICLE 115 – APPLICATION FOR THE RENEWAL OF AN AMUSEMENT PERMIT**

Application for the renewal of an amusement permit under the provisions of Article 115 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, has been received from Mr Samuel Trevor Wylie, 9 Ashbrook Drive, Balnamore, Ballymoney, BT53 7TA, in respect of premises namely Rafters Snooker Club, 18 Seymour Street, Ballymoney, BT53 6JR.

***IT IS RECOMMENDED*** that the Borough Council renew the said permit and that same be subject to the Council's "Amusement Permit Conditions".

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

***to recommend that Council renew the permit and that same be subject to the Council's "Amusement Permit Conditions".***

**DOG CONTROL**

**DECLARATION OF INTEREST**

**COUNCILLOR FINLAY DECLARED AN INTEREST IN ITEM 352.11 AS AN ACQUAINTANCE OF THE DOG OWNER.**



### **352.11 DOGS (NORTHERN IRELAND) ORDER 1983 ARTICLE 29 – ATTACK ON PERSON**

The Directorate is currently in receipt of a complaint from Miss xxxxx alleging that she was attacked by a dog on Market Street, Ballymoney on 5<sup>th</sup> August 2009 at approximately 3.00pm. As a result of the attack by a terrier type dog the complainant received treatment at the Accident & Emergency Department of The Causeway Hospital. The injury to Miss xxxxx's right leg required seven steri-strips. A statement was recorded from the injured party. The owner of the dog has also been interviewed regarding the matter.

The dog concerned is normally kept behind gates to the rear of the property on Knock Road, Ballymoney. On the day in question it is believed that workmen accidentally left the gate open and the dog was then able to access the footpath on Knock Road, Ballymoney where it chased the injured party, jumped up and bit her just below the right knee.

Since the attack the owner has applied padlocks to all the gates to their property. This has been confirmed by an officer from this Directorate.

Having considered all the facts in this case and having consulted with the injured party ***IT IS RECOMMENDED*** that a caution be administered in this instance. Should the dog owner refuse a caution then ***IT IS FURTHER RECOMMENDED*** that legal proceedings be instigated regarding the matter.

The Deputy Director explained to Members, the implications of a formal caution and the legal process should it not be accepted.

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

***to recommend that a caution be administered and that should the dog owner refuse a caution, legal proceedings be instigated.***

\* Alderman Campbell left the meeting at 8.35 pm.

## **STAFF MATTERS**

### **352.12 REQUEST FOR ASSISTANCE POST ENTRY TRAINING**

Following completion of a training needs analysis in preparing staff for the challenges arising from the Review of Public Administration, a request has been made by a Clerical Officer (Post Ref 50056) to seek assistance in the payment of post entry training fees. Training would be undertaken by way of evening classes at the Northern Regional College (Ballymoney Campus) over 3 terms with the candidate undertaking a GCSE in Mathematics. The fees for the course are £99.00 plus £50.00 exam fees and can be met from the current service budget.

***IT IS RECOMMENDED*** that Council approves the above officer training subject to post entry training conditions.

The Deputy Director responded to Member's questions, in relation to post entry training requirements, including the recovery of expenses and advised that the funding can be met from within existing budgets. The Director agreed to provide Councillor Robinson with details of the training budget to be used to fund the request. He also advised that in considering the matter it was necessary to bear in mind that the request was brought before Members in light of the Council's existing policy and that there was past precedent. The Director also advised that if Members were minded to review the Council's existing training policy he recommended that the Chief Executive be approached and the issue discussed with him.

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

*to recommend that Council approve the above officer training subject to post entry training conditions.*

## BUILDING CONTROL

### 352.13 BUILDING CONTROL APPLICATIONS

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

The Director of Borough Services clarified the procedure for the issue of building certificates following inspections at the commencement of the build and at appropriate intervals during the building period. He will revisit this issue and report back to Committee,

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

*to recommend that Council note the Applications, Building Notices and Regularisation Certificates*

### 352.14 ERECTION OF STREET NAMEPLATES IN A LANGUAGE OTHER THAN ENGLISH

Occupiers of premises have initiated procedures for the erection of a street nameplate in a street in a language other than English in respect of six streets (two previously reported to Committee HES 352.14 refers), within the Borough as follows:-

STREET	DATE RECEIVED
Carnfinton Park, Rasharkin	19.09.08
Rhencullen Park, Rasharkin	17.11.08
Rockview Park, Rasharkin	05.06.09
Bamford Park, Rasharkin	18.06.09
Hillview Park, Dunloy	01.07.09
Valley View, Rasharkin	02.07.09

Following completion of necessary preliminaries, the occupiers of premises were surveyed in accordance with the procedure set out in Council Policy – Naming of

Streets and Numbering of Properties adopted on 5<sup>th</sup> February 2007.

The number of valid responses and the percentage of respondents in agreement, in each case is as follows:-

STREET	VALID RESPONSES	% RESPONDENTS IN AGREEMENT
Carnfinton Park, Rasharkin	21	95
Rhencullen Park, Rasharkin	5	100
Rockview Park, Rasharkin	17	82
Bamford Park, Rasharkin	19	79
Hillview Park, Dunloy	10	90
Valley View, Rasharkin	2	100

As regards each location, it is the case that two thirds or more of respondents to the survey conducted, support the erection of a sign in a language (Irish) other than English. Council's Policy – Naming of Streets and Numbering of Properties adopted on 5<sup>th</sup> February 2007 states that (paragraph 8.7), where two thirds or more of respondents to the survey support the erection of a sign in a language other than English and that language is either Irish or Ulster Scots, Council will normally agree the request.

The format of the signage which may be erected was circulated to members.

In accordance with the Council's Policy – Naming of Streets and Numbering of Properties (adopted on 5<sup>th</sup> February 2007) **IT IS RECOMMENDED** that committee consider the applications and make a recommendation to Council. **IT IS FURTHER RECOMMENDED** where the cost of erection of such signage exceeds that of the current service budget, any applications approved will be dealt with in date received priority.

At the request of Councillor Finlay, the Director of Borough Services outlined the mechanism used in the initiation process prior to a survey of homes being undertaken. Councillor Finlay advised that as he had written to the Equality Commission and is awaiting their response he would seek the deferral of this business for one month. In response to Councillor McCamphill, the Director advised as to the cost involved to erect the nameplates, the signage types which would be used and the budget available to undertake the work. He also mentioned that he had received requests in respect of the type of sign which might be erected at Valley View, Rasharkin.

It was proposed by Councillor Finlay, seconded by Councillor Halliday -

***that the matter be deferred for one month to enable Councillor Finlay to receive a response from the Equality Commission.***

Councillor Cavlan stated that she was not in agreement with Councillor Finlay's motion and requested a recorded vote.

#### FOR

Alderman Cousley  
Councillor Finlay  
Councillor Halliday  
Councillor Robinson

#### AGAINST

Councillor Cavlan  
Alderman Connolly  
Councillor McCamphill

The Chair declared the motion carried.

## MATTERS FOR INFORMATION

### ENVIRONMENTAL PROTECTION

#### 352.15 DRINKING WATER QUALITY REPORT FOR NORTHERN IRELAND 2008: BALLYMONEY BOROUGH COUNCIL

Members are asked to note that the above report was received by email on 3<sup>rd</sup> July 2009 and can be made available on request to the Directorate. At the request of Councillor Robinson, the Deputy Director advised that the report indicates that the water is of good quality.

### ENVIRONMENTAL SERVICES

#### 352.16 MUNICIPAL WASTE RETURNS

<u>Waste Type</u>	<u>June 2009</u>	<u>June 2008</u>	<u>Apr – Jun 09</u>	<u>Apr – Jun 08</u>
Mixed Residual Waste (waste direct to landfill)	782.42t -6.32%	835.16t	2,287.41t -14.80%	2,684.76t
Mixed Dry Recyclables (blue bin recycling)	129.68t +0.45%	129.10t	397.44t -1.99%	405.52t
Garden Waste (brown bin recycling)	188.42t +59.08%	118.44t	475.66t +33.11%	357.34t
	<u>June 2009</u>	<u>June 2008</u>	<u>Apr – Jun 09</u>	<u>Apr – Jun 08</u>
Waste Recovery (segregated CA site waste)	90.48t	n/a	294.90t	n/a
Cardboard Recycling	6.32t	n/a	22.74t	n/a
<u>Waste Type</u>	<u>July 2009</u>	<u>July 2008</u>	<u>Apr – Jul 09</u>	<u>Apr – Jul 08</u>
Mixed Residual Waste (waste direct to landfill)	850.92t -11.90%	965.90t	3,183.33t -14.03%	3,650.66t
<u>Waste Type</u>	<u>July 2009</u>	<u>July 2008</u>	<u>Apr – Jul 09</u>	<u>Apr – Jul 08</u>
Mixed Dry Recyclables (blue bin recycling)	139.58t -2.79%	143.58t	537.02t -2.20%	549.10t
Garden Waste (brown bin recycling)	186.90t -1.42%	189.60t	662.56t +20.66%	546.94t

	<u>July 2009</u>	<u>July 2008</u>	<u>Apr – Jul 09</u>	<u>Apr – Jul 08</u>
Waste Recovery (segregated CA site waste)	109.40t	n/a	403.94t	n/a
Cardboard Recycling	9.10t	n/a	31.84t	n/a
<b><u>Waste Type</u></b>	<b><u>Aug 2009</u></b>	<b><u>Aug 2008</u></b>	<b><u>Apr– Aug 09</u></b>	<b><u>Apr – Aug 08</u></b>
Mixed Residual Waste (waste direct to landfill)	678.94t -5.49%	718.38t	3,817.27t -12.63%	4,369.04t
Mixed Dry Recyclables (blue bin recycling)	132.90t -2.81%	136.74t	669.92t -2.32%	685.84t
Garden Waste (brown bin recycling)	166.58t +7.79%	154.54t	829.14t +18.20%	701.48t
	<b><u>Aug 2009</u></b>	<b><u>Aug 2008</u></b>	<b><u>Apr – Aug 09</u></b>	<b><u>Apr – Aug 08</u></b>
Waste Recovery (segregated CA site waste)	66.96t	n/a	470.90t	n/a
Cardboard Recycling	5.54t	n/a	37.38t	n/a

### 352.17 WASTE MANAGEMENT LICENSING SUBSISTENCE CHARGES 2009/2010

Members are asked to note that the combined subsistence charges levied by NIEA for Knock Road Civic Amenity Site and Crosstagherty Waste Handling & Transfer Facility in 2009/2010 is £7,087.50. This represents a substantial increase, some 46% on the charges levied in 2008-2009 - £4,850. This figure formed the basis for the 2009-2010 budget of £5,000. The charges levied by NIEA for 2009-2010 mean a budgetary overspend of £2,087.50.

Fees and charges for waste activities in Northern Ireland were recently revised by Northern Ireland Environment Agency (NIEA) due to increased regulatory costs and the lack of any charge increases since the schemes introduction in 2003.

NIEA informed Council of the revised fees and charges in correspondence dated 22<sup>nd</sup> June 2009.

### 352.18 THE LANDFILL ALLOWANCE SCHEME (NI) REGULATIONS 2004 SCHEME YEAR 2008/09 – DRAFT RECONCILIATION

The Monitoring Authority (NIEA) has advised (letter dated 6<sup>th</sup> July 2009 refers) that having regard to the data submitted quarterly by Council through WasteDataFlow – the total amount BMW sent to landfill by Ballymoney Borough Council, for the scheme year 2008/2009, was 7,167 tonnes equating to 56% utilization of the allocated allowances available for the scheme year.

Members are asked to note the Councils very satisfactory performance.

## FOOD CONTROL AND HEALTH & SAFETY

### 352.19 QUALITY AND PERFORMANCE MATRIX GRADES 2008-2009

Northern Group Systems have advised by correspondence dated 7<sup>th</sup> September 2009, the quality performance and matrix grades in respect of both the Food and Health & Safety Services. These are reproduced below together with 2007-2008 grades for comparison.

	Food			Health & Safety		
	Management	Performance	Review	Management	Performance	Review
2008-2009 Grade	A	A	A	A	A	B
2007-2008 Grade	A	A	A	A	A	C

The Director was pleased to report that the officers have been able to maintain a high quality service showing a slight improvement within Health & Safety throughout the year. It is these grades that will be reported to the Department of Environment.

### 352.20 LEVEL 2 AWARD IN FOOD SAFETY IN CATERING

During June one Level 2 Award Food Safety in Catering course was completed. 8 candidates attended the course and all were successful.

## NEW LEGISLATION

### 352.21 THE NATURAL MINERAL WATER, SPRING WATER AND BOTTLED DRINKING WATER (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2009

The above Regulations, which came into operation on 16<sup>th</sup> July 2009, amend the principal 2007 Regulations to replace references to a previous Directive with references to the recast Directive (Council Directive 2009/54/EC).

### 352.22 THE FOOD IRRADIATION REGULATIONS (NORTHERN IRELAND) 2009

The above Regulations came into operation on 31<sup>st</sup> July 2009. Their purpose is to update and consolidate existing Regulations on food irradiation. These Regulations control the treatment of food with ionising radiation and the importation and sale of irradiated food.

### 352.23 THE MANUFACTURE AND STORAGE OF EXPLOSIVES (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2009

The above Regulations, which came into operation on 7<sup>th</sup> August 2009, amend the similarly named 2006 Regulations and repeal certain sections of the Explosives Act 1875.

At the request of Councillor Robinson, the Deputy Director clarified the types of premises and businesses bound by the regulations including the storage and use of fireworks. He advised that Council has a duty to work with the Northern Ireland Office in undertaking inspections and with PSNI, organisers and firers of firework displays prior to the issue of a licence.

\* **Alderman Connolly left the meeting at 9.36 pm.**

### **352.24 THE HEALTH AND SAFETY AT WORK ORDER (APPLICATION TO ENVIRONMENTALLY HAZARDOUS SUBSTANCES (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2009**

The above Regulations, which came into operation on 21<sup>st</sup> September 2009, are technical in nature in that they amend Regulation 2(1) of the 2003 Regulations to add a reference to Directive 2008/68/EC so that regulations can be made under Article 17 of the 1978 Order to implement any obligation imposed by the Directive.

## **DOG CONTROL**

### **352.25 DOGS (NORTHERN IRELAND) ORDER 1983 THE DANGEROUS DOGS (NORTHERN IRELAND) ORDER 1991**

#### **BBC -v- Liam Walker**

On Friday 4<sup>th</sup> September 2009 the above case was heard at Coleraine Magistrates Court. The defendant entered a plea of guilty in relation to having a dog of the type known as "The Pit Bull Terrier". Mr. Walker was fined £200 and ordered to pay costs totalling £625. Six months was given to the defendant to pay said costs and fine. A destruction order was also issued in respect of the dog.

### **352.26 DOGS (NORTHERN IRELAND) ORDER 1983 THE DANGEROUS DOGS (NORTHERN IRELAND) ORDER 1991**

#### **BBC -v- Geoff Boyd**

On Thursday 3<sup>rd</sup> September 2009 an appeal in respect of the above case was heard at Antrim Courthouse. The defendant Mr. Geoff Boyd withdrew his appeal in relation to two of the three dogs seized. A contest was entered in respect of the third dog.

On hearing the evidence of the Borough Councils expert witness the Judge found in favour of the Council. The sentence given at the original trial remains. The defendant was fined £150 in respect of each dog and banned from keeping dogs for 12 months. A destruction order was issued in respect of all three dogs.

## **COMMUNITY SAFETY**

**352.27 SAFER BONFIRE INITIATIVE – CLEAN UP COST COMPARISON 2008-2009**

Detailed below are costs incurred by the Borough Council following the traditional July bonfires. The previous years expenditure has also been provided for comparison.

<b>July 2008</b>	<b>July 2009</b>	<b>Difference</b>
£6,972.80	*£9,445.30	£2,472.50

\* A final invoice for tyre disposal has yet to be received but is estimated to be £600.00, bringing the total to £10,045.30. There were 14 sites which the Council cleared with substantial increases in expenditure incurred at Lislagan, Finvoy, Dervock, Ballybogey, Clintyfinnan and Dunaghy. There was no bonfire site at Cloughmills this year. Despite this year's increase it remains a reduction from July 2007 where the total expenditure incurred was £12,481.86. The Bonfire Sub-Group will continue its efforts to ensure such events remain safe and minimize damage to the environment through the promotion of the competition and engagement with those involved in the organisation of same.

**352.28 ALIVE AND WELL CONVENTION**

The Community Safety Partnership is working in partnership with Ballymoney Home Accident Prevention to host an 'Alive and Well' convention, as part of Age Awareness Week 2009, for senior citizens within the borough on Thursday 1<sup>st</sup> October 2009 from 12 noon – 3pm.

The event aims to provide an afternoon of entertainment for local senior citizens with information and advice being available on relevant ageing well issues. A complimentary three-course meal will be provided followed by live music by the Glensiders. A total of 120 tickets have been issued for the event.

**352.29 HALLOWEEN SPLASH**

Ballymoney Community Safety Partnership are working in partnership with the Chief Executives Department to hold a quiz night during local democracy week. Those who participated in the Summer Splash and teams from the local secondary schools have been invited to participate. Questions will focus on local democracy, community safety and anti social behaviour issues.

**352.30 MAKIN' SENSE**

The Makin' Sense project will take place w/c 2<sup>nd</sup> November 2009 with sessions being organised for the local primary and secondary schools. A community session will be held free of charge on Wednesday 4<sup>th</sup> November 2009 from 7pm - 9pm in the Town Hall to which you are all invited. Refreshments will be provided.

**352.31 YOU, YOUR CHILD AND ALCOHOL**



The third phase of the regional campaign, including the television advertisements and a booklet designed to encourage and support parents to talk to their children about alcohol, is currently being planned for 19/20th to 31st October.

Leaflets will be distributed to Tesco stores, GP surgeries and a number of Health Trusts. In addition all NIHE offices across Northern Ireland will be given a supply.

We have approached Tesco's to organize some local publicity around the campaign through an in store road show on Thursday 29<sup>th</sup> October and hope that it will compliment and advertise the Makin' Sense project, which is scheduled for the following week.

### **352.32 GROW YOUR OWN**

A site beside the Corner House Pub has been secured for the 'Grow Your Own' project in Cloughmills by Cloughmills Community Action Team. The site, which has been lying derelict for years, is in a highly visible central location that will serve as a visual reminder to the whole community of the value of sustainable planning and the good work being undertaken by the young people involved. The launch of the project will be organised in due course and invitations will be extended to Council. Details of the project were circulated.

Responding to questions from Councillor Robinson relating to extending the initiative within Ballymoney, he advised that a pilot scheme could be explored via Community Relations should a site be identified within Council's remit for the provision of allotments.

## **SUSTAINABILITY**

### **352.33 PROPOSED NILGA CLIMATE CHANGE PROJECT**

NILGA on 3<sup>rd</sup> August 2009 advised "further to our letter of July 2008, entitled 'Local Government Action on Climate Change', we are disappointed to inform you that the NILGA bid for INTERREG funding for the 'Achieving Sustainable Councils' project has been rejected by the INTERREG Steering Committee, at their meeting in February 2009. It had been hoped that the funding would resource councils to sign up to commitments within a climate change declaration and enable climate change action at a local level".

**This being all the business the meeting closed at 9.50 pm.**

Appendices attached  
Appendix 1 – Building Control Applications

**APPENDIX 1****Ballymoney Borough Council  
Building Control Department  
Approvals report for August 2009**

**Ref No:** B/2007/0003/MAST  
**Applicant:** Pollock Developments  
**Agent:** 2020 Chartered Architects Ltd 9a Linenhall Street, Ballymoney  
**Location:** Sites 1-2, 3a-3b, 4-6, 17-18 & 20-24 Station Cottages, Dervock, Ballymoney  
**Description:** 14 dwellings (House Types C, D, E & F)

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**Ref No:** B/2007/0035  
**Applicant:** Mr Peter Gillan  
**Agent:** Diamond Design Studio 2d The Diamond, Ballycastle  
**Location:** 79 Ballyportery Road, Ballyportery North, Dunloy, Ballymena  
**Description:** Dwelling and garage

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**Ref No:** B/2008/0221  
**Applicant:** N I Housing Executive  
**Agent:** Maguire Fairweather Partnership 81 Rosetta Road, Belfast  
**Location:** 41 Greystone Crescent, Dervock, Ballymoney  
**Description:** Extension to dwelling

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**Ref No:** B/2009/0018  
**Applicant:** Ms Margaret McNeill  
**Agent:** Mr Dominic McTague 36 Tullaghans Road, Finvoy, Ballymoney  
**Location:** 1 Glebe Park, Rasharkin, Ballymena  
**Description:** Extensions and alterations to dwelling

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**Ref No:** B/2009/0034  
**Applicant:** Mr Robin Irwin  
**Agent:** Mr Jeff Wilson 1 Sedgemoor Close, Coleraine  
**Location:** 33 Macfin Road, Ballymoney  
**Description:** Alterations to dwelling and replacement boiler

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**Ref No:** B/2009/0038  
**Applicant:** Mr Terence Doherty  
**Agent:** R J Studio 1 Sloans Court, Queen Street, Ballymena

**Location:** 29 Pharis Road, Turnagrove, Ballymoney

**Description:** Dwelling and garage

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**Ref No:** B/2009/0044

**Applicant:** Mr Gavin Connaughty

**Agent:** Maine Designs 51a Killyless Road, Cullybackey, Ballymena

**Location:** 74 Tamlaght Road, Tamlaght, Rasharkin, Ballymena

**Description:** Dwelling

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**Ref No:** B/2009/0047

**Applicant:** Mr Gerard McKeague

**Agent:** Mr Brendan McMullan 93 Iniscarn Road, Desertmartin

**Location:** 27 Tamlaght Road, Gortereghy, Rasharkin, Ballymena

**Description:** Extension and alterations to dwelling and new garage

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**Ref No:** B/2009/0049

**Applicant:** Carradoon Construction Ltd

**Agent:** Mr George Shaw 18 Sandmount Park, Galgorm, Ballymena

**Location:** 47 Station Road, Dunloy, Ballymena

**Description:** Dwelling

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**Ref No:** B/2009/0055

**Applicant:** Ms Eileen Scullion

**Agent:** Mr Dennis R Tosh 40 Nursery Avenue, Coleraine

**Location:** 29 Chestnut Grove, Ballymoney

**Description:** Extension and alterations to dwelling

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**Ref No:** B/2009/0059

**Applicant:** Mr Karl O'Mullan

**Agent:** Select Design Services 15a Main Street, Portglenone

**Location:** 109c Bridge Road, Glenbuck, Dunloy, Ballymena

**Description:** Dwelling

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**Ref No:** B/2009/0060

**Applicant:** Mr Donald Armstrong

**Agent:** Mr Jamie Duddy 95 Moneydig Road, Garvagh

**Location:** 33a Lisheegan Road, Ballymoney

**Description:** Garage

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**Ref No:** B/2009/0074  
**Applicant:** Mrs C Hunter  
**Agent:** Smyth & McMurty Chartered Architects 31a Main Street, Limavady  
**Location:** 16 Landsdale Park, Ballymoney  
**Description:** Extension & alterations to dwelling and new garage

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**Ref No:** B/2009/0092  
**Applicant:** Mr P J Sweeney  
**Agent:** Joseph E McKernan 25 Market Road, Ballymena  
**Location:** 326 Craigs Road, Drumcon, Rasharkin, Ballymena  
**Description:** Dwelling and garage

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**Ref No:** B/2009/0098  
**Applicant:** Fr Francis O'Brien  
**Agent:** Mackel & Doherty Architects 6 Kinnaird Street, Belfast  
**Location:** St Brigid's Primary School, 83 Castle Street, Ballymoney  
**Description:** Alterations to disabled toilet

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**Ref No:** B/2009/0103  
**Applicant:** Mr Terry Hasson  
**Agent:** Vision Design 31 Rainey Street, Magherafelt  
**Location:** 63 Gortahar Road, Granagh, Rasharkin, Ballymena  
**Description:** Dwelling and garage

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**Ref No:** BN/2009/0042  
**Applicant:** Mr Timothy Patton  
**Agent:**  
**Location:** 50 Beechcroft, Ballymoney  
**Description:** Formation of opening between kitchen and dining room

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**Ref No:** BN/2009/0043  
**Applicant:** Mr & Mrs RJ Mooney  
**Agent:** Mr John Fynes 95a Bravallen Road, Ballymoney  
**Location:** 12 Eastburn Avenue, Ballymoney  
**Description:** Sun room extension to dwelling

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**Ref No:** BN/2009/0044  
**Applicant:** Mr Kevin McCurdy  
**Agent:**  
**Location:** 2 Altnahinch Road, Armoy, Ballymoney

**Description:** Roofspace conversion to dwelling

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**Ref No:** BN/2009/0045

**Applicant:** N I Housing Executive

**Agent:** H & A Mechanical Services 28 Fivemile Straight, Draperstown

**Location:** 76 Carnany Drive, Ballymoney

**Description:** Installation of oil-fired central heating.

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**Ref No:** BN/2009/0046

**Applicant:** N I Housing Executive

**Agent:** H & A Mechanical Services 28 Fivemile Straight, Draperstown

**Location:** 1 Beechwood Drive, Balnamore, Ballymoney

**Description:** Installation of oil-fired central heating

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**Ref No:** BN/2009/0047

**Applicant:** N I Housing Executive

**Agent:** H & A Mechanical Services 28 Fivemile Straight, Draperstown

**Location:** 5 Tummock Road, Ballymoney

**Description:** Installation of oil-fired central heating

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B - Full Plans

BN - Building Notices

RC - Regularisation Applications

<b>Totals</b>	
B	16
BN	6
RC	0
<b>Totals</b>	<b>22</b>