Ballymoney Borough Council

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BALLYMONEY BOROUGH COUNCIL

Minutes of Health & Environmental Services Committee Meeting No 364 held in the McKinley Room, Riada House, Ballymoney on Tuesday 26th October 2010 at 7.00 pm.

IN THE CHAIR Councillor A Patterson, Vice-Chair

PRESENT Aldermen

F Campbell H Connolly

C Cousley, MBE, Deputy Mayor

J Simpson

Councillors
A Cavlan
R Halliday
M McCamphill
C McLaughlin
I Stevenson

APOLOGIES J Finlay

B Kennedy, Mayor E Robinson, Chair

Director of Borough Services

IN ATTENDANCE Deputy Director of Borough Services

Committee Clerk

364.1 MINUTES - MEETING NO 363 - 28th SEPTEMBER 2010

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

that the minutes of meeting No 363 on 28th September 2010 be confirmed as a correct record.

MATTERS FOR CONSIDERATION

ENVIRONMENTAL SERVICES

Councillor McLaughlin joined the meeting at 7.02pm.

364.2 NWRWMG PROPOSED PROCUREMENTS

Work is currently on-going preparing tenders, as detailed below, regarding proposed joint waste services procurements with the other constituent councils of the North West Region Waste Management Group –

1. Provision for the receipt, transfer, processing and selling to end markets of kerbside collected co-mingled dry recyclables (Duration: 3 + 2) EC Restricted Procedure:

- 2. Provision of materials processing services for recycling for source segregated materials from household waste & recycling centres (HWRC), recycling points and transfer stations (Duration: 3 + 2) EC Restricted Procedure;
- 3. Provision for the treatment of NWRWMG collected co-mingled waste from HWRG (Duration: 1 year) EC Open Procedure;
- 4. Supply of wheeled containers, home compost units and kitchen caddies (Annual) EC Open Procedure;
- 5. Collection and recycling of tyres (Duration: 3 + 1 + 1) EC Open Procedure;
- 6. Collection, treatment and disposal of oils, paints, etc. (Duration: 3 + 1 + 1) EC Open Procedure; and
- 7. Waste related consultancy services (Duration 3 + 1 + 1) EC Open Procedure.

IT IS RECOMMENDED that Council note and endorse the joint procurements in respect of waste services being undertaken presently by the NWRWMG on its behalf.

In response to Councillor Mc Camphill, the Deputy Director of Borough Services explained the tender at point 5 above related only to tyres that came into the possession of the Council in the normal course of its operations.

* Alderman Simpson and Councillor Stevenson joined the meeting at 7.05pm and 7.06pm respectively during questions.

In response to a question from Councillor Cavlan in relation to tyres stored on private land that may be disposed of by way of a bonfire, the Deputy Director of Borough Services advised that all information gathered to date had been passed to the Northern Ireland Environment Agency (NIEA) as the enforcing authority.

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

to recommend that Council note and endorse the joint procurements in respect of waste services being undertaken presently by the NWRWMG on its behalf.

ENVIRONMENTAL PROTECTION

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

Article 66 of the Pollution and Control and Local Government (Northern Ireland) Order 1978 states –

- "(1) If it appears to a district council that a building or structure is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood, the district council may by notice require the owner thereof –
 - (a) to execute such works of repair or restoration, or

(b) if he so elects, to take such steps for demolishing the building or structure, or any part thereof, and removing any rubbish or other material resulting from or exposed by the demolition.

as may be necessary in the interests of amenity."

A complaint has been received in relation to the premises known as xxxx.

The present state of the building at xxxx, has been photographed and this evidence was circulated. It has been concluded that the buildings are by reason of their ruinous and dilapidated condition seriously detrimental to the amenities of the neighbourhood. Were Council also to be satisfied that this is the case, then it ought to address the matter by serving notice on the owner in accordance with the provisions of Article 66.

IT IS RECOMMENDED that Council satisfy itself that the buildings at xxxx, are by reason of their ruinous or dilapidated condition seriously detrimental to amenities of the neighbourhood; and were Council to be satisfied that this is indeed the case, IT IS FURTHER RECOMMENDED that Council seek to remedy the breach of Article 66 by serving a notice on the owner of the property.

In response to questions from members, the Deputy Director of Borough Services clarified the situation of this property and confirmed that the landowner had been contacted via telephone and letter.

In response to Alderman Simpson, the Deputy Director of Borough Services advised the complaint was in relation to anti-social behaviour around the property and that there had also been a recent fire.

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

to recommend that Council satisfy itself that the buildings at xxxx, are by reason of their ruinous or dilapidated condition seriously detrimental to amenities of the neighbourhood; and were Council to be satisfied that this is indeed the case and further recommend that Council seek to remedy the breach of Article 66 by serving a notice on the owner of the property.

ENVIRONMENTAL HEALTH GENERAL

364.4 PRIVATE RENTED SECTOR AWARENESS RAISING SEMINAR

A Private Rented Sector Awareness Raising Seminar is to be held in the Linen Suite in Newtownabbey Borough Council Offices, Mossley Mill, Newtownabbey, on Friday 19 November 2010. The agenda for the seminar is –

- A presentation on the new Private Rented Sector Strategy with information on the local private rented market.
- A presentation of current issues of difficulty
 identifying new tenancies, improving awareness, use of websites, extending focus from unfitness, building relationships and enforcement action.
- Working together role of DSD, what council needs are, how we can help.

This seminar is aimed at a range of council staff who deal with the Voluntary and Community sector as well as elected representatives. This reflects the thrust of Building Sound Foundations: A Strategy for the Private Rented Sector which has implications for many aspects of the work of councils.

IT IS RECOMMENDED that Committee nominate 3 elected members to attend this seminar in addition to the DBS and/or his nominee.

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

to recommend that Councillor Robinson attends this seminar in addition to the DBS and/or his nominee.

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

to recommend that Alderman Connolly attends this seminar in addition to the DBS and/or his nominee.

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

to recommend that Councillor Cavlan attends this seminar in addition to the DBS and/or his nominee.

364.5 PUBLIC HEALTH (IRELAND) ACT 1878 AS AMENDED

Further to a complaint received on 11th October and subsequent inspections by officers from Borough Services, the following defects considered to be prejudicial to health were observed.

Internal

 High levels of rising and penetrating dampness to walls within each room of the property

External

- Defective roof tiles
- Defective auttering
- Defective rainwater pipes

Concerns were also noted with regard to the electrical wiring within the property.

IT IS RECOMMENDED that an abatement notice be served on the landlord of the premises under Section 110 of the Public Health (Ireland) Act 1878 as amended with a time period of compliance of 90 days in order to remedy the condition thereat as described above.

In response to questions from members, the Deputy Director of Borough Services confirmed that the landowner had been contacted and that the property was currently rented. He also clarified the location of the property.

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

to recommend that an abatement notice be served on the landlord of the premises under Section 110 of the Public Health (Ireland) Act 1878 as amended with a time period of compliance of 90 days in order to remedy the condition thereat as described above.

LICENSING

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

<u>Premises</u>	<u>Applicant</u>
The Anglers' Rest. 139 Vow Road, BALLYMONEY BT53 7NU.	Ms. Lorna Savoury, Athenas Ltd.
Town Hall, 1 Townhead Street, BALLYMONEY BT53 6BW.	Mr. John Michael Ballymoney Borough Council.
Joey Dunlop Leisure Centre, Minor & Main Sports Halls, 33 Garryduff Road, BALLYMONEY BT53 7DB.	Mr. Paul Lyness, Ballymoney Borough Council.
The Social Centre, 12 Edward Street, BALLYMONEY BT53 6JE.	Mr. John Michael, Ballymoney Borough Council.
The Glen Bar, 24 Glenbush Road, Armoy, BALLYMONEY BT53 8YG.	Mr. James Patrick McMullan

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the cases of The Social Centre and The Town Hall subject to an approved electrical test certificate being received. 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 Connolly, seconded by Alderman Campbell and **AGREED:**

to recommend that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the cases of The Social Centre and The Town Hall subject to an approved electrical test certificate being received. 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.

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

Premises Applicant

Stranocum Hall, 139 Fivey Road, Mr. William O'Neill

Stranocum.

BALLYMONEY BT53 8HY.

Garryduff Presbyterian Church Hall,

Mr. Alan Patterson

Garryduff Road.

BALLYMONEY BT53 7DF.

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 Councillor Stevenson, seconded by Councillor Caylan 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.

364.8 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - CANCELLATION OF INDOOR ENTERTAINMENTS LICENCE

The following Licensee wishes to cancel his Indoor Entertainments Licence and no longer wishes to hold entertainment at his premises:-

Premises Applicant

Mr. P. Crabbe Cloughmills Primary School,

> Assembly Hall, 43 Main Street. Cloughmills,

BALLYMENA BT44 9LF.

IT IS RECOMMENDED that the Council cancel the Indoor Entertainments Licence in respect of the above-mentioned premises.

The Deputy Director of Borough Services answered members' questions on entertainment licences and fees.

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

that the Council cancel the Indoor Entertainments Licence in respect of the above-mentioned premises.

STREET TRADING

364.9 STREET TRADING ACT (NI) 2001 MOBILE STREET TRADING LICENCE - RENEWAL

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

<u>Purpose</u>	<u>Applicant</u>
Ice Cream Van	Mr. Samuel Ross Stewart, 44 Margaret Avenue, BALLYMONEY BT53 6BY.

IT IS RECOMMENDED that the Mobile Street Trading Licence as applied for be renewed.

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

that the Mobile Street Trading Licence as applied for be renewed.

BUILDING CONTROL

364.10 BUILDING CONTROL APPLICATIONS

IT IS 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:-

Application Type	<u>Approvals</u>
	September
Full Plans Building Notices Regularisations	23 12 1
TOTAL:-	36

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

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.

364.11 CONSULTATION ON PROPOSALS FOR BUILDING REGULATIONS (NI) 2011 PHASE 1

The Department of Finance and Personnel are currently consulting on major proposals to amend the Building Regulations, as reported to Committee in September (HES 363.45 refers). This consultation represents the first of three phases of consultation to introduce a complete new set of regulations in 2011; phases 2 & 3 are expected to commence in November 2010.

Officers from the Building Control Service have examined the proposals in detail and prepared a consultation response which was circulated for Members perusal.

The introduction of the new regulations is likely to lead to increased requirements for staff training and IT support systems. There will also be a need to raise awareness across the construction industry.

It is proposed to issue the response to the Department on behalf of Council.

IT IS RECOMMENDED that the response be issued to the Department of Finance and Personnel, on behalf of Council, in respect of the phase 1 consultation exercise on amendments to the Building Regulations.

Alderman Campbell stated that while he supports Buildling Control, he felt it was difficult to condone the hire of extra personnel at a time when there are a lot of cuts. He asked whether it was possible to train existing staff. The Deputy Director of Borough Services replied that additional resources were not being sought and if new regulations were introduced existing staff would be trained.

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

that the response be issued to the Department of Finance and Personnel, on behalf of Council, in respect of the phase 1 consultation exercise on amendments to the Building Regulations.

MATTERS FOR INFORMATION

ENVIRONMENTAL SERVICES

364.12 MUNICIPAL WASTE RETURNS

Waste Type	Sept 2009	Sept 2010	<u>Apr – Sep 09</u>	<u>Apr – Sep 10</u>
Mixed Residual Waste (waste direct to landfill)	841.80t	782.88t -7.00%	4,659.07t	4,701.78t +0.92%
Mixed Dry Recyclables (blue bin recycling)	135.80t	144.26t +6.23%	805.72t	817.07t +1.41%
Garden Waste (brown bin recycling)	158.44t	153.80t -2.93%	987.58t	1,064.92t +7.83%
Waste Recovery (segregated CA site waste)	102.72t	88.36t -13.98%	573.62t	560.18t -2.34%
Cardboard Recycling	7.34t	6.91t -5.86%	44.72t	40.81t -8.74%

364.13 INCREDIBLE EDIBLE CLOUGHMILLS IMPACT 2010 AWARDS

The Impact 2010 Youth, Sustainability and Environment Awards were jointly sponsored by OFMDFM and NIEA. Entries were invited across a number of categories and 'Incredible Edible Cloughmills' entered the Community Category for 12-18 year olds. This section was for projects which had made an impact in, and interacted with, the community.

The Awards ceremony in the Waterfront Hall was opened by the Minister, Edwin Poots. Three young volunteers from Cloughmills attended. After being called on stage, the group was presented with a specially designed hand-made glass trophy, certificate and £100 B&Q voucher for winning the Community Category.

Jim Kitchen, current Head of the Sustainable Development Commission NI, complemented the initiative saying that he has been trying to encourage this type of project for 2 years with little success to date. He assured the group that the project would be part of future discussions on sustainable development.

The project continues to attract attention and the planned expansion to deal more directly with food waste will also be imaginative and present even more opportunities to promote Ballymoney as a centre of innovation.

Coverage of the awards ceremony should be posted on the website www.impact2010.info shortly.

364.14 INCREDIBLE EDIBLE CLOUGHMILLS CALOR VILLAGE OF THE YEAR – ENVIRONMENT CATEGORY

The Calor Village of the Year competition, managed by the Rural Development Council, has been operating for 4 years and is open to rural communities of all sizes across Northern Ireland. It is highly regarded and is viewed as the premier award of its type. There are 5 categories and two overall awards. The five categories are:

- Building Community Life
- Young People
- Older People
- Business
- Environment

Entrants had to demonstrate high levels of activity in all categories entered. This was then further explored during a two hour assessment visit by four independent judges. Cloughmills Community Action Team entered the Young People, Business and Environment categories. They were competing against 11 other villages in the Environment category but were declared overall winners, receiving a framed certificate and £1000. The judges commented that while Cloughmills had carried out activities such as litter lifts, planting and keeping the village tidy, they had also applied some imaginative and forward thinking approaches. The 'Incredible Edible Cloughmills' campaign was singled out for high praise.

Alderman Campbell gave praise to 'Incredible Edible Cloughmills' which involved all ages of the community and wished them further success.

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

to recommend that a letter of congratulations be forwarded to 'Incredible Edible Cloughmills' recognising their success.

FOOD CONTROL

NEW LEGISLATION

364.15 THE MATERIALS AND ARTICLES IN CONTACT WITH FOOD REGULATIONS (NI) 2010

The above Regulations made by the Department of Health, Social Services and Public Safety on the 15th September came into operation on the 20th October 2010. The rule provides for the enforcement in Northern Ireland of the remaining provisions of Commission Regulation EC No 450/2009 on Active and Intelligent Materials (AIM) and articles intended to come into contact with food. It revokes the 2007 and 2009 amendment Regulations of the same title. District Councils have been designated as having responsibility for enforcement of the Regulations.

364.16 THE FOOD IRRADIATION (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2010

The above Regulations which came into operation on 20th October 2010, implement in Northern Ireland necessary procedures for accepting food irradiated both outside and within the Community to ensure the legal standards, etc. set in EU legislation are met.

364.17 THE CONTAMINANTS IN FOOD REGULATIONS (NORTHERN IRELAND) 2010

These Regulations, which came into operation on 20th October 2010, revoke the 2009 Regulations. They provide for offences of contravening certain provisions of Regulation (EC) No. 1881/2006 as most recently amended by the Commission Regulation and for defences in particular circumstances against prosecution for committing an alleged offence and specifies the penalties that the Courts may impose.

364.18 ANIMAL BY-PRODUCTS (NI) 2003 REGULATION 42(A), NOTICE REQUIRING THE DISPOSAL OF ANIMAL BYPRODUCTS OR CATERING WASTE

It was reported to Council on 6th September 2010 (CM 925.77) that a notice under the above legislation was served on xxxx. An inspection to assess compliance with the notice was carried out on 1st September 2010 when it was found that the food business operator had complied with the requirements of the Notice. The Notice has subsequently been abated.

364.19 FOOD HYGIENE REGULATIONS (NI) 2006 REGULATION 6, HYGIENE IMPROVEMENT NOTICES

It was reported to Council on 6th September 2010 (CM 925.76) that 4 Hygiene Improvement Notices were served on xxxx. An inspection to assess compliance with the notices was carried out on 5th October 2010 when it was found that the food business operator had complied with the requirements of the Notices. The Notice has subsequently been abated.

364.20 FOOD HYGIENE REGULATIONS (NI) 2006 REGULATION 6, HYGIENE IMPROVEMENT NOTICES

Hygiene Improvement Notices were served on the owners of xxxx, on 4th October 2010, for failing to comply with the above Regulations. The premises were in breach of Regulation 17(1) of the Food Hygiene Regulations (NI) 2006 in that they contravened the following community provisions:

- Regulation EC (No) 852/2004, Article 4(2) and Annex II, Chapter I, paragraph 5 – insufficient ventilation in the kitchen.
- Regulation EC (No) 852/2004, Article 4(2) and Annex II, Chapter II, paragraph 1(d) – opened windows.
- Regulation EC (No) 852/2004, Article 4(2) and Annex II, Chapter II, Paragraph 1(c) – damaged ceiling.
- Regulation EC (No) 852/2004, Article 4(2) and Annex II, Chapter II, Paragraph 1 (a) – exposed wood on floor.
- Regulation EC (No) 852/2004, Article 4(2) and Annex II, Chapter II,

Paragraph 1 (b) – exposed wood on walls.

LICENSING

364.21 LICENSING (NORTHERN IRELAND) ORDER 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Sean McGinn, Carrick a Rede,	Occasional Licence at Vintage Bistro,	1/10/10
BALLINTOY.	7/10/10.	

FUEL POVERTY

364.22 Warmer Ways to Better Health

A reminder that the Warmer Ways to Better Health scheme is still open. It offers free loft and/or cavity wall insulation and is open to owner occupiers or tenants in private rented accommodation (NI Housing Executive and registered housing association tenants are not eligible) who meet one of the following:

- Single person household with income/pension less than £18,000 gross per year;
- Couple or single parent family with an income/pension less than £25,000 gross per year;
- Single person or couple over 70 years of age with an income/pension less than £30,000 gross per annum.

364.23 SOLID WALL INSULATION

The Warm Homes scheme can now install insulation to homes with solid walls. This is open to homeowners or private tenants of any age who meet the eligibility criteria for Warm Homes Plus. If the householder also requires heating, a wood pellet boiler may be installed if it is not possible to install natural gas or oil heating. An initial house survey will be undertaken to establish the cost of the work. If this is more than the agreed grant limit, the referral will be passed to the DFP for approval.

NIE Energy are offering a cash back for solid wall insulation which is open to owner occupiers and private tenants. There is no vulnerability criteria. The grant will cover approximately 20% of the total cost of the work.

Further information on all insulation and heating schemes is available by telephoning the Energy Efficiency Adviser in Borough Services at 028 2766 0257 or by emailing warmerhomes@ballymoney.gov.uk.

364.24 EVALUATION OF OIL STAMP SAVING SCHEME

The Energy Efficiency Adviser is currently undertaking an evaluation of the Ballymoney oil stamp saving scheme. Questionnaires for customers have been left at all retail outlets and separate surveys have been sent to retailers and oil suppliers. The scheme has proved very popular since its establishment in September 2006 with £185,090 worth of stamps having been sold to date and £58,750 of those sold from April 2010 to date.

It is hoped to report on the progress on the evaluation at next month's Committee meeting.

HOME SAFETY

364.25 FUNDING HOME ACCIDENT PREVENTION OFFICER

The Public Health Agency have advised by correspondence dated 24th September 2010 that in line with original letter of offer dated 2nd February 2006, funding of the above post to the value of £7,650.00 will be provided for the period 1st July 2010 – 31st March 2011.

The Agency have also confirmed that there is no guarantee of further funding for the position beyond this date.

COMMUNITY SAFETY

364.26 ROAD SAFETY PROJECT

Ballymoney CSP has secured £2,500 from 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. Partner organizations include the DPP, PSNI, Northern Trust, CRUN, Youth Council, Cheers Youth Centre and Ballymoney Road Safety Committee.

364.27 ALIVE & WELL

The Alive and Well 2010 convention has been scheduled for Thursday 28th October 2010 from 12 noon – 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.

364.28 HALLOWEEN BONFIRE INCENTIVE SCHEME

The bonfire incentive scheme has been extended to cover the Halloween period. Two areas have indicated that they are interested in the scheme with work ongoing on the other traditional sites. An awareness raising session was undertaken with pupils in P4, 5, 6 & 7 in St. Anne's Primary School, Corkey outlining the dangers of burning tyres along with other bonfire and firework safety information.

The Deputy Director of Borough Services advised that one area has committed to the scheme. It is hoped the other area will also commit. Discussions followed on local bonfire sites, legislation, enforcing authority and waste transfer notes.

Prior to Hallow'een, letters have been sent to outlets selling tyres, garages and dismantlers in the Borough and border areas as a reminder of their obligations when disposing of tyres. Officers have also spoken to the owners of these premises.

The meeting closed at 7.42 pm.