

**Ballymoney Borough Council**  
**Health & Environmental Services Committee Meeting No 369 – 22<sup>nd</sup> February 2011**

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## BALLYMONEY BOROUGH COUNCIL

Minutes of Health & Environmental Services Committee Meeting No 369 held in the McKinley Room, Riada House, Ballymoney on Tuesday 22<sup>nd</sup> February 2011 at 6.35pm.

**IN THE CHAIR**                      Councillor E Robinson

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

**Councillors**  
R Halliday  
C McLaughlin  
A Patterson  
I Stevenson

**APOLOGIES**                      A Cavlan  
H Connolly  
J Finlay  
M McCamphill

**IN ATTENDANCE**                  Dr Chris Jordan, Principal EHO, NGS (Item 1)  
Director of Borough Services  
Deputy Director of Borough Services (Items 1 -2)  
Committee Clerk

### 369.1 PRESENTATION - ENVIRONMENTAL PROTECTION SOFTWARE CAPABILITIES

Dr Chris Jordan presented an overview of two environmental protection software packages used by Northern Group Systems, namely GIS and CadnaA (as attached as Appendix 1). Examples in the local area were used to illustrate the software capabilities.

\* **The Director of Borough Services and Alderman Cousley joined the meeting at 6.38pm and 6.43pm respectively during the presentation.**

Following the presentation on GIS, Dr Jordan responded to members' questions on:

- removal costs of contaminated ground
- dangers of contaminated ground
- methods used to remedy identified contaminated ground

\* **Councillor Stevenson and Councillor Patterson joined the meeting at 6.55pm and 7.01pm respectively during the presentation.**

Following the presentation on CadnaA, Dr Jordan responded to members' questions on:

- acceptable levels of noise
- typical vehicular noise
- impact of traffic noise on new housing developments

- enforcement of planning conditions and alleged disregard of information provided
- assessment of noise from wind turbines
- renewable energy policy

The Chair thanked Dr Jordan for the very interesting presentation.

- \* **Dr Jordan and the Chair left the meeting at 7.16pm, with the Chair returning at 7.17pm**

### **369.2 PRESENTATION – FOOD HYGIENE RATING SCHEME**

Further to Committee minute HES368.20, work is ongoing in relation to the Food Hygiene Rating Scheme.

There are 210 eligible businesses within the Borough. Information sessions have been completed with approximately 35 food businesses attending either a drop in centre or the seminar. The Food Business operators (FBO) who attended the information sessions received their provisional score (0-5) under the scheme together with an explanation as to how the scheme will operate and be publicised.

The FBO's who did not attend the information sessions will be informed of their rating by the end of March 2011. All FBO's will be afforded the opportunity to request a revisit for their premises, in writing, if they feel the score they have been given is unjust.

The Directorate continues work to implement the scheme with software testing and database checks scheduled for March 2011. The scheme will be formally launched by the FSA NI on 6<sup>th</sup> June 2011.

Further to the above report item, the Deputy Director of Borough Services gave a presentation on the Food Hygiene Rating Scheme, as attached in Appendix 2.

The Deputy Director of Borough Services responded to members' questions on:

- assessment of food business operations
- types of businesses included in the scheme
- planned or unplanned visits by EHOs
- displaying the Food Hygiene Rating Scheme score on premises
- financial implications of scheme

- \* **The Deputy Director of Borough Services left the meeting at 7.45pm**

### **369.3 MINUTES – MEETING NO 368 – 25<sup>TH</sup> JANUARY 2011**

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

***that the minutes of meeting No 368 on 25<sup>th</sup> January 2011 be confirmed as a correct record.***

## **MATTERS FOR CONSIDERATION**

### **369.4 PUBLIC HEALTH (IRELAND) ACT 1878 as amended 8 UNION STREET, BALLYMONEY.**

Further to a request from the landlord of the above property for an inspection under the Private Tenancies (NI) Order 2006 the following defects considered to be prejudicial to health were observed.

#### **Internal**

- High levels of dampness to living room wall underneath the window sill.

***IT IS RECOMMENDED*** that an abatement notice be served on the landlord of the premises under Section 100 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.

**N.B.** All works included on the above notice will be eligible for grant aid from the Northern Ireland Housing Executive.

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

***to recommend that an abatement notice be served on the landlord of the premises under Section 100 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.***

### **369.5 PUBLIC HEALTH (IRELAND) ACT 1878 as amended 2 MILLBANK GARDENS, KILLYRAMMER.**

Further to a complaint received from a tenant of the aforementioned property regarding dampness a subsequent inspection discovered defects that are considered to be prejudicial to health of the occupants.

#### **Dampness**

- High levels of penetrating dampness was observed at the rear of the property at the downstairs bedroom/gable wall/and out building.

***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.

**N.B.** All works included on the above notice will be eligible for grant aid from the Northern Ireland Housing Executive.

It was proposed by Alderman Campbell, 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.***

## FOOD CONTROL

### 369.6 REVIEW OF ENFORCEMENT POLICY

Further to the item - CEHOG Butchers HACCP Audit Committee (Minute HES 363.25 refers), it was suggested that the Enforcement Policy revised August 2007 (Minute HES 331.11 refers) be reviewed and updated to reflect recent guidance issued by Local Better Regulation Office (LBRO) in relation to the new primary Authority scheme. This has now been completed. The amended policy was circulated to members.

**IT IS RECOMMENDED** that Ballymoney Borough Council approve the amended enforcement policy in respect of matters within the remit of its Borough Services Directorate, replacing that previously agreed, and that this policy be communicated by placing the document on the Councils website.

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

***to recommend that Ballymoney Borough Council approve the amended enforcement policy in respect of matters within the remit of its Borough Services Directorate, replacing that previously agreed, and that this policy be communicated by placing the document on the Councils website.***

## HEALTH & SAFETY

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

Application has been received for the renewal of petroleum spirit licence as follows:

**Premises**

Carnany Service Station,  
81 Kilraughts Road,  
BALLYMONEY, BT53 7HL.

**Applicant**

Mr. R Lamont

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

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

***to recommend the renewal of the licence as detailed above.***

## ENVIRONMENTAL HEALTH GENERAL

### 369.8 THE PRIVATE TENANCIES (NORTHERN IRELAND) ORDER 2006 ARTICLE 36 (4) - CERTIFICATE OF FITNESS

#### Landlord

Mr. R. McLaughlin,  
124 Bendooragh Road,  
BALLYMONEY, BT53 7NN.

#### Dwelling- House

44 Charlotte Street,  
BALLYMONEY, BT53 6AZ.

A fitness inspection of the above dwelling has been conducted and the dwelling house meets the fitness standard for human habitation as set out in Article 46 of the Housing (NI) Order 1981.

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

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

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

## LICENSING

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

#### Premises

Loughgiel Shamrocks GAC,  
17 Lough Road,  
Loughgiel,  
BALLYMENA, BT44 9JN.

#### Applicant

Mr. Sean McNaughton

Topp Orange Hall,  
161 Gracehill Road,  
Stranocum,  
BALLYMONEY, BT53 8LS.

Mr. Clifford Bellingham

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

It was proposed by Alderman Cousley, seconded by Councillor Halliday 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 7<sup>th</sup> October 1985 the additional conditions detailed on the premise files also apply.***

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

**Premises**

**Applicant**

Bridge Bar,  
145 Bridge Road,  
Dunloy,  
BALLYMENA, BT44 9EQ.

Daniel James McFerran

Application has been made for the renewal of the indoor entertainments licence at the above premises. Following routine consultation with the PSNI, a request has been made for the premises entertainment hours to be reduced, so as they fall in line with the licensing hours under the Licensing (NI) Order 1996. The premises entertainments licence hours should therefore be restricted as follows:

**Day**

**Hours**

Monday	11.30am – 1am
Tuesday	11.30am – 1am
Wednesday	11.30am – 1am
Thursday	11.30am – 1am
Friday	11.30am – 1am
Saturday	11.30am – 1am
Sunday	12.30am – 12pm

***IT IS RECOMMENDED*** that the Borough Council renew the indoor Entertainments Licence for the above premises, taking into account the changes to the entertainment hours. In addition to the Borough Councils “Conditions of Licence” adopted on 7<sup>th</sup> October 1985 the additional conditions detailed on the premises files also apply.

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

***to recommend that the Borough Council renew the indoor Entertainments Licence for the above premises, taking into account the changes to the entertainment hours. In addition to the Borough Councils “Conditions of Licence” adopted on 7<sup>th</sup> October 1985 the additional conditions detailed on the premises files also apply.***

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

**Premises**

**Applicant**

Roseyards Presbyterian Church Hall,  
115 Kirk Road,  
BALLYMONEY, BT53 8HW.

Mr. David Ramsey

Bushvale Presbyterian Church Hall,  
118 Fivey Road,  
Stranocum,  
BALLYMONEY, BT53 8JB.

Mr. James Walker



**Premises**

Ballymoney High School  
(Assembly Hall),  
17 Garryduff Road,  
BALLYMONEY, BT53 7AN.

**Applicant**

Mr. R. Scott,  
NEE&LB.

Drumreagh Presbyterian Church Hall,  
104 Bann Road,  
BALLYMONEY, BT53 7NA.

Mrs. Cindy Craig,  
Secretary.

***IT IS RECOMMENDED*** that the Borough Council renew the Indoor Entertainment's Licence as detailed above and in the cases of Roseyards Presbyterian Church Hall, Bushvale Presbyterian Church Hall, Ballymoney High School and Drumreagh Presbyterian Church Hall subject to the provision of receipt of an approved 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 Councillor Patterson, seconded by Alderman Simpson and  
**AGREED:**

***to recommend that the Borough Council renew the Indoor Entertainment's Licence as detailed above and in the cases of Roseyards Presbyterian Church Hall, Bushvale Presbyterian Church Hall, Ballymoney High School and Drumreagh Presbyterian Church Hall subject to the provision of receipt of an approved 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.***

**369.12 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985  
REVOCATION OF INDOOR ENTERTAINMENTS LICENCE**

**Premises**

Pound Bar,  
18 Corkey Road,  
Loughgiel,  
BALLYMENA, BT44 9JJ.

**Applicant**

Ms. H. McGarry

The renewal of the indoor entertainments licence for the above premises was deferred, for the year 2009/10 as structural and electrical works were being carried out. Since this time numerous requests for renewal application and electrical test certificates have been made to the owners. An application to renew the indoor entertainments licence was received on 14<sup>th</sup> January 2011 during an inspection of the premises by officers from the Directorate. At this time the officers provided, in writing, a request to provide the relevant electrical test certificates by 11<sup>th</sup> February 2011. These certificates have not been received.

***IT IS RECOMMENDED*** that the Borough Council revoke the Indoor Entertainment's Licence for this premises as they have failed to provide all the relevant documentation required to renew their licence.

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

***to recommend that the Borough Council revoke the Indoor Entertainment's Licence for this premises as they have failed to provide all the relevant documentation required to renew their licence.***

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

**369.13** Applications have been received from the undernoted Societies for renewal of registration by the Borough Council (Article 136 of the 1985 Order refers):-

<b><u>Society</u></b>	<b><u>Lottery Promoter</u></b>	<b><u>Fee</u></b>
Ballymoney Utd. Youths	Mr. David Cunningham, 16 Castlehill Terrace, BALLYMONEY, BT53 6RY.	£17.50
Stranocum & District Community Association	Mr. William Johnston, 64 Fivey Road, Stranocum, BALLYMONEY, BT53 8JH.	£17.50

***IT IS RECOMMENDED*** that the Borough Council renew the registrations of the above-mentioned Societies.

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

***to recommend that the Borough Council renew the registrations of the above-mentioned Societies.***

### **369.14 RENEWAL OF REGISTRATION OF CLUB LICENCE NOTIFICATION**

<b><u>Premises</u></b>	<b><u>Applicant</u></b>
Lucky's Bingo Club 27-29 Castle Street BALLYMONEY	Bingovision Limited

***IT IS RECOMMENDED*** that Council note the application.

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

***to recommend that Council note the application.***

## DOG CONTROL

### 369.15 DOGS (NORTHERN IRELAND) ORDER 1983 ARTICLE 13 – REGISTRATION OF DOG BREEDING ESTABLISHMENT

Applications as undernoted have been made to the Borough Council that the premises to which they refer be registered in accordance with the provisions of Article 13 of the Dogs (Northern Ireland) Order 1983 as dog breeding establishments:-

<u>Applicant</u>	<u>Premises</u>
Mrs. Rebecca Hunter	89 Garryduff Road, Ballymoney, BT53 7DF.
Mrs. Catherine Ann Dowey	17 Agherton Park, Ballymoney, BT53 6PS.
Mr. William & Mrs. Amanda Dobbin	59 Kilmandil Road, Cloughmills, Ballymena, BT44 9BH.
Mr. D. Taggart	6 Ballynacree Avenue, Ballymoney, BT53 7PQ.
Mr. Vincent and Mrs. Jacqueline Graham	14 Ozone Avenue, Ballymoney, BT53 6HU.
Mr. James Pinkerton	14 Church Lane, Rasharkin, Ballymena, BT44 8QZ.

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

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

***to recommend that the Borough Council register the above-mentioned premises accordingly.***

### 369.16 THE DOGS (NI) ORDER 1983 ALLEGED ATTACK BY DOGS ON LIVESTOCK

On Sunday the 9<sup>th</sup> January 2011 the Directorate received a complaint via the Directorate's emergency on-call service regarding an alleged attack by dogs on sheep in the area of Finvoy Road, Ballymoney.

The attack had been witnessed by a local farmer who has reported seeing two greyhound type dogs in fields with sheep.

Three dogs were seized at the scene by the Council's on-call officer. The animals were transported to the Directorate's veterinary practice.

The owner of the dogs has been interviewed regarding the matter and statements have been recorded from all witnesses involved.

Due to the facts in this case ***IT IS RECOMMENDED*** that legal proceedings be instigated against the owner of the dogs.

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

***to recommend that legal proceedings be instigated against the owner of the dogs.***

## EMERGENCY PLANNING

### 369.17 EMERGENCY PLANNING DISTRICT COUNCIL MUTUAL AID PROTOCOL

Local Authorities in Northern Ireland currently undertake Emergency Planning by virtue of Article 29 of the Local Government Order 2005. A Mutual Aid protocol, as circulated to members, has been prepared in line with the Cabinet Office Guidance. Although this Guidance refers to the provisions of the Civil Contingencies Act (CCA), Part 1 does not apply to Local Authorities in Northern Ireland. However there is an expectation that District Councils (“the Councils”) will lead on emergency planning activities. These activities include co-ordinating the planning, response (of non-blue light organisations) and recovery of a large scale emergency and the administration of funds made available by the NI Assembly in instances such as the floods of 2007 and 2008.

Prior to new legislation being passed, the Councils are being asked by the Northern Ireland Assembly to act in good faith and to deliver this function. Northern Ireland has been promised a similar level of preparedness to civil emergencies as the rest of the United Kingdom by the Secretary of State when he signed the Civil Contingencies Framework (CCF). It is therefore useful to highlight the GB provisions since they form some of the assumptions upon which this protocol has been prepared: Regulation 4 of the CCA (Contingency Planning) Regulations 2005 (“the Regulations”) provides that general Category 1 Responders who have functions which are exercisable in a particular local resilience area in England or Wales must co-operate with each other in connection with the performance of their duties under section 2(1) of the CCA. That co-operation may take the form of two or more general Category 1 responders co-operating with each other.

Regulation 7 provides that in order to facilitate such co-operation, general responders may enter into protocols with each other.

Guidance to the CCA recognises that the emergency planning process may identify some areas where existing capabilities to deal with an emergency are insufficient, and presumes Category 1 responders will use mutual aid arrangements as one means of addressing this:

- *‘The Act does not require Category 1 responders to find from within its own resources whatever level of capability the risk assessment and planning process may suggest is needed....’*
- *‘Planning should be realistic and based on what the responder can provide from the totality of its existing resources.... including mutual aid agreements....’*
- *‘Local areas have well-established frameworks for developing mutual aid agreements’.*

Similarly Chapter 7 paragraph 140 of CCF states:-

*“Any large scale emergency is likely to have secondary impacts as well as the most obvious direct ones and to involve a significant number of organisations. All of this means that in any emergency situation an effective response will be dependent on organisations working together effectively under very difficult conditions.”*

It is anticipated that this Protocol will not restrict its application to such large-scale emergencies but to extend this capability to other significant events affecting business continuity. The Local Government (NI) Act 1972 provides existing powers to provide such mutual aid, particularly Section 105: Arrangements for the supply of goods and services or interchange of staff.

For the purposes of this Protocol, mutual aid is defined as “an agreement between organisations, within the same sectors and across boundaries, to provide assistance and additional resources during an emergency or business continuity disruption which may go beyond the resources of an individual organisation”.

It is therefore intended by the Councils in Northern Ireland that, in order to align arrangements more closely with the expectations of statutory CCA & CCF guidance, this written Protocol should now be entered into between them. It is not proposed that this Protocol should be a legally binding contract; but rather a statement of intent which will act as a point of reference should such arrangements need to be invoked between two or more of the Councils.

***IT IS RECOMMENDED*** that Ballymoney Borough Council agree to enter into this protocol and in this respect, authorises the Chief Executive to sign on its behalf.

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

***that Ballymoney Borough Council agree to enter into this protocol and in this respect, authorises the Chief Executive to sign on its behalf.***

There was a brief discussion on the budget provision for emergency planning.

\* **Councillor Stevenson left the meeting at 7.53pm.**

## **ENVIRONMENTAL SERVICES**

### **369.18 ENVIRONMENTAL SERVICES CHARGES 2011-2012**

It is customary for Council to review its Environmental Services Charges on an annual basis. As members are aware trade waste is the main income stream under this head and that in determining this particular budget for the incoming year Council set its trade waste income target following member recommendation, the detail of which has not been made available. In these circumstances, which have not arisen before, it is necessary that Committee consider what the Environmental Services Charges ought to be for 2011-2012 and make a **RECOMMENDATION** to Council. A number of policy options are available to Council –

- Do nothing – that is retain the 2010-2011 charges for 2011-2012; OR
- Decrease charges either across the piece or for particular services or indeed service heads; OR
- Increase charges (as above).

As regards either the decrease or increase options, it is also necessary to determine what level of decrease or increase is politically acceptable, bearing in mind both the Council's competitive position and the probable rate of inflation (presently 4%) for the incoming year (2011-2012).

In response to Alderman Campbell the Director outlined the implications of the policy options he had drawn to the Committee's attention. He then responded to the Chair's questions, stating that the decisions taken by Council on 9<sup>th</sup> February in respect of the in-coming financial year indicated that whilst expenditure had been reduced by the further reduction in tonnages advocated by members, trade waste income had not been reduced sufficiently to reflect the loss of custom as advised by him, thus leaving a potential deficit of over £24,000. As previously expressed, given the constraints imposed by the present severe economic downturn on the Council's trading position it would not be prudent in his view to increase or indeed to decrease charges to recover the position. The Director further advised that it had recently come to his attention that discussions, which had been on-going since 2002, were shortly to be concluded between local authorities and HMRC as to whether or not trade waste was vat exempt. He stated that when the outcome of this matter was known this would present Council with an opportunity to further review its charges.

Alderman Simpson felt the only sensible option was to continue with the present year's charges for 2011-2012.

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

***to recommend to Council that it retain its 2010-11 Environmental Service Charges for 2011-12.***

\* **Alderman Simpson left the meeting at 8.25pm.**

The Director recommended now that green waste was being sent to a waste processor that to ensure equity that a disposal charge [£50 + vat] for commercial green waste be charged in 2011-2012. In response to the Chair he advised that this proposal would not generate a significant new income stream however.

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

***to recommend to Council that it introduce for 2011-2012 a disposal charge (£50 + VAT) for commercial green waste.***

\* **Alderman Simpson rejoined the meeting at 8.37pm.**

## **BUILDING CONTROL**

### **369.19 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:-

<u>Application Type</u>	<u>Approvals</u>
	<u>December</u>
Full Plans	33
Building Notices	1
Regularisations	2
<b>TOTAL:-</b>	<b>36</b>

It was proposed by Alderman Campbell, seconded by Councillor Halliday 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 above.*

**369.20 IT IS RECOMMENDED** that Council note that during the report period, its Building Control Service rejected various applications, which contravened the requirements of the Building Regulations (Northern Ireland) 2000, for the reasons stated:-

#### Rejection of Building Plans

##### January 2011

<u>Application Ref.</u>	<u>Regulation:</u>	<u>Reason for Rejection:</u>
B/2006/0087	A10 & Schedule 2 E2 J2 (1)(b) R2	Failure to provide sufficient information Inadequate means of escape Refuse area not reasonably accessible Reasonable provisions for access and use not provided
B/2006/0107	A10 & Schedule 2	Failure to provide additional information
B/2006/0356	E2	Emergency lighting unsatisfactory
B/2007/0063	A10 & Schedule 2	Failure to provide additional information
B/2008/0099	A10 & Schedule 2 E2 F2 G3 J2 (1)(b) K2	Failure to provide sufficient information Means of escape unsatisfactory Inadequate provisions for conservation of fuel and power Inadequate provisions for sound insulation Excessive travel distance to refuse storage area Inadequate means of ventilation to internal bathrooms

The applicants and their agents in all cases have been issued with Notices of Rejection of Plans, setting out the reasons for rejection, as required under Article 13 of the Building Regulations (Northern Ireland) Order 1979.

The applicants and their agents have also been notified of their right to appeal, within 56 days, to the Department of Finance and Personnel, as required under Article 17 of the Building Regulations (Northern Ireland) Order 1979.

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

*that Council note that during the report period, its Building Control Service rejected various applications, which contravened the requirements of the Building Regulations (Northern Ireland) 2000, as detailed.*

## **MATTERS FOR INFORMATION**

### **ENVIRONMENTAL SERVICES**

#### **369.21 MUNICIPAL WASTE RETURNS**

<b><u>Waste Type</u></b>	<b><u>Jan 10</u></b>	<b><u>Jan 11</u></b>	<b><u>Apr 09 – Jan 10</u></b>	<b><u>Apr 10 – Jan 11</u></b>
Mixed Residual Waste (waste direct to landfill)	845.62t	862.94t +2.05%	7,869.47t	7,846.08t -0.30%
Mixed Dry Recyclables (blue bin recycling)	146.10t	164.04t +12.28%	1,360.14t	1,374.67t +1.07%
Garden Waste* (brown bin recycling)	n/a	n/a	1,153.66t	1,201.52t
Waste Recovery (segregated CA site waste)	53.94t	74.98t +39.01%	844.24t	786.94t -6.79%
Cardboard Recycling	9.40t -26.38%	6.92t	72.04t	67.91t -5.73%
Timber**	n/a	22.44t	n/a	53.06t

\* Brown bin service suspended 1<sup>st</sup> November 2010.

\*\* Timber recycling commenced 1<sup>st</sup> November 2010.

#### **369.22 PUBLIC HOLIDAY ARRANGEMENTS FOR REFUSE COLLECTION IN 2011**

<b><u>PUBLIC HOLIDAY</u></b>	<b><u>DATE</u></b>	<b><u>COLLECTION</u></b>
St Patrick's Day	Thursday 17th March	Thursday 17 <sup>th</sup> March
Good Friday	Friday 22 <sup>nd</sup> April	Friday 22 <sup>nd</sup> April
Easter Monday	Monday 25 <sup>th</sup> April	Monday 25 <sup>th</sup> April
Easter Tuesday	Tuesday 26 <sup>th</sup> April	Tuesday 26 <sup>th</sup> April
Royal Wedding	Friday 29 <sup>th</sup> April	Friday 29 <sup>th</sup> April
May Day	Monday 2 <sup>nd</sup> May	Monday 2 <sup>nd</sup> May
Spring Bank Holiday	Monday 30 <sup>th</sup> May	Monday 30 <sup>th</sup> May
12 <sup>th</sup> July	Tuesday 12 <sup>th</sup> July	Saturday 9 <sup>th</sup> July
13 <sup>th</sup> July	Wednesday 13 <sup>th</sup> July	Wednesday 13 <sup>th</sup> July
Summer Bank Holiday	Monday 29 <sup>th</sup> August	Monday 29 <sup>th</sup> August
Boxing Day	Monday 26 <sup>th</sup> December	Monday 26 <sup>th</sup> December
Christmas Bank Holiday	Tuesday 27 <sup>th</sup> December	Tuesday 27 <sup>th</sup> December
New Year's Bank Holiday	Monday 2 <sup>nd</sup> January 2012	Monday 2 <sup>nd</sup> January 2012



In response to member comment, the Director advised that the above arrangements had been determined following employee consultation in order to implement Council policy for which budgetary provision had been made. A number of members indicated that the matter ought again to be reviewed by Council.

### **369.23 SIGNING THE PLEDGE**

Attention was drawn to the correspondence received by the Chief Executive from Shirley Lewis. Everyone is being encouraged by Shirley to “take up something which is good for the environment and give up something which is bad for the environment”. Information is available at [www.bagladyproductions.org](http://www.bagladyproductions.org).

## **ENVIRONMENTAL PROTECTION**

### **369.24 BONFIRE SITE CLEARANCE 2010**

Further to Committee Minute 368.26, queries were raised regarding the response made by NIEA in relation to information provided in relation to the collection of tyres at Corkey during the Halloween period. The Agency did carry out a site visit but were unable to locate the accumulation. The Agency have been invited to attend the Community Safety Partnerships Bonfire Sub-Group, but due to limited resources are unable to participate at this time. NIEA have, however, requested that any information gathered concerning environmental crime (including unlawful tyre collections) be passed to them as it may provide intelligence or evidence of the larger scale organized environmental criminality that the unit is tackling.

## **FOOD CONTROL**

### **369.25 FSA CORRESPONDENCE**

The Chief Executive of the Food Standards Agency (FSA) has written recently to draw attention to –

1. Review of UK Food Safety Official Controls Delivery

The FSA Board in agreeing to review the current model has asked that (in addition to considering a more centralized model of delivery) the scope for making improvements to the current system is fully considered. The review, it is said, will carry out an appraisal of a range of delivery options in order to understand the benefit and risks of any changes and the practicability of implementation.

2. Food Hygiene Rating Scheme

Attention is drawn to the perceived benefits of a common scheme and a further plea is made for local authorities to embrace the FHRS – something which Ballymoney Borough Council has already done and received funding to assist with the scheme’s implementation.

### **369.26 FOOD HYGIENE REGULATIONS (NI) 2006 REGULATION 6, HYGIENE IMPROVEMENT NOTICES**

It was reported to Council on 14<sup>th</sup> December 2010 (CM 932.8) that a Hygiene Improvement Notice was served on xxx. Following a written request from the food business operator to extend their compliance date, an inspection was carried out on 28<sup>th</sup> January 2011. The premises was noted to have complied with the requirement of the Notice.

### **369.27 QUALITY & PERFORMANCE MATRIX SCORES**

Northern Group Systems have advised by correspondence dated 2<sup>nd</sup> February 2011 of the grading achieved for each of the above services for the financial year 2009-10. The 2008-09 grades are reproduced for comparison for each of the three audited elements, management performance and review and are as follows:-

<b>FOOD SERVICE</b>	<b>Management</b>	<b>Performance</b>	<b>Review</b>
2009-10 (Grade)	B	A	A
2008-09 (Grade)	A	A	A
<b>HEALTH &amp; SAFETY</b>	<b>Management</b>	<b>Performance</b>	<b>Review</b>
2009-10 (Grade)	A	A	B
2008-09 (Grade)	A	A	B

In order to improve the grade with respect to management in the Food Service, further work required to be carried out with respect stakeholder consultation, alternative enforcement strategies and awards schemes. The launch of the National Food hygiene rating scheme within the next financial year will help to address such matters. Following the recent NGS Audit an action plan to improve the Health and Safety service is to be agreed and implemented as soon as possible.

## **ENVIRONMENTAL HEALTH GENERAL**

### **369.28 ENVIRONMENTAL HEALTH BUDGET – SAMPLING**

Given the further reduction, without any consultation, to the environmental health sampling budget in the recent rates round it is necessary to inform Council that this decision will impact not only on consumer protection but also on the chemical sampling of foodstuffs (composition and labelling).

The Official Control of Foodstuffs Directive makes reference to the World health Organisations standard of 2.5 samples per 1000 population. Current guidance from FSA NI confirms this level of sampling. Ballymoney Borough Council currently samples at a rate of 1.46 samples per 1000 population. The 2011/2012 reduction in budget will lead to a further decrease to 1.0 sample per 1000 population. This will impact on the service level agreement with the Public Analyst.

In order to retain a Public Analyst Service in Northern Ireland a base load of work was agreed. If every Council were to reduce sampling budgets, the service may be withdrawn from NI. Samples would then have to be sent to England which will result

in a very considerable increase in costs. Sampling targets for each relevant work area will be amended in forthcoming departmental business plans to reflect the budget set.

## PLANNING

### 369.29 PLANNING APPLICATION REF NO. D/2010/0356/F LOCATION: PROPOSED ALTAVEEDAN WIND FARM IN THE TOWNLANDS OF SHELTON SOUTH, ALDOROUGH, ALTAVEEDAN NORTH AND ALTAVE.

Further to the receipt of the above planning application on 18<sup>th</sup> January 2011, the Directorate of Borough Services has considered the submitted Environmental Statement entitled "Altaveedan wind farm, Environmental Statement, Volume 1 – Main Report" which contains a noise impact assessment.

It is noted at this stage that the actual turbine to be installed at Altaveedan has yet to be finalised. It has been the experience of this department that the final selection of turbine is not completed until after planning permission is granted, due to a continual improvement of turbines available on the market and a wish for the applicant not to be tied to a particular make and model.

Although this Directorate appreciates the wish for the applicant to leave their 'options open', suitable controls should be placed on the development to ensure that noise is maintained within ETSU-R-97 guidelines.

If not appropriately controlled, there is the potential for the applicant to install wind turbines with sound power levels in excess of that utilised within the ES. This highlights the importance of appropriate planning conditions to be applied to the proposed development to ensure that the actual installed turbines do not exceed acceptable standards.

There is currently debate between the Environmental Health Service (across Northern Ireland) and the Wind Farm Industry as to the appropriate 'acceptable standard'. The Environmental Health Service wish that developments be conditioned such that noise from the proposed development does not exceed that as predicted within the submitted ES, whilst the Wind Farm Industry wishes that ESTU-R-97 noise limits be applied. It is noted that the applicant of 'Suggested Planning Conditions' wishes that ESTU-R-97 noise limits be applied as opposed to those noise levels predicted within the ES.

This Directorate does not wish to prejudice such discussions and will withhold recommending conditions until such times that both parties have had the opportunity to fully discuss the matter.

## LICENSING

### 369.30 LICENSING (NORTHERN IRELAND) ORDER 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Mr. James Stevenson, 21 Church Street, BALLYMONEY.	Occasional Licence Old Council Chamber Town Hall (8-11 March 2011)	9/2/11

## **HOME SAFETY**

### **369.31 EXTENSION OF CONTRACT: HOME SAFETY EQUIPMENT SCHEME**

The Public Health Agency have offered additional funding of £4,000.00 to be spent by 31<sup>st</sup> March 2011 in respect of the above. The current years allocation has already been fully expended (£8,240.28). It is proposed that equipment to the value of £4,000.00 will be purchased for allocation during the remainder of the current financial year and beyond into 2011-2012.

## **FUEL POVERTY**

### **369.32 EXTENSION OF CONTRACT – ENERGY EFFICIENCY MEASURES**

The Public Health Agency have offered additional funding of £3,000.00 to be expended by 31<sup>st</sup> March 2011 in respect of the above. The funding will be allocated to the purchase of fuel stamps and staff costs in relation to the energy efficiency adviser post.

### **369.33 FUEL POVERTY STRATEGY**

The Northern Investing for Health Partnership's (NifHP) Fuel Poverty Strategy "Warmer Ways to Better Health" was published in January 2006. The NifHP Fuel Poverty Steering Group is now undertaking an evaluation of the Strategy to assess its effectiveness in terms of achieving its aims and objectives. A questionnaire was sent to all members recently as part of this process. The evaluation findings will be shared with respondents and other key stakeholders after April 2011.

## **COMMUNITY SAFETY**

### **369.34 COMMUNITY SAFETY STRATEGY CONSULTATION**

Ballymoney CSP hosted a strategy consultation event on Wednesday 16<sup>th</sup> February 2010. Following on from this event the CSP will be preparing a response for consideration to the "Building a Safer, Shared and Confident Communities" A Consultation on a new Community Safety Strategy for Northern Ireland' document. This document will be available at the next committee and partnership meetings respectively. The closing date for responses is the 15<sup>th</sup> April 2011.

## **CORRESPONDENCE**

### **369.35 APPLICATION FOR A NEW ROAD SERVICE LICENCE**

The Road Transport Licensing Division of DVA has advised by letter received 7<sup>th</sup> February that Chambers Coach Hire (11) Limited, 3 Ballyweaney Road, Corkey, Ballymena, BT44 9JG, has applied for a new Road Service Licence. The company, which proposes to operate 5 minibuses and 23 coaches from the above address to carry out the following services:- 1. Regular contract hire, 2. Occasional private hire, 3. Excursions and tours, 4. Stage carriage services and 5. Express services.

### **369.36 INDEPENDENT MEMBERS OF THE NI POLICING BOARD: APPOINTMENT COMPETITION**

Correspondence dated 8<sup>th</sup> February 2011 from the Minister of Justice in the above regard was reproduced for the benefit of members.

## **ENVIRONMENTAL PROTECTION**

### **369.37 THE POLLUTION PREVENTION AND CONTROL REGULATIONS (NORTHERN IRELAND) 2003**

#### **Regulation 24, Enforcement Notice**

An Enforcement Notice was served on the operator of a permitted process for failing to comply with the above regulations. The premises are contravening two conditions of their permit as follows:

- Failure to submit an upgrading programme;
- Failure to carry out all coating operations in enclosed spray booths or room fitted with suitable local exhaust ventilation.

### **369.38 LANDFILL CLOSURE UPDATE**

The Director asked members to note the developments since the issue had last been discussed by Council at its special meeting held on 19<sup>th</sup> January –

- The DoE Minister had written to the Chief Executive on 4<sup>th</sup> February to advise that as the Framework Agreement was a high level document to demonstrate to the EU that all parties were committed to taking the action required to comply with the Landfill Directive that it was not necessary for the document to provide details on the question of liability or costs; that he did not see any value in a further meeting at this stage; again requesting that Council approve the document.
- A DoE official had indicated that affected Councils ought to adopt the Framework Agreement by 4<sup>th</sup> March.
- At the behest of Ballymoney, officials of the affected Councils [who had been meeting] had again met with their legal adviser this afternoon and that it would appear that the other Councils were minded to sign up to the Framework Agreement proposed by DoE, subject to final legal advice.

The Chair expressed her concern that Council had not met with the Minister, it being her understanding from his office that such a meeting would have been possible shortly after the Council's consideration of the matter on 19<sup>th</sup> January.

\* **Councillor Patterson left the meeting at 9.22pm.**

\* **Alderman Simpson left the meeting at 9.24pm.**

### **369.39 FLYTIPPING**

Councillor Halliday drew the Director's attention to flytipping at a layby on Heagles Road.

**369.40 SINGLE USE PLASTIC BAGS BILL**

The Director advised that under the proposed measure, district councils would be responsible for monitoring the operation of the levy in their respective areas and the enforcement of the supplier's duties.

**This being all the business the meeting closed at 9.25pm.**

Appendices attached:

Appendix 1 Environmental Protection Software Capabilities Presentation

Appendix 2 Food Hygiene Rating Scheme Presentation

### APPENDIX 1 Environmental Protection Software Capabilities Presentation

**Demonstration of new software packages available to the Environmental Protection Section**

**Dr. Chris Jordan**  
Principal Environmental Health Officer

#### Why do NGS need GIS?

- Drafting of planning consultation responses
- Policy preference to developments on brownfield lands
- Brownfield lands are lands with a previous use
- The land may be potentially contaminated

#### Why do NGS need GIS?

- Rich industrial heritage
- Legacy of contaminated land
- Risk to future residents
- Detailed historical knowledge of the borough
- Identify contaminated sites

#### How do NGS use GIS?

- GIS - Geographical Information Systems
- Historical maps provided by OSNI
- Highlight the site on a modern day map
- Superimpose highlighted area onto the historical maps
- Identify previous uses of the site

#### Meeting House Street – B'money




#### Meeting House Street – B'money

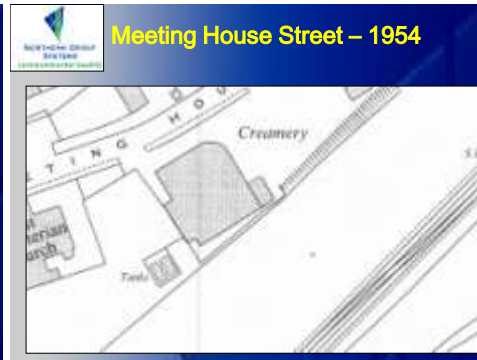
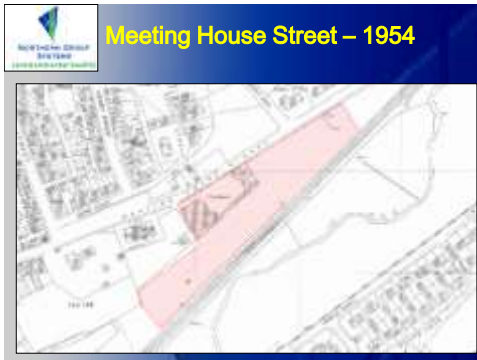
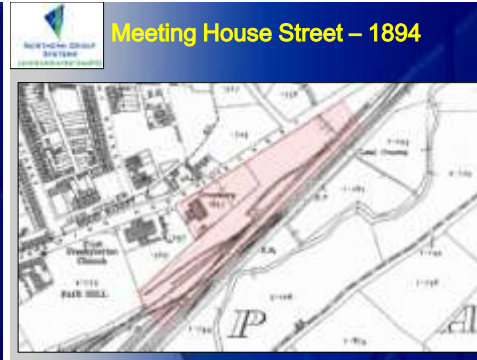
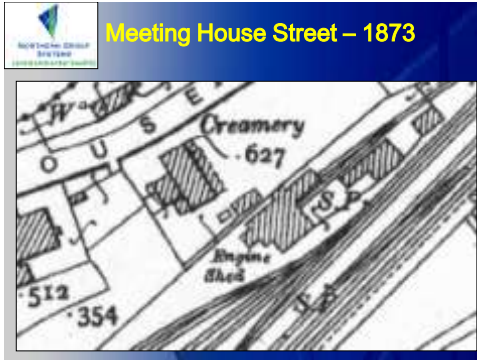
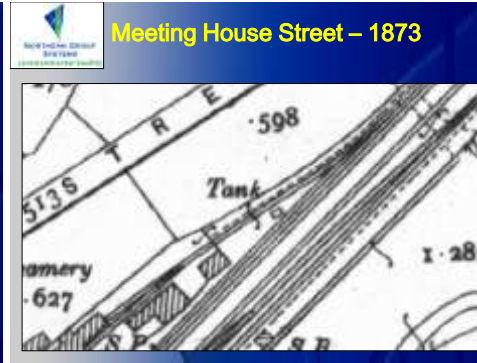
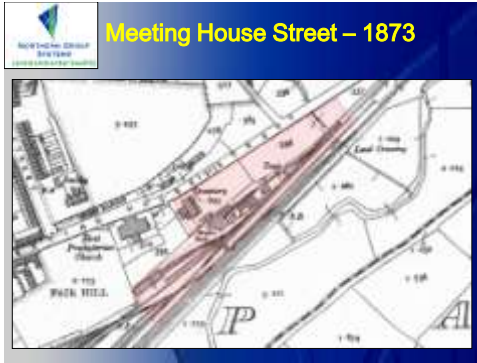


#### Meeting House Street – B'money

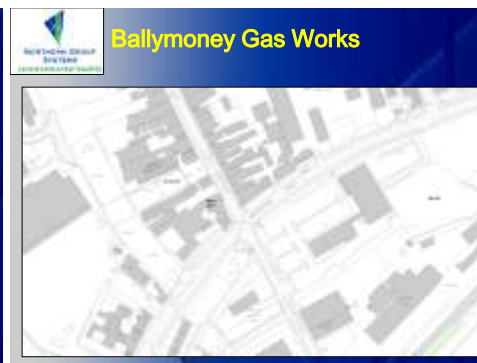
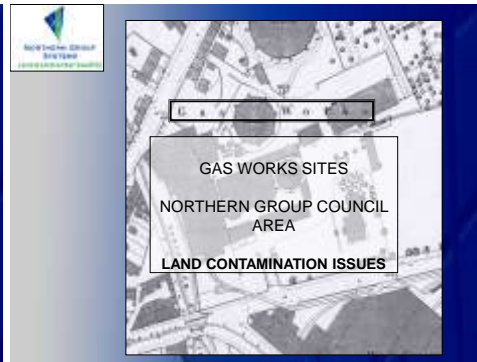
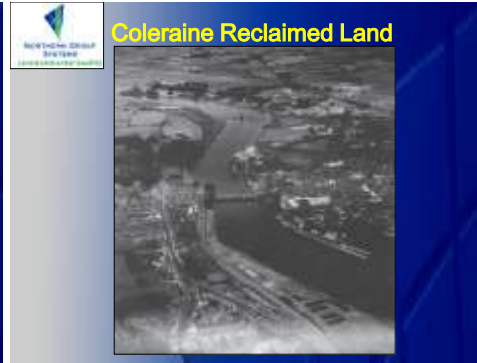
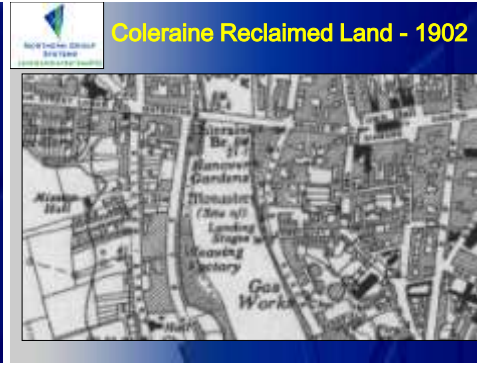
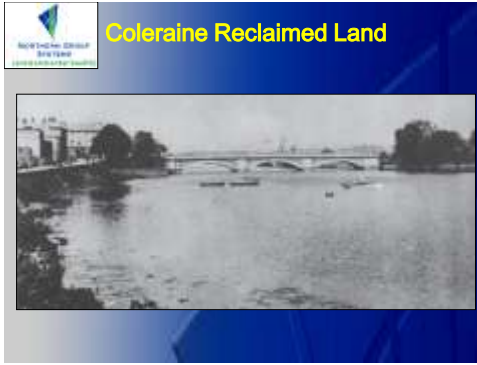


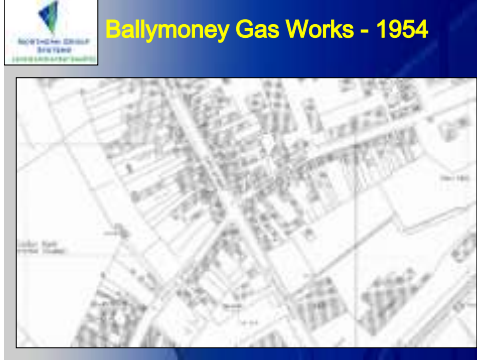
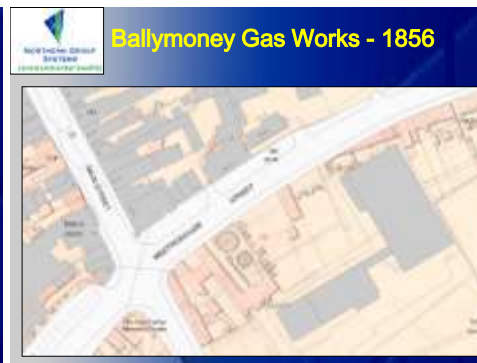
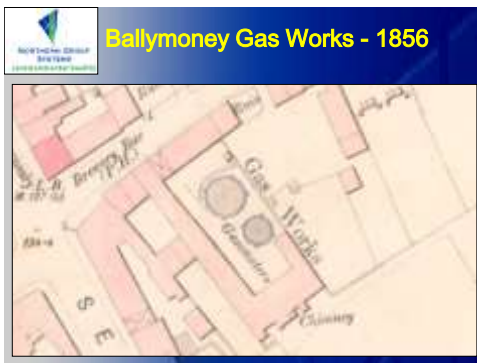
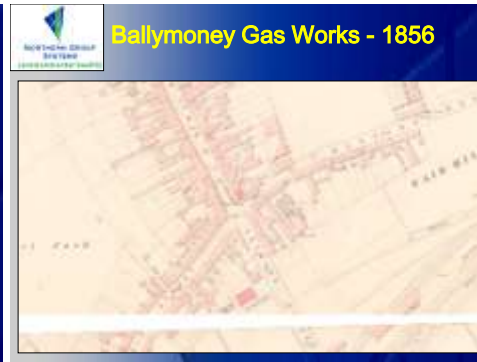
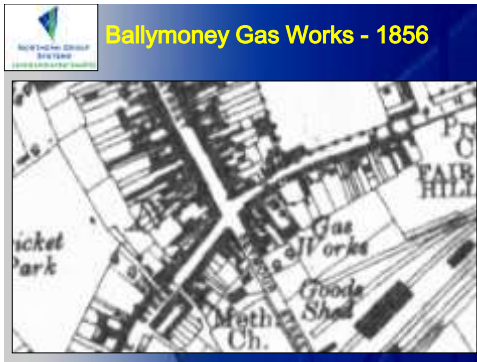
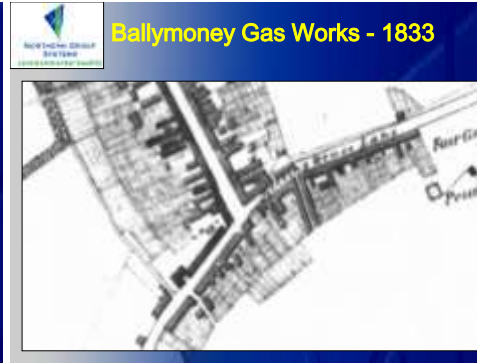
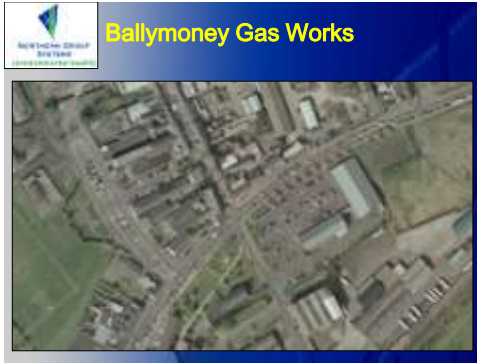
#### Meeting House Street – 1829













**APPENDIX 1 – continued**

**CadnaA – Noise Modelling Software**

**What is CadnaA?**

CadnaA stands for Computer Aided Noise Abatement

Calculation  
Presentation  
Assessment  
Prediction

Allows the easy calculation of noise impacts in real world situations.

**Noise modelling**

**Why do NGS need CadnaA?**

Assess noise impact assessments

Three largest local acoustic consultancies purchased CadnaA

Impossible to validate without CadnaA

Historically, noise reports contain numerous errors

**Why do NGS need CadnaA?**

Local acoustic consultancies were requested to forward copies of their noise models to NGS

Local acoustic consultancies refused to forward their noise models.

NGS advised that planning permissions should be refused

**Why do NGS need CadnaA?**

Indispensable tool for assessing complex planning applications

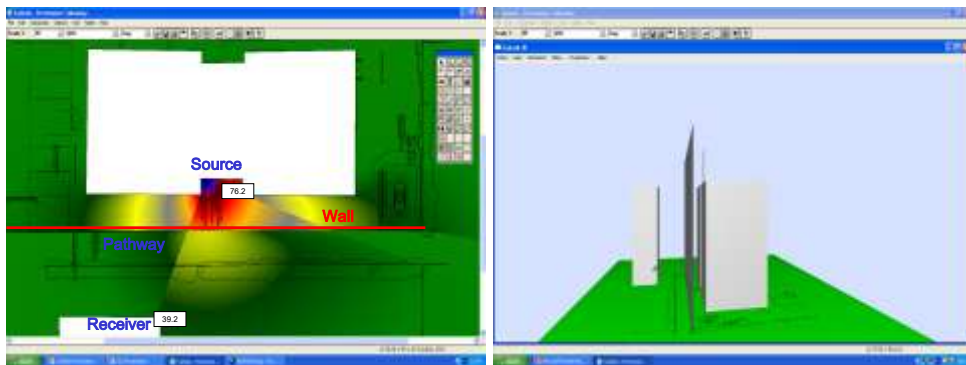
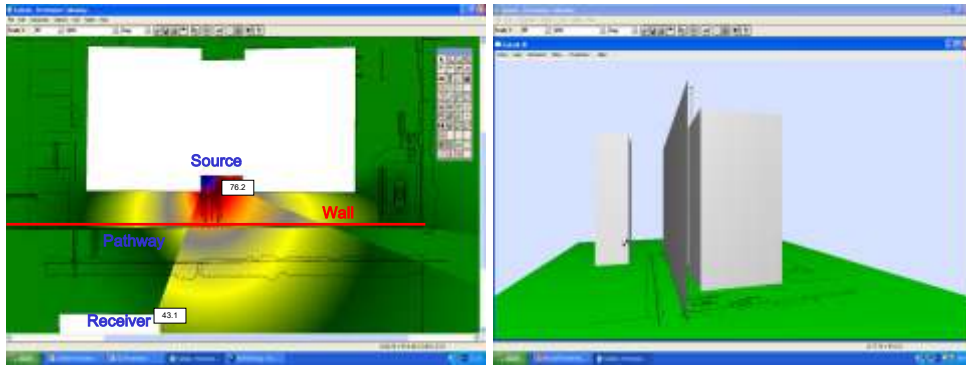
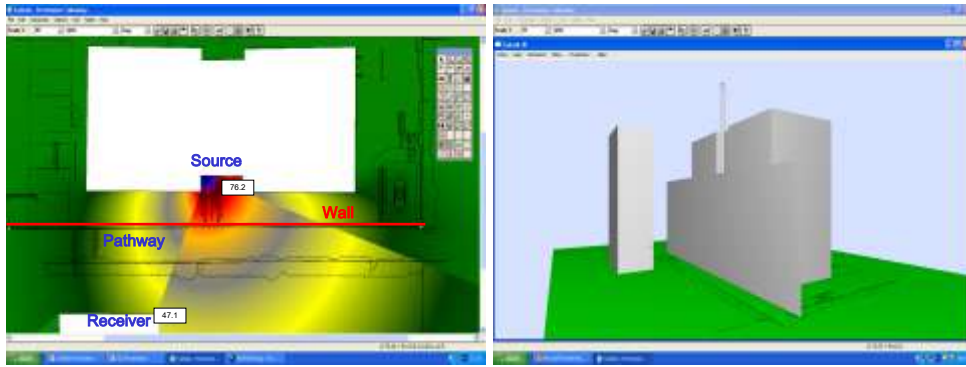
Assist noise complaint investigations by providing a better understanding of mitigation measures

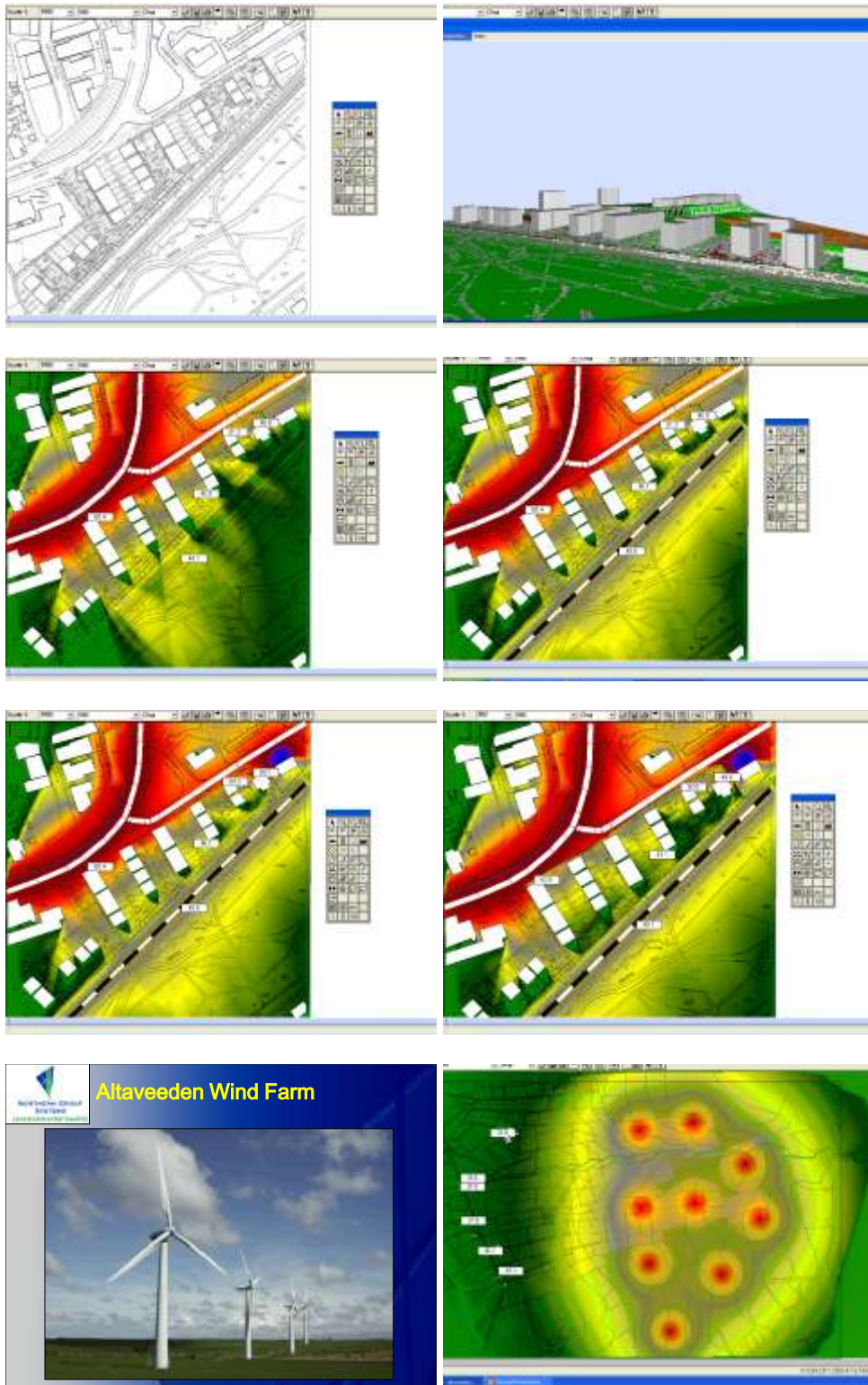
Acoustic consultancies noise models would have gone unchecked

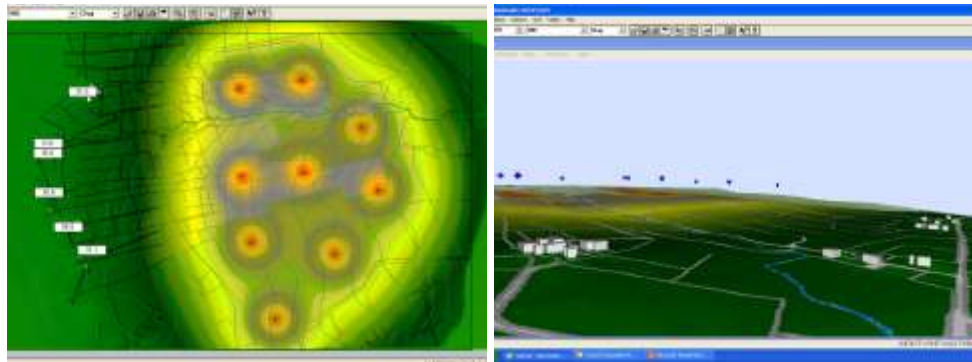
Loss to residential amenity to local residents


Burden on the Council Environmental Health Departments

**Seaside Chip Shop**







 **CadnaA Conclusions**



- Invaluable tool for assessing complex planning applications
- Assist noise complaint investigations
- Acoustic consultancies noise models can now be checked
- Helps reduce noise complaints

Appendix 2 Food Hygiene Rating Scheme Presentation




## Introducing the national *Food Hygiene Rating Scheme* in **Ballymoney Borough Council**



**FOOD HYGIENE RATING**

### What will this presentation cover?

- What is the national *Food Hygiene Rating Scheme*?
- How has the scheme been developed and when will it be rolled out?
- Why should **Ballymoney Borough Council** introduce the national scheme?
- How will the Food Standards Agency support the scheme?
- What are the benefits to local consumers and local businesses?
- What are the resource implications for the Food Safety Team?

**FOOD HYGIENE RATING**

### What is the national *Food Hygiene Rating Scheme*?

- A local authority/Food Standards Agency partnership initiative for England, Wales and Northern Ireland.
- Provides consumers with information about hygiene standards in food premises at the time they are inspected to check compliance with legal requirements – the rating given reflects the inspection findings.
- Purpose is to allow consumers to make informed choices about the places where they eat out or shop for food thereby encouraging businesses to improve their hygiene standards.

**FOOD HYGIENE RATING**




### What is the national *Food Hygiene Rating Scheme*?

- Restaurants, takeaways, cafés, sandwich shops, pubs, hotels, supermarkets and other retail food outlets, as well as other businesses where consumers can eat or buy food, will be given a hygiene rating as part of the scheme.
- There are six different ratings – the top one represents a very good level of compliance with food hygiene law.
- All ratings will be published on a national website, and businesses will be encouraged to display their ratings at their premises.



**FOOD HYGIENE RATING**




### How has the scheme been developed?

- Developed by the Food Standards Agency.
- Advice and guidance on development provided by a UK-wide Stakeholder Group.
- Group includes local authority (including Local Government Regulation and Chartered Institute of Environmental Health), consumer and food industry representatives, as well as officials from the Agency, the Better Regulation Executive and the Local Better Regulation Office.


**FOOD HYGIENE RATING**

### When will the scheme be rolled out?

- The underpinning framework for the scheme has been agreed:
  - which businesses are included;
  - how the ratings are calculated;
  - the safeguards to ensure businesses are treated fairly (an appeal process, a right to reply opportunity and a mechanism to request a new rating when improvements have been made); and
  - measures to ensure the scheme is operated consistently within and across local authority areas.

**FOOD HYGIENE RATING**






### When will the scheme be rolled out?



- Also agreed that the ratings will be shown on a simple numerical scale with associated descriptors.



**FOOD HYGIENE RATING**

### When will the scheme be rolled out?

- The national database and website providing consumers with a single point of access to ratings for all businesses covered by the scheme is being developed and is currently being tested.
- This should be ready to go live in mid-September 2010 in time for 'early adopters' to start to roll out the scheme in their areas in the autumn.

**FOOD HYGIENE RATING**

### Why should **Ballymoney Borough Council** introduce the national scheme?



- Around half of UK local authorities operate a range of different 'local' hygiene rating schemes and their experience suggests that these are successful in encouraging businesses to improve hygiene standards.
- The national scheme aims to build on this and to contribute to reducing the incidence of foodborne illness.
- Having a single scheme in England, Wales and Northern Ireland will help ensure consistency for businesses and clarity for consumers across local authority boundaries.
- It will avoid the proliferation of different schemes and the potential confusion this can cause.

**FOOD HYGIENE RATING**

Proliferation of local schemes







**How is the Food Standards Agency supporting local authorities operating the scheme?**

- Guidance on implementation & operation of the scheme.
- Certificates for businesses, and hopefully also stickers.
- Consistency training for local authority food safety officers.
- National database and website and associated IT assistance/training.
- 'Early Adopters'/User Groups.
- Grant funding.
- Support for local promotion and national promotional activities.

**FOOD HYGIENE RATING**

**What are the resource implications for the Food Safety Team?**

- Scheme based around the planned food hygiene intervention programme in order to minimise any burdens.
- Food Standards Agency support means that setup and on-going costs are minimised.
- Main impact from businesses requesting a new rating when improvements have been made, as re-rating visits can be outside the planned intervention programme.
- The mechanism has been designed to minimise the impact of this and the Agency is committed to keeping this under close review to ensure that it does not compromise public health protection.

**FOOD HYGIENE RATING**




**What are the benefits to local consumers and local businesses?**

- Will help **consumers** make informed choices about where to eat out or shop for food and they will be able to easily compare one business with another within their own area and more widely.
- Will provide **businesses** with an incentive to improve standards and do better than their competitors – good food hygiene ratings will be good for business whilst poor food hygiene ratings may make their customers think twice.
- **Businesses** across the country will be rated consistently so ensuring that they are compared fairly.

**FOOD HYGIENE RATING**




**Further information and questions?**

- Further Information:
  - from Borough Services
  - on Food Standards Agency website at: [www.food.gov.uk/hygeneratings](http://www.food.gov.uk/hygeneratings)

**FOOD HYGIENE RATING**