

Ballymoney Borough Council

Health & Environmental Services Committee Meeting No 363 – 28th September 2010

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BALLYMONEY BOROUGH COUNCIL

Minutes of Health & Environmental Services Committee Meeting No 363 held in the McKinley Room, Riada House, Ballymoney on Tuesday 28th September 2010 at 7.00 pm.

IN THE CHAIR Councillor E Robinson

PRESENT

Aldermen
F Campbell
C Cousley, MBE, Deputy Mayor
J Simpson

Councillors
J Finlay
R Halliday
A Patterson
I Stevenson

APOLOGIES

A Cavlan
H Connolly
M McCamphill

IN ATTENDANCE Director of Borough Services
Committee Clerk

363.1 MINUTES – MEETING NO 361 – 22nd JUNE 2010

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

that the minutes of meeting No 361 on 22nd June 2010 be confirmed as a correct record.

* Councillor Finlay left the meeting at 7.02pm.

363.2 MINUTES – MEETING NO 362 – 5th JULY 2010

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

that the minutes of meeting No 362 on 5th July 2010 be confirmed as a correct record.

MATTERS FOR CONSIDERATION

ENVIRONMENTAL SERVICES

363.3 RETHINK WASTE CAPITAL FUND: ROUND 2

Information was received on 16th September 2010 that WRAP, on behalf of the DoE NI, on that date launched the Rethink Waste Capital Fund: Round 2. WRAP has advised that there is no closing date for applications but all expenditure must be incurred and paid and all assets delivered to site by 31st March 2011.

Consideration is being given to this further funding opportunity. However, Members need to appreciate that given the criteria set by WRAP that any future proposals face severe time restrictions, given the usual procedures as regards seeking Council authority.

It seems reasonable that given that only capital spend is eligible, were officers able to identify further assets which might be funded by WRAP under this scheme, then Council would allow for the necessary application(s) to be made, provided it is informed by due process immediately thereafter.

* Councillor Finlay rejoined the meeting at 7.05pm.

The Director of Borough Services highlighted the time issue. He also emphasised that proposals would have a useful purpose, no revenue cost to Council and aim to improve recycling.

IT WAS RECOMMENDED that Council approve the Director's proposal as regards how any applications to the Rethink Waste Capital Fund 2010-2011: Round 2 would be addressed.

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

recommended that Council approve the Director's proposal as regards how any applications to the Rethink Waste Capital Fund 2010-2011: Round 2 would be addressed.

Councillor Finlay requested that agenda item 14 'Erection of Street Nameplates in a Language other than English' be brought forward to allow Alderman Cousley to be present for the discussion.

Members were informed by the Director that agenda item 7 'The Safety of Sports Grounds (Northern Ireland) Order 2006 General Safety Certificates' was being withdrawn and that it was hoped it will be discussed at the October Committee meeting.

363.4 ERECTION OF STREET NAMEPLATES IN A LANGUAGE OTHER THAN ENGLISH

As previously advised (minutes HES351.14 and HES352.14 refer) 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 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 5th 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 5th 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.

Members are familiar with the format of the signage which may be erected.

In accordance with the Council's Policy – Naming of Streets and Numbering of Properties (adopted on 5th 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.

Councillor Finlay raised his group's concern regarding this issue, highlighting that under the Council's present policy a small number of valid responses can result in bi-lingual signage being erected. He proposed that the wording at paragraph 8.7 be amended as follows – "Where the occupants of 66% or more of the premises in the street/road reply in favour of 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.”

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

to recommend that the Council's policy be amended to read 'where the occupants of 66% or more of the premises in the street/road reply in favour of the erection of the a sign in a language other than English and that language is either Irish or Ulster Scots, the Council will normally agree the request'.

Councillor Finlay also expressed concern regarding the effect and harm done by the erection of street nameplates in a language other than English has had on the minority community in Rasharkin. He proposed that Council undertake an equality impact assessment to establish how this part of the Council's policy had impacted on the village's minority community and the harm it may have done. The Chair mentioned the concern expressed that the effect of the Council's policy produced a feeling of intimidation or fear amongst the Protestant community.

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

to recommend that Council undertake an equality impact assessment to establish if any harm is felt by the minority community in Rasharkin by the erection a street nameplate in a street in a language other than English.

* Alderman Simpson joined the meeting at 7.16pm.

The Chair recapped on discussions held for Alderman Simpson.

A discussion was initiated by Councillor Finlay on the origin of the name - Rhencullen. The Director of Borough Services advised that when applications were received the services of appropriate experts were used to ensure that a correct translation of the street name was achieved and that in the subsequent survey this would be put to the consultees.

Also in response to Councillor Finlay, the Director advised that as the budget for 2010-2011 was £500 there would be insufficient funds to provide six new street signs mentioned in his report and that this was the reason he was recommending that the requests, if approved, be dealt with in date received priority.

Councillor Finlay expressed the view that Council ought only to erect only those signs for which there is budget this year and that the applications then remaining ought to be brought back to Council for reconsideration.

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

that Council erect only those street signs for which there is budget this year, in date received priority and that the remaining applications be brought back to Council for reconsideration.

Councillor Patterson highlighted the amount of graffiti on signs, other than bi-lingual signage, in Rasharkin.

The Director advised that information on the cost of the erection of street signs would be brought to the next Committee meeting.

363.5 RETHINK WASTE FUND 2010-2011: APPLICATIONS FOR REVENUE FUNDING

The Department of the Environment's Rethink Waste campaign aims to raise awareness of and encourage best practice in waste management. The campaign encourages taking positive steps towards better waste prevention and resource management.

Following on from the Rethink Waste capital funding programme launched in May 2010, the Department released additional funding on 1st September for a revenue programme to promote the efficient use of resources with particular focus on the prevention, the reuse and recycling of waste and reduction in greenhouse gas emissions.

Additional revenue funding of £200,000 is available to the community and voluntary sector, private sector and local councils.

Two applications have been submitted for funding. The applications are as follows:

1. Reduce, Reuse, Recycle – 3 steps towards a more sustainable Ballymoney

A holistic communications campaign aimed at householders and individuals of all ages which will increase awareness of reducing, reusing and recycling waste. We will focus on information and informal education leading to realistic, budget conscious practical actions (project cost: £8,270).

2. Incredible Edible Cloughmills

Council is working in partnership with Cloughmills Community Action Team to engage all residents of the village and surrounding district in a debate over how and where we purchase food and ultimately how we reduce food waste. The aim of the project is to establish a 'food hub' where food producers, processors, retailers and consumers combine to maximize the positive economic and environmental impacts of buying locally grown food (project cost: £5,440).

Closing date for applications was Wednesday 22nd September.

IT WAS RECOMMENDED that Committee/Council endorse (in retrospect) the 2 no. applications made to the DoE NI Rethink Waste Fund 2010-2011 for revenue funding.

Alderman Campbell and the Chair reported on positive remarks made regarding Incredible Edible Cloughmills at a Sustainable Development conference they had attended, where Council was praised for this innovative initiative.

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

recommended that Committee/Council endorse (in retrospect) the 2 no. applications made to the DoE NI Rethink Waste Fund 2010-2011 for revenue funding.

ENVIRONMENTAL PROTECTION

363.6 NOISE COMPLAINT: EXISTING COMMERCIAL BUSINESS

At the end of June 2010 the Directorate received complaints from occupiers of residential premises affected by noise from an adjacent commercial property, shortly after the premises commenced to operate. The commercial property is located in a former factory unit with residential development nearby. A number of visits have been made to the premises with a view to resolving the issue. The operator of the commercial premises has informed the Directorate in writing, dated 8th September 2010 that he proposes to move back to his previous premises by approximately the end of October, however, initial verbal agreement with the operator was that the relocation was to take place at the beginning of September. The complaint was investigated over July and August and officers of the Directorate gathered evidence to substantiate whether or not a noise nuisance was extant.

The noise originates from refrigerated lorries parked outside on the premises site and adjacent to a fence separating the site from the residential development. These lorries are parked approximately 15m from the façade of the complainant's property. The noise complained of is the hum of the refrigeration units of the lorries which operate throughout the night and also noise associated with early morning loading activities at the commercial premises. BS 4142:1997, "Rating of Industrial Noise affecting Mixed Residential and Industrial Areas" rates the likelihood of complaints in terms of how far the intruding noise is above the background noise level. A difference of 10dB or higher indicates that complaints are likely. Electronic monitoring was undertaken over a typical weekend and 47 recordings were made, the majority between 11pm and 5.30am.

Noise level measurements taken by the Directorate were as follows:-

Night time – Noise from refrigeration and loading activities

- | | |
|---|---------|
| (1) Level adjacent to the front entrance of complainants dwelling | 51dB(A) |
| (2) Background level (noise source inaudible) | 25dB(A) |

Determination of rating level in accordance with BS4142 : 1997.

Specific Noise Measurement	LA _{eq}	51 dB
Character Correction		+5 dB
Rating Level		56 dB
Background Level	LA ₉₀	25 dB
Assessment Level	56 – 25 =	+31

Conclusion: Complaints very likely.

Night time – Noise from refrigerated lorries

- | | |
|---|---------|
| (1) Level adjacent to the front entrance of complainants dwelling | 49dB(A) |
| (2) Background level (noise source inaudible) | 25dB(A) |

Determination of rating level in accordance with BS4142 : 1997.

Specific Noise Measurement	LA _{eq}	49dB
Character Correction		+5 dB
Rating Level		54dB
Background Level	LA ₉₀	25 dB
Assessment Level	54 - 25 =	+29

Conclusion: Complaints very likely.

Council is asked to determine whether a statutory noise nuisance exists.

* Alderman Cousley left the meeting at 7.40pm.

Where Council is satisfied that a statutory noise nuisance exists, or is likely to occur or recur, then Council shall serve a notice under Article 38(1) of the Pollution Control and Local Government (NI) Order 1978, requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence. The notice shall specify the time or times within which the requirements of the notice are to be complied with.

IT WAS RECOMMENDED that a notice be served on the operator of the commercial premises under Article 38(1) of the Pollution Control and Local Government (NI) Order 1978 requiring the abatement of the noise nuisance, and that a time period of 28 days (4 weeks) for compliance be given.

In the ensuing discussion, the Director responded to Member questions. It was proposed by Alderman Campbell, seconded by Alderman Simpson and **AGREED**:

to recommend that a notice be served on the operator of the commercial premises under Article 38(1) of the Pollution Control and Local Government (NI) Order 1978 requiring the abatement of the noise nuisance, and that a time period of 28 days (4 weeks) for compliance be given.

HEALTH & SAFETY

363.7 PETROLEUM (REGULATION) ACTS (NORTHERN IRELAND) 1929 AND 1937 PETROLEUM SPIRIT LICENCE (RENEWAL)

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

Premises

Logan Hardware,
36 Drumadoon Road,
Cloughmills,
BALLYMENA.

Applicant

Mr. C. Logan

H Taggart & Sons,
18 Meetinghouse Street,
BALLYMONEY.

Mr. H. Taggart

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

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

to recommend the renewal of licences as detailed above

LICENSING

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

<u>Premises</u>	<u>Applicant</u>
Racks, Unit 9A Ballybrakes Business Park, BALLYMONEY, BT53 6LW.	Nicola and Nigel Craig
McLaughlin's Corner, 60 Bann Road, Rasharkin, BALLYMENA, BT44 8TE.	Mr. Sean McLaughlin
Magherahoney Parochial Hall, 60 Coolkeeran Road, Armoy, BALLYMONEY, BT53 8XN.	Rev. Robert Butler
Rasharkin Community Centre, 135 Duneaney Road, Rasharkin, BALLYMENA, BT44 8SR.	Mr. John Michael

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licences 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 files also apply.

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

to recommend that the Borough Council renew the Indoor Entertainment's Licences 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 files also apply.

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

Premises

Ballyweaney Pres. Church Hall,
128 Ballyveely Road,
Cloughmills,
BALLYMENA, BT44 9BL.

Applicant

Mr. William J. Logan

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 applies.

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

to recommend 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 applies.

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

363.10 ARTICLE 18(1), SCHEDULE 4 – APPLICATION FOR THE RENEWAL OF A BOOKMAKING OFFICE LICENCE

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

<u>Applicant</u>	<u>Address of Premises</u>	<u>Date</u>
Willstand Limited	14 High Street, BALLYMONEY, BT53 6AG.	6/8/10
Willstand Limited	24A Main Street, BALLYMONEY, BT53 6AL.	6/8/10

IT IS RECOMMENDED that the Borough Council note the above applications.

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

to recommend that the Borough Council note the above applications.

DOG CONTROL

363.11 RE-HOMING OF DOGS FROM COUNCIL POUND

July 2010 saw the USPCA premises at Benvardin close. Members will be aware of an agreement between the Directorate and the USPCA to assist the Council in re-homing dogs at a cost of £10 per dog. These were animals that due to time constraints Council were unable to re-home themselves. Fortunately the former USPCA's Manager at Benvardin has now opened kennels at the site under the name "BARK" – Benvardin Animal Rescue Kennels.

BARK is willing to co-operate with Council on the re-homing of dogs. However, due to the economic climate and no euthanasia policy the fee will be £25.00 per dog. The Directorate has also been approached by North Coast Animal Rescue based in Coleraine who are also willing to assist the Council on the same basis.

* Councillor Stevenson joined the meeting at 7.45pm.

IT IS RECOMMENDED by the Directorate that Council avail of these options for the following reasons:-

- to continue to maintain an excellent re-homing record.
- the economic viability of arrangement i.e. cost to Council of euthanasia of a dog ranges upwards of £35.00 for euthanasia and disposal of a dog – dependant on the size of the animal.

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

to recommend that Council avail of the dog re-homing options outlined in the Director's report.

FUEL POVERTY

363.12 WARMER HEALTHIER HOMES: DSD CONSULTATION PAPER ON A NEW FUEL POVERTY STRATEGY FOR NORTHERN IRELAND (JUNE 2010)

DSD on 28th June 2010 issued a Consultation Paper on a new Fuel Poverty Strategy for Northern Ireland and has invited consultees to respond by 24th September 2010.

The previous Strategy – Ending Fuel Poverty (2004), set an ambitious objective that "subject to the availability of the necessary resources, the Department for Social Development and its partners aim to eradicate fuel poverty in vulnerable households by 2010 and in non-vulnerable households by 2016. In addition, by 2010, no household in the social rented sector should suffer from fuel poverty". These targets were set by direct rule Ministers and were in line with those being set for other UK regions. It can be argued that as the "necessary resources" were never committed either under the former or present political regime, that the targets set were simply aspirational. Notwithstanding that the problem is worsening, despite certain successes, it is of concern that DSD may be minded to discard targets and indeed is contemplating redefining "fuel poverty" insofar as Northern Ireland is concerned. The present definition is: "A household is in fuel poverty if, in order to maintain an acceptable level of temperature throughout the home, the occupants would have to

spend more than 10% of their income on all household fuel use.” It would be better, were a change in definition due to further academic study be considered necessary, that even though we now have devolved administrations that nonetheless the same definition of fuel poverty was maintained throughout the UK.

The DSD proposals relating to:-

- a revised fuel poverty index for better targeting;
- removing energy inefficiency as a cause of fuel poverty;
- achieving affordable energy; and
- consolidating partnerships,

have been considered by various partnerships with which Council is associated including the Ballymoney Warmer Homes Group. The response prepared on behalf of Council was circulated.

The Director of Borough Services highlighted the innovative work carried out in Ballymoney i.e. Incredible Edible Cloughmills and Ballymoney Affordable Fuel Scheme. Similar fuel stamp schemes are now available in all 10 Council areas within the Northern Group and other areas such as Belfast.

Discussion was held on targets, fuel poverty, escalating fuel prices and energy efficiency measures.

Given that it was necessary to submit same to DSD by the consultation closing date – 24th September 2010, ***IT WAS RECOMMENDED*** that Council endorse the response made on its behalf concerning Warmer Healthier Homes: A Consultation Paper on a new Fuel Poverty Strategy for Northern Ireland.

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

to recommend that Council endorse the response made on its behalf concerning Warmer Healthier Homes: A Consultation Paper on a new Fuel Poverty Strategy for Northern Ireland.

BUILDING CONTROL

363.13 BUILDING CONTROL APPLICATIONS

IT WAS RECOMMENDED that Council note that during the report period, its Building Control Service approved various applications, which were in accordance with the requirements of the Building Regulations (Northern Ireland) 2000 as follows:-

<u>Application Type</u>	<u>Approvals</u>		
	<u>June</u>	<u>July</u>	<u>August</u>
Full Plans	30	20	24
Building Notices	3	2	2
Regularisations	1	0	1
TOTAL:-	34	22	27

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

to recommend that Council note that during the report period, its Building Control Service approved various applications, which were in accordance with the requirements of the Building Regulations (Northern Ireland) 2000 as detailed.

In response to the Chair, the Director asked Members to bear in mind that in particular plans being dealt with could relate to a single property or to a housing development comprising many homes.

* Councillor Halliday left the meeting at 8.04pm.

MATTERS FOR INFORMATION

ENVIRONMENTAL SERVICES

363.14 MUNICIPAL WASTE RETURNS

<u>Waste Type</u>	<u>Jun 2009</u>	<u>Jun 2010</u>	<u>Apr – Jun 09</u>	<u>Apr – Jun 10</u>
Mixed Residual Waste (waste direct to landfill)	782.42t	799.60t +2.20%	2,287.41t	2,410.10t +5.36%
Mixed Dry Recyclables (blue bin recycling)	129.68t	135.80t +4.72%	397.44t	400.24t +0.70%
Garden Waste (brown bin recycling)	188.42t	221.48t +17.55%	475.66t	516.32t +8.55%
Waste Recovery (segregated CA site waste)	90.48t	84.96t -6.10%	294.90t	278.10t -5.70%
Cardboard Recycling	6.32t	6.27t -0.79%	22.74t	24.23t +6.55%

<u>Waste Type</u>	<u>Jul 2009</u>	<u>Jul 2010</u>	<u>Apr – Jul 09</u>	<u>Apr – Jul 10</u>
Mixed Residual Waste (waste direct to landfill)	850.92t	763.76t -10.24%	3,138.33t	3,173.86t +1.13%
Mixed Dry Recyclables (blue bin recycling)	139.58t	133.52t -4.34%	537.02t	533.76t -0.61%
Garden Waste (brown bin recycling)	186.90t	181.02t -3.15%	662.56t	697.34t +5.25%
Waste Recovery (segregated CA site waste)	109.04t	90.36t -17.13%	403.94t	368.46t -8.78%
Cardboard Recycling	9.10t	5.22t -42.64%	31.84t	29.45t -7.51%

<u>Waste Type</u>	<u>Aug 2009</u>	<u>Aug 2010</u>	<u>Apr – Aug 09</u>	<u>Apr – Aug 10</u>
Mixed Residual Waste (waste direct to landfill)	678.94t	745.04t +9.74%	3,817.27t	3,918.90t +2.66%
Mixed Dry Recyclables (blue bin recycling)	132.90t	139.05t +4.63%	669.92t	672.81t +0.43%
Garden Waste (brown bin recycling)	166.58t	213.78t +28.33%	829.14t	911.12t +9.89%
Waste Recovery (segregated CA site waste)	66.96t	103.36t +54.36%	470.90t	471.82t +0.2%
Cardboard Recycling	5.54t	4.45t -19.68%	37.38t	33.90t -9.31%

The Chair expressed concern regarding the nearly 3% increase in waste being sent by Council to landfill. The Director responded to Member questions during the discussion which ensued. He then emphasized that Committee/Council needed to give serious consideration to the Council's NILAS targets given that with the postponement of RPA it would now be Ballymoney Borough Council which would have the responsibility of complying with the very onerous 2012-2013 target where there was another stepped change in the amount of waste Council could send directly to landfill. He advised that in order to avoid fines Council had only the next financial year to develop the necessary interventions. He advised that it was his intent to again report on this important matter at the Committee's October meeting.

- * Councillor Stevenson and Alderman Simpson left the meeting at 8.18pm and 8.20pm respectively during item 363.14.

363.15 ECO SCHOOLS

St Patrick's Primary School, Rasharkin, has become the latest Borough school to obtain the coveted 'Green Flag' award as part of Eco Schools. This award is the culmination of two years of consistent effort by staff, pupils and the whole school community.

This academic year, Garryduff Primary School has signalled its intent to participate and the school will be supported by the Recycling and Education Officer in its efforts.

363.16 'MANAGING YOUR WASTE MADE EASY' LEAFLET

A new Council leaflet, 'Managing Your Waste Made Easy', will be delivered to every Borough household the week commencing Monday 20th September. This 8 page comprehensive guide contains information on:

- reducing and Reusing Waste;
- Civic Amenity Sites – materials accepted and opening times;

- maximising the potential of blue bins – including the expanded range of acceptable materials;
- Community Recycling Centres in villages and supermarkets;
- managing garden and food waste;
- details of three projects Council has supported – Can Can Recycling, Ballymoney Nursery School's Green Flag Award and Incredible Edible Cloughmills.

363.17 RETHINK WASTE FUND 2010-2011 (ROUND ONE)

Proposals were brought to Committee at its June meeting (Minute HES361.14 refers) in light of a capital funding opportunity launched by the DoE on 28th May 2010 seeking schemes by 28th June 2010. Committee/Council agreed that grant applications be made in respect of –

1. Re-branding of Civic Amenity Sites to Household Waste Recycling Centres;
2. Purchase of concrete wall units for bulking up of materials suitable for recycling/reuse;
3. Purchase of 1 no. static compactor;
4. Purchase of 2 no. refuse collection vehicles for collection of recyclable materials; and
5. Pilot scheme for the collection of food waste using caddies.

Notification has been received from the Fund administrator WRAP that Council has been successful as follows –

1. Bulking Up Facility for Timber at Crosstagherty Waste Handling & Transfer Facility – grant obtained £8,500;
2. Re-Branding CA Sites as Household Recycling Centres – grant obtained £5,875. (It should be noted that £5,325 had also been sought for local promotion of the re-branding via the provision of new 'Agripa' panels for RCVs but this was deemed to be revenue spend).

The funding was subject to contracts being agreed and signed with WRAP, with the expenditure having to be incurred etc. by 31st March 2011.

363.18 LANDFILL ALLOWANCE SCHEME (NI) REGULATIONS 2004 SCHEME YEAR 2009/10: DRAFT RECONCILIATION

The Monitoring Authority (NIEA) has advised (letter dated 25th June 2010) that having regard to the data submitted quarterly by Council through WasteDataFlow, the total amount of BMW (biodegradable municipal waste) sent to landfill by Ballymoney Borough Council, for the scheme year 2009/10, was 5,827 tonnes equating to 73.21% utilization of the allocated allowances available for the scheme year.

363.19 PROCESSING OF GREEN WASTE COLLECTED VIA BROWN BINS AND CIVIC AMENITY SITES

Further to an audit by Northern Ireland Environment Agency (NIEA) in February 2010, and the Council's decision on 5th July 2010, quotations were sought from licensed operators for the processing of the Council's green waste collected via its brown bins and civic amenity sites. Due to the urgency of the matter quotations were invited from all licensed green waste processors. Council is asked to note and endorse the fact that in order to address the backlog of this type of waste and the fact that space was coming to an end at its Crosstagherty facility it was necessary in order to expedite matters as described to set aside the Council's procurement policy. Members are also advised that presently work has been initiated by the NWRWMG Officer Task Team to prepare necessary tender documentation in order to jointly procure green waste processing capability in 2011-2012.

Greenacres Composting Enterprises, Crumlin, on the basis of the most cost effective compliant tender was selected to process green waste on behalf of Council. This facility is licensed by NIEA and green waste is processed to be used as a fertiliser substitute on agricultural land and for horticultural purposes.

Processing of green waste, including that material bulked up at Crosstagherty Waste Handling & Transfer Facility from December 2009, commenced at Greenacres Composting Enterprises on 14th July 2010. From 14th July to 31st August a total of 1,525 tonnes of Council green waste has been processed.

ENVIRONMENTAL PROTECTION

363.20 THE POLLUTION CONTROL AND LOCAL GOVERNMENT (NI) ORDER 1978 ARTICLE 66 – RUINOUS AND DILAPIDATED BUILDINGS AND NEGLECTED SITES

Further to Committee Report item 357.6, Members recalled that a decision was made to serve an Article 66 notice on the owner of the property by reason of its ruinous and dilapidated condition, it being seriously detrimental to the amenities of the neighbourhood. The owner has failed to comply with the terms of the notice. Legal proceedings are being instigated for this non-compliance and works in default to secure the building and clear the site have been completed by Council's contractor in default as per Committee minute 359.5. The total cost of the works amounted to £1,641.03. Action to recoup these costs is being undertaken.

363.21 DRINKING WATER QUALITY REPORT FOR NORTHERN IRELAND 2009: BALLYMONEY BOROUGH COUNCIL

Members were asked to note that the above report furnished by NI Water by email on 8th July 2009 can be made available on request by the Directorate.

FOOD CONTROL

NEW LEGISLATION

363.22 THE RICE PRODUCTS FROM THE UNITED STATES OF AMERICA (RESTRICTION ON FIRST PLACING ON THE MARKET) (REVOCATION) REGULATIONS (NORTHERN IRELAND) 2010

The above Regulations, which came into operation on 16th June 2010, revoke the 2008 Regulations as the situation regarding the presence of LLRICE601 in the USA rice harvest has now improved and together with the absence of positive results from random sampling and analysis carried out by Member States allows for the revocation of the EU emergency measures and the domestic implementing SR.

363.23 THE NUTRITION AND HEALTH CLAIMS (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2010

The above Regulations, which come into operation on 1st October 2010, amend national Regulations to provide for the execution and enforcement in Northern Ireland, of the revised Annex to Regulation 1924/2006 (to which a further five claims have been added) and for any future amendments to the Annex.

363.24 THE ADDITION OF VITAMINS, MINERALS AND OTHER SUBSTANCES (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2010

The above Regulations, which come into operation on 1st October 2010 amend the 2007 Regulations and as further amendment to EU measures is likely a direct 'ambulatory' reference is now made to the Annexes to Regulation 1925/2006 so that future technical amendments to the Annexes may be enforced without the need for further NI Regulations.

363.25 CEHOG BUTCHERS HACCP AUDIT 2010

The Directorate was subject to the above audit to verify the effectiveness of the implementation of Food Safety Management Systems (FSMS's) in butcher's shops. The areas examined included organisation and management, authorisation of officers, food and food premises complaints, food inspection and sampling, enforcement, records and inspection reports, internal monitoring and third party peer review. The audit was completed by principal food officers from the Northern and Eastern Group Environmental Health Committees.

Whilst the audit revealed no major non-compliances it was recommended that the following findings be addressed:-

1. Review of training needs should be introduced annually and training plans produced.
2. For authorisation purposes, the specific list of legislation enacted under the European Communities Act requires to be updated to reflect current legislation. See Note 1.
3. Records of internal monitoring of inspections should be established See Note 1.

4. Fully authorised officers, should be able to issue emergency prohibition notices under the overall guidance of the Deputy Director of Borough Services, without first reporting to Council.
5. It is recommended that reality/verification checks should be carried out as part of the internal monitoring (See Note 2).
6. When the next review of the Council's enforcement policy is undertaken reference should be made to the LBRO guidance.

Note 1: Northern Ireland Food Liaison Group (NIFLG) is presently reviewing all competencies both for authorisation purposes and on-going assessment for fully authorised officers. It is hoped this document will be released in autumn 2010 and will address the above points 2, and 3.

Note 2: NIFLG have been reviewing good practice monitoring exercises in the pursuance of consistency in risk scoring. This is seen as a critical issue in evolution of the impending Food Hygiene Rating Scheme, with particular reference to the confidence sought by FBOs for a fair and equitable scheme. It is likely that part of the verification process will entail reality checks, which take the form of a further inspection by a monitoring officer, shortly after the original programmed intervention.

An internal action plan has been prepared and will be forwarded to the auditors by 8th October 2010 to ensure that the above matters will be addressed by 31st January 2011.

The Director of Borough Services added the results of the audit were very pleasing.

363.26 FOOD HYGIENE RATING SCHEME

The Food Standards Agency invited applications for financial assistance in preparation of participation in the National Food Hygiene Rating Scheme (scores on the doors). The application included the identification of a number of planned activities (database cleansing, scope checks and development of a communication strategy) together with a project management plan and costings. A decision as to whether the application has been successful is awaited.

ENVIRONMENTAL HEALTH

363.27 PUBLIC HEALTH NUISANCE INVESTIGATION DOMESTIC HOUSE FLY

The Directorate for the second consecutive year during June to August received a large volume of fly nuisance complaints present at complainant properties in the townland of Glenlough.

An investigation was conducted which included a number of site visits by officers in an attempt to identify a source. To further aid the investigation the Directorate engaged the expertise of an Entomologist from the Agri-Food and Bioscience Institute alongside a Poultry Advisor from DARD who assisted with the identification of the fly species and potential breeding sources.

A number of sites/premises were investigated and samples taken, however this provided insufficient evidence to prove beyond reasonable doubt to the exact location of any source that may have caused the problem.

As a precautionary measure the Directorate advised a number of local farmers to follow DARD guidance when spreading poultry manure on farmland to alleviate the problem in the local area. In addition all complainants were informed of the findings of the investigation. No further complaints have been received by the Directorate. It was noted that a large poultry premises which holds a permit under The Pollution Prevention and Control Regulations (NI) 2003 issued by NIEA is to carry out improvement works to its method of storing manure within 18 months which it is believed will assist in curtailing future problems that may arise.

363.28 PRESBYTERY LANE, DUNLOY.

Further to Council Minute 924.9.5, I am pleased to advise that the necessary works were completed by the owner without the need to issue notice under the Public Health (Ireland) Act 1878 as amended, the nuisance now being abated.

363.29 DIRECTORATE PERFORMANCE INDICATORS RE. ITS FOOD CONTROL AND HEALTH & SAFETY ENFORCEMENT SERVICES

Northern Group Systems (Environmental Health) has advised concerning its independent audit of the quality and performance of the Directorates Food Control and Health & Safety enforcement services for the year 2009-2010. The data is presented below for the past 3 years:-

Food Control

<u>Year</u>	<u>Management</u>	<u>Performance</u>	<u>Review</u>
2007-2008	A	A	A
2008-2009	A	A	A
2009-2010	B	A	A

Health & Safety

<u>Year</u>	<u>Management</u>	<u>Performance</u>	<u>Review</u>
2007-2008	A	A	C
2008-2009	A	A	B
2009-2010	A	A	B

These figures will be reported to the Department of the Environment (NI).

HOME SAFETY

363.30 YOUNG FARMERS CLUBS CONFERENCE 21ST AUGUST 2010

Officers from the Directorate were invited to provide a workshop at the above conference which was held at Woodhall, Kilrea. The subject for the workshop was Home Accident Prevention in and around the farm which fitted well with HAP theme for 2010.

The workshop was delivered using our recently acquired Quizdom Set taking the form of a quiz with questions on home safety, carbon monoxide poisoning and general knowledge. This format was well received with a young farmer from the local Finvoy Club being the overall winner.

363.31 ELECTRIC BLANKET TESTING

In partnership with HAP Ballymoney a free electric blanket testing will be held on Thursday 21st October 2010 in the Town Hall, Ballymoney.

Previously this has produced a 70% failing rate and we hope in partnership with local retailers to give vouchers to help purchase replacement blankets for those that fail.

This is a joint venture with HAP Coleraine testing on Friday 22nd October and HAP Moyle on Wednesday 20th October.

LICENSING

363.32 LICENSING (NORTHERN IRELAND) ORDER 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Daniel Stevenson and Bobbie Gray	Occasional Licence 13-15/8/10 – Stranocum Hall (Stranocum & District Community Association)	25/6/10
Mandy Graham	Protection Order – Main Street, Dervock.	23/7/10
James P. McMullan The Glen Bar	Occasional Licence 7-8/8/10 – Wedding Reception	26/7/10
Anthony O'Hanlon	Occasional Licence 11/9/10 – Cloughmills Community Centre.	27/8/10
James Stevenson	Occasional Licence 15/10/10 – Joey Dunlop Leisure Centre – Ballymoney Sports Awards	3/9/10

HOUSING

363.33 PRIVATE TENANCIES (NI) ORDER 2006: ENFORCEMENT ACTION

From returns made by district councils the Department for Social Development has (in August 2010) published data relating to enforcement and compliance action taken by Councils under the PTO in 2009-2010. Relevant data for the Borough for the past three years is set out below –

<u>Certificate of Fitness</u>		
<u>2007-2008</u>	<u>2008-2009</u>	<u>2009-2010</u>
15	42	25

PLANNING CONSULTATIONS

363.34 PLANNING CONSULTATION RESPONSES

The following response has been returned to Planning Service and is provided to Members for information. This information has been shared with the Head of Corporate and Development Services and the Head of Building Control.

Application	Address	Proposal	Comments
D/2006/0066/F	Meetinghouse Street, Ballymoney.	Redevelopment of former Tesco Site	Request condition requiring a written remediation strategy with respect to contaminated land.
D/2008/0336/F	68-70 Main Street, Ballymoney.	Proposed ground floor retail unit and 4 apartments with associated parking (amended plans).	Request specification for acoustic glazing and ventilation to proposed apartments.
D/2010/0013/O	Between 135 & 137 Vow Road, Ballymoney.	Erection of 2 semi-detached dwellings adjacent to public house / restaurant.	Further noise impact assessment information requested.
D/2010/0141/F	112m SE of 102 Coolkeeran Road.	Erection of 1 No. 11kW wind turbine.	Condition attached that only 1 GAIA 11kW turbine as specified in the application is installed.

Application	Address	Proposal	Comments
D/2010/0177/F	150 Bann Road, Ballymoney.	Erection of 1 No. wind turbine hub height 49m.	Condition attached that only 1 ASCA A29/225kW turbine as specified in the application is installed.
D/2010/0208/F	21 Charles Street, Ballymoney.	Proposed development of site of provide 2 no. dwellings, 5 no. apartments, parking area and associated site works.	Request condition to ensure the proper management of the proposed communal waste storage facility.
D/2010/0214/F	148 Finvoy Road, Ballymoney.	Proposed new outbuilding for storage of hobby farm equipment.	Condition attached that outbuilding is not to be used to agricultural purposes or housing of livestock due to close proximity of nearby dwellings to protect against noise & odour issues.
D/2010/0215/F	Part of former Tyco factory, 20 Garryduff Road, Ballymoney.	Change of use from facility to mixed use commercial/retail/light industry/storage units.	Request noise impact assessment as outlined in BS4142 in light of current complaints.
D/2010/0217/O	180m N of 83 Tamlaght Road, Rasharkin.	Farm dwelling and garage.	Informative the proposed dwelling will be affected by noise from turbine application D/2010/0187/F it being above the 35dB _{LAQO} at 10ms standard.
D/2010/0218/F	Drumbare Road, Cloughmills.	Erection of 1 No. wind turbine hub height 36m.	Detailed noise impact assessment requested.

Application	Address	Proposal	Comments
D/2010/0244/F	150m NW of 294 Gortgole Road, Rasharkin.	Erection of 1 No. 250kW wind turbine hub height 40m.	Further information required from applicant regarding noise.

COMMUNITY SAFETY

363.35 SUMMER SPLASH

8 community groups participated in Summer Splash 2010 with a total of 107 young people attending the awareness raising workshops from across the borough. Workshops were delivered on mental health, alcohol & drugs, and racism. Following completion of the workshop the youths were rewarded with the opportunity to participate in a range of outdoor pursuits and activities facilitated by Ardclinis Outdoor Adventure Ltd.

363.36 INCREDIBLE EDIBLE CLOUGHMILLS SUSTAINABLE IRELAND AWARD WINNER

Incredible Edible Cloughmills, a project supported by Ballymoney Community Safety Partnership, was the winner of 'The Sustainable Ireland Awards 2010 – Most Inspiring Project by Young People' at an awards ceremony on Wednesday 15th September 2010.

Sustainable Ireland is a magazine circulated widely to professionals, businesses, public sector and others working towards a more sustainable Northern Ireland. For the last 6 years, the publishers have organised the Sustainable Ireland 'Energy, Environmental & Waste Management' awards, an annual awards scheme with 11 categories.

This year, Council partnered with Cloughmills Community Action Team to enter the 'Incredible Edible Cloughmills' project in the 'Most Inspiring Environmental Project by Young People' category.

At the recent awards ceremony the project won the award, receiving a cut glass trophy and a feature in the next edition of the Sustainable Ireland magazine and is a perfect example of partnership working.

The project has also enjoyed a lot of publicity over the summer months with features in the Irish News and Newsletter, along with a 4 minute slot on Good Morning Ulster (BBC Radio) and a 4 ½ minute slot on The 7.30 Show, UTV.

The Director of Borough Services gave a brief background into the project.

363.37 ROAD SAFETY PROJECT

An application was submitted to Unltd to undertake a road safety project in February 2011. The project will focus around the theme 'don't hurt the one you love' and will be a multi agency partnership with the CSP taking the lead. The outcome of the application should be known by the end of September 2010. Partner organizations include the DPP, PSNI, Northern Trust, CRUN, Youth Council, Cheers Youth Centre and Ballymoney Road Safety Committee.

363.38 ALIVE & WELL

The Alive and Well 2010 convention has been scheduled for Thursday 28th October 2010 from 12noon - 3pm. Participants from across the Borough will have the opportunity to enjoy a 3-course buffet and visit a range of stands providing information on ageing well issues.

363.39 BONFIRE INCENTIVE SCHEME JULY 2010

A bonfire incentive scheme was introduced this year in an attempt to encourage further improvements in bonfire management in terms of public safety and environmental damage. Of the fifteen traditional bonfire sites within the Borough in July, five sites signed up to the scheme. Those that signed up agreed to building 'their' fire inside a cage structure and prohibit certain materials from being included on the fire. Despite a number of cage sections not being recovered following the burns, the scheme has reduced the overall tonnage of material to be disposed of following these events as seen in the table below:-

TOTAL TONNAGE FOR DISPOSAL			
July 2007	July 2008	July 2009	July 2010
111.50 T	52.4 T	59.9 T	47.06 T*

* Excludes Tonnage for Lislagan Site

Members noted that the July 2010 figure excludes material from the Lislagan site. DRD Roads Service has agreed to reimburse Council regarding all costs incurred at the Finvoy site but has yet to confirm that this will include that from Lislagan. Over the last 3 years both these sites have accounted for approximately 50% of overall clean-up costs. Of those sites on Council owned land, two have seen a marked increase in material left after the burn. Neither participated in this year's scheme. These sites will be targeted for inclusion in next year's scheme.

The budget provided by Council for clean up this year has been expended. A moratorium on further spend has been put on all works until agreement is reached with DRD Roads Service for the recoument of costs.

It is worthy of note that of those that did participate, these sites are being referred to as models of best practice with many enquiries being received from neighbouring authorities, and other Government Departments. The Bonfire Sub-Group has considered the incentive scheme and made minor amendments in the light of experience gained in July to include alternatives to bonfires in advance of those traditionally held at the end of October.

The Director during the ensuing discussion advised that presently Roads Service had indicated that they would not pay for the clearance of Lislagan. Members noted that no further clearance work would be done meantime and that the extent of the work and its likely cost would be reassessed following Halloween.

FUEL POVERTY

363.40 FUEL POVERTY CO-ORDINATOR POST

Further to Minute 361.26, Members recalled that The Public Health Agency (PHA) advised that the funding was not to be increased from that received in 09-10. The PHA has written again confirming that it has reconsidered this matter and has offered a 2.0% increase for the current financial year to the value of £41,218.00. It has, however, reiterated that there is no guarantee of funding beyond 31st March 2011.

363.41 GRANTS FOR INSULATION AND HEATING

Up-to-date information on grants for insulation and heating is available on the Council website: http://www.ballymoney.gov.uk/energy_efficiency.aspx. A summary is as follows:

Warm Homes

For owner occupiers or private tenants in receipt of a qualifying benefit. This may provide cavity wall insulation, loft insulation, hot water tank jacket, benefit entitlement check, energy efficiency advice.

Warm Homes Plus

Conversion of an existing bottled gas (LPG), solid fuel or Economy 7 heating system to oil or natural gas (where available) may be offered to those in receipt of a qualifying benefit.

Warmer Ways To Better Health (NIE- NISEP)

For owner occupiers or private tenants not in receipt of benefits, based on income. The measures available are the same as for the Warm Homes Scheme

Energy Efficiency Homes (Land & Property Services)

For owner occupiers not eligible for Warm Homes or Warmer Ways to Better Health. The scheme offers a rate reduction (credited to the year's rates) of up to £150 for loft insulation and up to £150 for cavity wall insulation, depending on the amount spent. Contact Energy Saving Trust 0800 512 012 for details of installers and relevant paperwork.

NB – Members will recall that Council has waived the cost of the Building Control fees for scheme participants.

EMERGENCY PLANNING

363.42 EXERCISE WHEATSHEAF

Exercise Wheatsheaf, a multi agency Emergency Planning live exercise was held on the 7th September 2010 at the Joey Dunlop Leisure Centre. The exercise which involved the Council, PSNI, Northern Health and Social Care Trust, Northern Ireland Ambulance Service and the Red Cross was used to test and validate the Councils Emergency Support Centre Protocol. Year 12 pupils from Ballymoney High School, together with students from the Northern Regional College and University of Ulster Jordanstown were used to portray the distress and anxiety of persons caught up in an emergency causing them to be evacuated to a place of safety. A number of scenarios were played out during the exercise including the recording of personal information, treatment of casualties, media enquiries and reuniting friends and family. The exercise was observed by a number of other local councils and Translink. A structured debriefing follow-up to the exercise is scheduled to take place on 27th September so that lessons learned and improvements identified can be included in revised protocols.

363.43 HUMANITARIAN ASSISTANCE CENTRES

Further to Committee Minute 359.17 all costs incurred by Council in relation to the operation of the Humanitarian Assistance Centres between 1st – 4th April 2010 have now been recovered in full from NIE plc. The issue regarding the commitment and recoupment of expenditure by Councils facing such 'local' emergencies is currently being pursued by LGEMG (Local Government Emergency Management Group) with DoE Local Government Division.

EU SERVICES DIRECTIVE

363.44 LOCAL GOVERNMENT (PROVISION OF SERVICES) REGULATIONS (NORTHERN IRELAND) 2010

Local Government Division of DoE NI advised in August 2010 that it had made the above Regulations (which came into operation on 13th September) to amend Schedule 2 of the 1985 Local Government Miscellaneous Provisions Regulations to ensure compliance with the EU Services Directive (2006/123/EC).

BUILDING CONTROL

363.45 CONSULTATION ON PROPOSALS FOR THE BUILDING REGULATIONS (NORTHERN IRELAND) 2011: PHASE ONE

The Properties Division of DFP on 9th July 2010 has advised of the Department's intent to replace the Building Regulations (NI) 2000 with a new set of Regulations, together with proposals for changing the format and purpose of the accompanying Technical Booklets.

In March 2009 the Building Regulations (Amendment) Act 2009 came into operation and allowed for the move from deemed-to-satisfy Regulations to the more flexible

guidance-based system. This necessitates extant technical booklets being replaced with guidance-based documents.

The present consultation (Phase One), which closes on 29th October 2010, relates to –

- Technical uplifts and new guidance-based Technical Booklets for Part C (Preparation of site and resistance to moisture) and Part G (Sound insulation of dwellings), and
- The introduction of new guidance-based Technical Booklets for Parts E (fire safety), H (stairs, ramps, guarding and protection from impact), N (Drainage) and V (Glazing) with no or little regulatory change.

DFP has also intimated that further consultation will take place later in 2010, with Phase Two dealing with further guidance – based Technical Booklets, etc. and Phase Three being a review of the Prescribed Fees Regulations.

363.46 COMMERCIAL PROPERTY INSPECTIONS

During the report period building control staff have undertaken inspections of commercial property identified by Land & Property Services as locations where up to date information is required in order that subsequently relevant rates bills might issue.

The meeting closed at 8.52 pm.