

**Ballymoney Borough Council**  
**Health & Environmental Services Committee Meeting No 371 – 31<sup>st</sup> May 2011**

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*For information*

**BALLYMONEY BOROUGH COUNCIL**

Minutes of Health & Environmental Services Committee Meeting No 371, held in the McKinley Room, Riada House, Ballymoney on Tuesday 31<sup>st</sup> May 2011 at 7.00 pm.

**IN THE CHAIR**

I Stevenson, Mayor (Item 371.1)  
E Robinson (Items 371.2-371.23)

**PRESENT****Aldermen**

F Campbell  
H Connolly  
C Cousley, MBE, Deputy Mayor  
B Kennedy

**Councillors**

J Atkinson  
A Cavlan  
W Blair  
J Finlay  
R Halliday  
T McKeown  
C McLaughlin

**APOLOGIES:****Councillors**

P McGuigan  
M Storey, MLA

**IN ATTENDANCE**

Mr Michael McCafferty (Item 371.6)  
Director of Borough Services  
Committee Clerk

**371.1 ELECTION OF CHAIR**

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

**AGREED:**

***that Councillor Stevenson as Mayor assume temporary Chair.***

The Mayor invited nominations for the Chair of the Health & Environmental Services Committee for 2011/12.

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

***that Councillor Robinson be elected Chair of the Health & Environmental Services Committee for 2011/12.***

Councillor Robinson assumed position as Chair. She thanked members for her election stating it was a position she had held for some time and that she enjoyed the committees business.

**371.2 ELECTION OF VICE-CHAIR**

The Chair invited nominations for Vice-Chair of the Health & Environmental Services Committee for 2011/12.

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

***that Councillor McLaughlin be elected Vice-Chair of the Health & Environmental Services Committee for 2011/12.***

The Chair welcomed Councillor McLaughlin as Vice Chair.

**371.3 MEETING NO 370 – 22<sup>ND</sup> MARCH 2011**

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

***that the minutes of meeting No 370 on 22<sup>nd</sup> March 2011 be confirmed as a correct record.***

**MATTERS FOR CONSIDERATION****LICENSING****371.4 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATIONS (FULL) (RENEWAL)****Premises****Applicant**

Bush Tavern,  
15-17 Market Street,  
BALLYMONEY, BT53 6EA.

Mr. James Craig Black

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

Mrs. Linda Dunlop

***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 Kennedy, seconded by Alderman Campbell and  
**AGREED:**

***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.***

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

**Premises**

Mr. Samuel Gardner's Farm,  
133 Kirk Road,  
Stranocum,  
BALLYMONEY, BT53 8HT.

**Applicant**

Mr. David Gardner,  
Kilraughts Young Farmers Club

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

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

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

\* Alderman Connolly joined the meeting at 7.06pm.

**371.6 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985, ARTICLE 3, SCHEDULE 1. APPLICATION FOR OUTDOOR ENTERTAINMENTS LICENCE.**

**Applicant**

Michael McCafferty  
50 Kirk Road  
BALLYMONEY  
BT53 8HB

**Purpose**

Outdoor concert at  
31 Loughabin Road  
BALLYMONEY  
BT53 8NS

**Date**

Saturday - Sunday  
18<sup>th</sup>/19<sup>th</sup> June  
1200hrs – 0200hrs

An application and supporting event management plan have been received for an outdoor entertainments licence as listed above. The application meets all the technical requirements for the issue of such a licence, and consultation has been had with the PSNI, Ambulance Service and NIFRS in relation to this event, with all organisations involved satisfied as to the safety arrangements in place. The grant of any licence would be subject to the provision of a satisfactory electrical test certificate which would only be available on the day of the event.

With regard to the timings of the event it should be noted that the relevant technical guidance issued by The Noise Council (Code of Practice on Environmental Noise Control at Concerts) states "For events continuing or held between the hours 2300 and 0900 the music noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation". Noise modelling has been completed for this event which shows that this standard will not be met between 2300 and 0200, in that music noise will be audible at the surrounding residential dwellings.

However, the applicant has submitted a petition signed by 34 of the surrounding residential properties to confirm that they are from the Kilraughts area, that they are aware a charity music event will be taking place and that they are happy for the event to proceed in the knowledge that the music will continue to 2am on Sunday 19<sup>th</sup> June.

Should Ballymoney Borough Council decide to grant an entertainments licence for the above event it must be decided as to whether the music is to end at 2300 (18<sup>th</sup> June), or whether the event will be permitted to have music until 0200 (19<sup>th</sup> June).

***IT IS THEREFORE RECOMMENDED*** that Ballymoney Borough Council grant the issue of an outdoor entertainments licence for the above event, subject to the provision of a satisfactory electrical test certificate on the day of the event to a designated officer of the Council.

***IT IS FURTHER RECOMMENDED*** that Ballymoney Borough Council determine the hours of the said event following consideration of the information provided.

***IT IS RECOMMENDED*** that delegated authority be given to the Director of Borough Services to issue the licence on behalf of the Borough Council subject to the satisfactory compliance with the agreed event management plan.

The Director of Borough Services responded to members' initial questions regarding the noise modelling undertaken in respect of homes within the affected area and the Councils various statutory obligations. He also advised as to the potential remedies available to address a noise nuisance complaint.

- \* **Alderman Kennedy left the meeting at 7.10pm during questions.**
- \* **The Director of Borough Services left the meeting at 7.21pm.**
- \* **The Director of Borough Services and Mr Michael McCafferty joined the meeting at 7.22pm.**

Introductions were made. Mr McCafferty [the outdoor entertainment licence applicant] gave the background to the charity event and explained why he was seeking an extension of the entertainments licence to 0200hrs on Sunday 19 June 2011. He mentioned that the extension was necessary as some of those attending would be camping on the event site. He advised that live music would commence at 1.00pm on the 18<sup>th</sup> and cease at 0000hrs, with DJs performing between 0000hrs and 0200hrs on 19<sup>th</sup> June. He stated that this would provide greater volume control. Mr McCafferty, speaking about the petition submitted in conjunction with his licence application, informed members that neighbours had been approached personally about the proposed charity event and had no objections to it taking place over the entire time period sought.

Mr McCafferty responded to members' questions regarding – neighbours contacted, expected numbers attending and other event management issues. In conclusion he thanked members for receiving him.

- \* **Mr McCafferty left the meeting at 7.35pm.**

In response to Councillor Finlay, the Director advised that the present application was not the first outdoor entertainments licence application to come before Council.

It was proposed by Councillor Cavlan, seconded by Alderman Connolly:

***that Ballymoney Borough Council grant an outdoor entertainments licence for the above event, subject to the provision of a satisfactory electrical test certificate on the day of the event to a designated officer of the Council; that Council sanction the hours sought by the applicant; and that delegated authority be given to the Director of Borough Services to issue the licence on behalf of the Borough Council subject to satisfactory compliance with the agreed event management plan.***

The Chair put the motion to the meeting and voting was as follows:

IN FAVOUR [5]

AGAINST [0]

ABSTAINING [6]

**The Chair declared the motion carried.** Alderman Cousley, Councillor Atkinson, Councillor Finlay, Councillor Halliday, Councillor Robinson and Councillor Stevenson asked to be recorded as abstaining from the Committee's decision.

## **DOG CONTROL**

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

The Directorate received a complaint on 18<sup>th</sup> January 2011 from Mr. Xxxxxx regarding an alleged attack by a dog on the evening of the 17<sup>th</sup> January 2011 at xxxxxxx, Cloughmills.

The complainant recalls driving some 100 metres in along a farm lane off the main Culcrum Road, Cloughmills. The purpose of his visit was business related but he had not made a prior arrangement with the occupier of the premises.

The complainant states:

“As I was driving into the yard I saw a German Shepherd dog which gave a bark as I approached. The dog was not tied up. The yard was dark and from memory there was a light above the door which illuminated just the immediate area. When I got out of the car the dog sniffed around the tyres. As it was appearing to ignore me I started to walk towards the door which was a distance of 15-20 feet I heard the step of the dog immediately behind me. This was just one step of the dog putting its paw to the ground otherwise I did not hear the dog approaching. It immediately snapped and bit me on my right leg.”

The owner of the dog has been interviewed regarding the matter.

There are no independent witnesses to the incident. The complainant received a minor injury to his right leg.

During the investigation the owner of the dog was initially advised in relation to the erection of relevant signage at the entrance(s) to his property and also the appropriate security of his dog. The complainant has expressed that he is satisfied

with whatever course of action the Directorate deems necessary. There have been no previous incidents reported regarding the dog.

Due to the facts in the case ***IT IS RECOMMENDED*** that the matter be left to civil action.

Discussion followed on the responsibility of dog owners in dog biting incidents with the Director of Borough Services clarifying responsibility in examples given by some members.

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

***that the matter be left to civil action.***

## **BUILDING CONTROL**

### **371.8 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:-

<b><u>Application Type</u></b>	<b><u>Approvals</u></b>
	<b><u>April</u></b>
Full Plans	14
Building Notices	46
Regularisations	0
<b>TOTAL:-</b>	<b>60</b>

It was proposed by Alderman Campbell, seconded by Councillor Finlay 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.***

### **371.9 REJECTION OF BUILDING PLANS APRIL 2011**

***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:-

<b>Application Ref.</b>	<b>Regulation:</b>	<b>Reason for Rejection:</b>
B/2008/0013	A10 & Schedule 2	Failure to provide sufficient information



Application Ref.	Regulation:	Reason for Rejection:
B/2008/0141	A10 & Schedule 2 C4 D1 E2 F2 H3 K2 R2 V5	Failure to provide sufficient information Inadequate resistance to ground moisture and w Failure to provide sufficient information Means of escape unsatisfactory Failure to provide sufficient information Failure to provide sufficient information Inadequate means of ventilation Inadequate provisions for access and use Inadequate provisions for safe means of access cleaning glazing
B/2008/0142	A10 & Schedule 2 D1 E2 R2	Failure to provide sufficient information Failure to provide sufficient information Means of escape unsatisfactory Inadequate provisions for access and use

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 Alderman Campbell, seconded by Councillor Finlay 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, for the reasons stated***

## **DOG CONTROL**

### **371.10 CONSULTATION RESPONSE DOG CONTROL ORDERS**

The Department of Environment have invited views for a new Dog Control Orders regime under Part 5 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011. The new regime will replace the current system of dog byelaws and the dog fouling provisions in Article 4 of the Litter (Northern Ireland) Order 1994. The Act strengthens the legislative powers available to District Councils to assist them to deal more effectively with a range of local environmental problems. The Act is likely to become operational in April 2012.

The consultation document includes guidance dealing with

- The Controls on Dogs (non application to designated land) Order (Northern Ireland) 2012 which designates types of land to which dog control orders will not apply

- The Dog Control Orders (Procedures) Regulations (Northern Ireland) 2012 which implement sections 40 and 41 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 by prescribing the procedures and forms for making dog control orders and
- The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations (Northern Ireland) 2012 which implement sections 40 and 41 of the Act by prescribing offences and penalties to be contained in dog control orders.

The following questions are posed within the consultation document.

Q1 Do you have any comments on the draft guidance?

- (A) The guidance provided on the Regulations is welcomed. It is noted that in paragraphs 1.18 and 1.19, if any type of dog control order is made that applies to land already subject to Article 4 Litter (NI) Order 1994, then that Article ceases to have effect in respect of the land subject to the dog control order. Clarification is sought as to what saving provisions are to be made in respect of Article 4 of the Litter (Northern Ireland) Order 1994. Clear guidance should be given to councils in respect of making any Dog Control Orders that do not by default include “failing to remove dog faeces”.
- (B) The making of a dog control order in respect of an entire district may be prohibitively expensive in terms of the erection of signage (paragraph 2.11 refers). If this were to be the case further guidance is sought as to how councils may comply with this requirement and in particular the definition of “regular intervals” in this paragraph.
- (C) The provision of new and the updating of existing signage that will be necessary as a result of the making of dog control orders will be a considerable burden on councils. The Department is asked if any additional resources will be given to local government to ease this burden?
- (D) Where a dog control order is contemplated in relation to a beach the Department is asked to clarify where the boundary of that land to which the order applies may be (high or low water mark)?
- (E) Paragraph 2.13 refers to setting of maximum number of dogs that one person can take onto land. It states that expert advice should not exceed six (6). It is noted that this is in conflict with existing legislation in respect of Greyhounds (Control of Greyhounds etc Act (NI) 1950) which states a maximum of two dogs.
- (F) The Department is asked to provide the referred expert advice to councils. If accepted, it is believed that it would not be necessary to consult on the maximum number of dogs one person can take on to land as it is considered and unnecessary exercise, which will incur expense and lead to inconsistency in application between Councils.

Q2 Are there any other types of land that should be excluded from Dog Control Orders and why?

- (G) No comment offered.

Q3 Is the list of assistance dogs exempted from each dog control order sufficient?

(H) Yes.

Q4 How effective will dog ban order be on unenclosed land and what difficulties would this present regarding enforcement?

(I) Due to limited resources within District Councils it will be difficult to enforce dog control orders on unenclosed land at all times. The comments made in answer to Question 1 are relevant. The Department is again asked if any additional resources are to be made available to District Councils in order to assist with enforcement? Further, clarification is sought with respect to grounds under the control of other statutory bodies, such as Education & Library Boards, Hospital Trusts, private schools, or sports clubs.

Q5 What other methods can Councils use to communicate the effect of orders and the land to which they apply to those living outside the area; would the website of the council suffice?

(J) It is considered that the council website should be the most effective means of communication to those living outside the area. The comments in relation to signage at C above is relevant. Copies of orders can be made available at civic offices and Tourist Information Centres, in addition to the signage requirements.

Q6 Do you have any other comments on the draft Regulation?

(K) The opportunity to comment on the guidance and Regulations is welcomed. They will allow for the replacement of outdated and ineffective byelaws ensuring consistency of approach across Northern Ireland. The implementation of such orders will however impose a considerable burden on local government which if not eased through support of central government may result in a lack of making such orders, and therefore the benefits of same will not be realised.

Comments in relation to the consultation paper are to be submitted no later than the 15<sup>th</sup> June 2011.

***IT IS RECOMMENDED*** that Council endorse the above response to the consultation document of Dog Control Order issued by the Department of Environment and in that regard reply by the closing date of 15<sup>th</sup> June 2011.

\* **Councillor Atkinson left the meeting at 7.51pm.**

After members had read the response provided, the Director responded to some members' questions.

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

***that Council endorse the above response to the consultation document of Dog Control Order issued by the Department of Environment and in that regard reply by the closing date of 15<sup>th</sup> June 2011.***

## HOME SAFETY

### 371.11 BE STREETWISE/BEE SAFE 2011

This event was held from 24<sup>th</sup>-26<sup>th</sup> May 2011 in the Parish Centre, Queen Street, Ballymoney. As in other years, P7 children were put through safety scenarios set up by HAP Ballymoney, Borough Services (including hand washing, noise awareness and litter), PSNI, Fire & Rescue Service, NIE, Coastguard, students from the UUU, H&SE Farm Safety and Translink.

Approximately 295 children attended the event this year.

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

***IT IS RECOMMENDED*** that Council contribute £150 to St. Patrick's Parish Church, in respect of the use of the Church Hall for Be Streetwise/Bee Safe 2011 from within the existing Directorate budget.

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

***that Council contribute £150 to St. Patrick's Parish Church, in respect of the use of the Church Hall for Be Streetwise/Bee Safe 2011 from within the existing Directorate budget.***

Alderman Campbell added Be Streetwise/Bee Safe was an excellent event which once again, was well attended.

## MATTERS FOR INFORMATION

### ENVIRONMENTAL SERVICES

#### 371.12 Municipal Waste Returns

<u>Waste Type</u>	<u>Apr 2010</u>	<u>Apr 2011</u>
Mixed Residual Waste (waste direct to landfill)	850.62t	689.62t -18.93%
Mixed Dry Recyclables (blue bin recycling)	136.98t	135.86t -0.82%
Garden Waste (brown bin recycling)	115.40t	212.04t +83.74%
Waste Recovery (segregated CA site waste)	106.72t	65.06t -39.04%
Cardboard	10.94t	5.86t -46.44%
Timber*	n/a	29.36t

\* Timber recycling commenced November 2010

In response to the Chair, the Director clarified the reasons why glass cannot be disposed of via blue bins at the present time. He stated that members ought to exercise caution when viewing waste statistics at the beginning of a new financial year, advising that it would be at least the autumn before this year's trends would be apparent. In response to the Mayor, the Director reiterated the reasons behind the Council's decision to operate its brown bin service from April to October each year. He added that householders can dispose of green garden waste throughout the year at the Boroughs civic amenity sites and that this was the only service some neighbouring Councils provided to ratepayers for green waste disposal. Councillor McKeown drew attention to a particular set of circumstances he had become aware of recently and the Director, who had had the issue drawn to his attention by the Chair, advised that the Council's rules were being looked at.

### 371.13 COMPARATIVE COST OF COUNCIL ENVIRONMENTAL SERVICES

The information reproduced below has been abstracted from the DoE document – "District Council (Northern Ireland) Rate Statistics 2011-2012 clearly demonstrates the cost effectiveness of this authority's services compared with the other 25 district councils in Northern Ireland.

#### NI District Council - Rate Statistics 2011-2012

<u>Council</u>		Street Cleaning	Waste Collection	Waste Disposal	Collection &Disposal
Moyle	16,942	19.67	28.30	55.33	83.63
<b>Ballymoney</b>	<b>30,439</b>	<b>7.68</b>	<b>19.38</b>	<b>43.50</b>	<b>62.88</b>
Larne	31,441	14.29	48.69	45.81	94.50
Limavady	33,988	14.77	31.56	39.96	71.52
Cookstown	36,283	14.91	32.44	29.97	62.41
Strabane	39,871	18.17	25.48	41.13	66.61
Carrickfergus	40,115	18.90	31.55	39.99	71.54
Magherafelt	44,200	12.16	29.55	43.83	73.38
Banbridge	47,565	8.48	35.29	35.63	70.92
<b>Summary</b>		<b>18.77</b>	<b>37.09</b>	<b>41.95</b>	<b>79.04</b>

### NI District Council - Rate Statistics 2011-2012

<u>Council</u>	Street Cleaning	Waste Collection	Waste Disposal	Collection & Disposal
<b>Summary</b>	<b>18.77</b>	<b>37.09</b>	<b>41.95</b>	<b>79.04</b>
Antrim	18.93	40.28	40.34	80.62
Ards	14.19	33.10	43.97	77.07
Armagh	12.53	34.01	35.87	69.88
Ballymena	14.07	37.39	43.15	80.54
<b>Ballymoney</b>	<b>7.68</b>	<b>19.38</b>	<b>43.50</b>	<b>62.88</b>
Banbridge	8.48	35.29	35.63	70.92
Belfast	36.73	48.32	47.84	96.16
Carickfergus	18.90	31.55	39.99	71.54
Castlereagh	7.43	32.45	35.12	67.57
Coleraine	25.48	33.25	43.01	76.26
Cookstown	14.91	32.44	29.97	62.41
Craigavon	14.00	54.03	28.00	82.03
Derry	24.57	31.90	51.40	83.30
Down	16.17	31.34	39.88	71.22
Dungannon	13.29	28.19	42.25	70.44
Fermanagh	14.97	24.58	49.05	73.63
Larne	14.29	48.69	45.81	94.50
Limavady	14.77	31.56	39.96	71.52
Lisburn	11.56	23.87	50.92	74.79
Magherafelt	12.16	29.55	43.83	73.38
Moyle	19.67	28.30	55.33	83.63
Newry & Mourne	20.38	43.04	34.14	77.18
Newtownabbey	14.49	51.08	31.65	82.73
North Down	17.79	42.77	42.25	85.02
Omagh	14.18	29.92	41.08	71.00
Strabane	18.17	25.48	41.13	66.61

The Director stated that the DoE statistics clearly demonstrated the very good value for money as regards the services highlighted being provided to Borough ratepayers and that members needed to be aware of this achievement when dealing with service budgets in the future. Alderman Campbell congratulated officers on this achievement, a sentiment with which Councillor Robinson concurred. Councillor Finlay felt that the frequency of street cleansing in the Borough needs to be reviewed as ratepayers do not receive the same street cleansing service with some areas swept regularly and some only on demand. The Director outlined the Councils present regime for the benefit of members.

In response to Councillor McKeown, the Director advised that in the first instance Road Service should be pursued regarding grit which it had applied and which remains on some roads since the winter months.

## ENVIRONMENTAL PROTECTION

### 371.14 POLLUTION PREVENTION & CONTROL REGULATIONS (NI) 2003

NIEA have provided annual monitoring reports for the period 07-08, 08-09 and 09-10 in respect of permit no. PO146/06A for inclusion in the Public Register.

### 371.15 14 QUEEN STREET, BALLYMONEY.

Further to Committee report item HES 359.5 (27<sup>th</sup> April 2010), the matter was finally heard at the Magistrates Court on the 6<sup>th</sup> May 2011. On the evidence presented the Magistrate imposed a fine of £250.00, a compensation order in the sum of £1,641.03 (relating to the works carried in default by Council), an order for costs in respect of £200.00 plus £10.00 court fees. Gainsborough Property Sales Ireland Limited have gone into administration.

\* **Councillor McKeown left the meeting at 8.41pm.**

## LICENSING

### 371.16 LICENSING (NORTHERN IRELAND) ORDER 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Lorna Savoury, 139 Vow Road, BALLYMONEY.	Occasional Licence at 24 Drumlee Road, Ballymoney, 11/6/11, 9.00pm – 1.00am.	27/4/11
Brooke Huey, Glynns Bar, 23 Church Street, BALLYMONEY, BT53 6HS.	Occasional Licence at 133 Kirk Road, Stranocum, 23/7/11, 7.00pm – 1.00am	11/5/11
Brooke Huey, Glynns Bar, 23 Church Street, BALYMONEY, BT53 6HS.	Occasional Licence at McMullan's Farm, 9/7/11, 8.00pm – 1.00am	19/5/11
Pauline Gallagher, Kelly's Bar, 21 Church Street, BALLYMONEY.	Occasional Licence at Ballymoney Showgrounds 3/6/11, 10.00am – 1.00am 4/6/11, 10.00am – 6.00pm	18/5/11

## DOG CONTROL

### 371.17 BALLYMONEY BOROUGH COUNCIL/DOGS TRUST ROADSHOW

From Spring 2012 it will be a legal requirement to have a dog microchipped.

Ballymoney Borough Council in conjunction with Dogs Trust will be holding various Roadshows for the microchipping of dogs in the following locations on the dates listed.

Tuesday 31<sup>st</sup> May 2011

Riverside Park, Armour Avenue, Ballymoney. 11.00 am – 3.00pm

Wednesday 1<sup>st</sup> June 2011

Fulton Park Recreation Grounds, Balnamore Road, Balnamore. 11.00am – 12.45pm

Wednesday 1<sup>st</sup> June 2011

Riverside Park, Knock Road, Dervock. 1.00pm – 3.00pm

Thursday 2<sup>nd</sup> June 2011

Cloughmills Community Centre, 7 Culcrum Road, Cloughmills. 11.00am – 12.45pm

Thursday 2<sup>nd</sup> June 2011

Bush Park, Main Street, Stranocum. 1.00pm – 3.00pm

Friday 3<sup>rd</sup> June 2011

Rasharkin Community Centre, Duneany Road, Rasharkin. 11.00am – 12.45pm

Friday 3<sup>rd</sup> June 2011

St. Josephs Parish Centre, Bridge Road, Dunloy. 1.00pm – 3.00pm

\*\* Please note that microchipping is free to owners. Puppies must be over 12 weeks of age and fully vaccinated. Free neutering vouchers will be available onboard the Roadshow.

The Directorate hopes that dog owners in the Borough will avail of this offer while they can.

## **WELFARE OF ANIMALS**

### **371.18 WELFARE OF ANIMALS ACT (NI) 2011**

The Welfare of Animals Act (Northern Ireland) 2011 received Royal Assent on 29<sup>th</sup> March 2011. Under the legislation Councils have a statutory obligation to enforce the provisions in respect of non-farmed animals. DARD has intimated that “the powers are permissive in that Councils will have discretion as to how they implement these powers within the available resources”. £760,000 is to be made available to Councils by DARD annually in each of the next four years and DARD recognises that this level



of provision will necessitate Councils prioritising the workload likely to arise from the new statutory duty being imposed. It is the case that the former DARD Minister gave a guarantee that the provisions which provide powers for Councils will not be enacted until 12 months after the Bill receives Royal Assent (which it did on 29<sup>th</sup> March 2011). It is understood that DARD intend to make funding available to enable Councils to put the necessary arrangements in place (such as the recruitment and training of staff, purchase of vans or tender for services).

A further report will be made to Committee when there is greater clarity on a number of implementational issues including funding requirements and how the annual DARD budget of £760k is to be divided up between the provinces 26 district councils.

## PLANNING CONSULTATIONS

### 371.19 PLANNING CONSULTATION RESPONSE

The following responses have been returned to Planning Service and are provided to Members for information.

Application	Address	Proposal	Comments
D/2006/0599/F	Land approx. 1km North of 81 Glenbuck Road, Dunloy.	Amendment to proposed wind farm including a reduction from 5 turbines to 3, a reduction in overall maximum height from 125m to 109m and associated site works.	Conditions requested to ensure compliance with predicted noise levels as contained within environmental statement and noise impact assessment.
D/2009/0298/RM	Opp. 2, 4 & 6 Milltown Road, Ballymoney.	10 Townhouses and roadway for private streets determination.	Further details regarding refuse container collection points requested to ensure pedestrian and road user safety.

## HOME SAFETY

### 371.20 BE STREETWISE/BEE SAFE 2011

This event will be held from 24<sup>th</sup> – 26<sup>th</sup> May 2011 in the Parish Centre, Queen Street, Ballymoney. As in other years, P7 children will be put through safety scenarios set up by HAP Ballymoney, Borough Services (including hand washing, noise awareness and letter), PSNI, Fire & Rescue Service, NIE, Coastguard, students from the UJJ, H&SE Farm Safety and Translink.

## MISCELLANEOUS

### 371.21 HIGH HEDGES ACT (NORTHERN IRELAND) 2011

The DoE NI has advised that the NI High Hedges Bill received Royal Assent on 3<sup>rd</sup> May 2011 becoming the High Hedges Act (Northern Ireland) 2011. The Act is intended to offer a means of address for persons alleging detriment due to the height of a neighbouring hedge. A high hedge is defined by the Act as a barrier to light formed wholly or predominantly by a line of two or more evergreen or semi-evergreen trees or shrubs which rise to a height of more than two metres above ground level. A complaint may be made to a local council only after sufficient attempts have been made to resolve the problem amicably with the hedge owner.

It is the case that the DoE is required to legislate to limit the level of discretionary complaints fee that councils can levy and also to allow for this fee to be transferred to the owner or occupier of the neighbouring land in cases where a remedial notice issued by a council takes effect. The Department has intimated that it intends to issue a public consultation on this fees legislation as soon as possible during the new Assembly.

### 371.22 MICHAEL COLE AWARD – INCREDIBLE EDIBLE, CLOUGHMILLS.

I am pleased to advise that the Directorate has recently been awarded the Michael Cole Award for the Incredible Edible, Cloughmills project. Initially a Northern Group Systems (NGS) Award for recently qualified Environmental Health Officers who have been involved in outstanding work. In 2010 the Michael Cole Award became a joint initiative between NGS and CIEH to recognise an individual or group who can best demonstrate a piece of work, project or initiative which not only benefits the public health but which also adds a significant contribution to the body of Environmental Health knowledge. Ballymoney are the first employing authority to receive the award in both guises, initially with Lynne McCullough in 2006 and now through the joint initiative with Community Safety, Environmental Services and Cloughmills Community Action Team. The Awards were made following a day of presentations to a judging panel and a final audience vote. A presentation of the project will be made to the next Committee meeting.

The Chair congratulated all those involved with Incredible Edible on their achievement, an excellent initiative which is progressing very well.

## DISTRICT POLICING PARTNERSHIP

### 371.23 DISTRICT POLICING PARTNERSHIP CHAIRPERSON

Following the non-election of former Cllr. Malachy McCamphill to Ballymoney Borough Council the vacancy of chairperson now exists in respect of Ballymoney District Policing Partnership.

Legislation requires that the DPP chairperson must be elected by Ballymoney Borough Council from the Councillors who currently sit on the District Policing Partnership.

This process is not prescribed and therefore Council has options\* which it might pursue:-

- 1) Continue with current arrangements put in place after the 2005 election for the remaining term of this District Policing Partnership, due to end with the commencement of the PCSP. These arrangements mean that the new DPP chairperson ought to be chosen from those DUP members who currently sit on District Policing Partnership; OR
- 2) Council may decide to elect any existing District Policing Partnership Councillor member using general consensus.

*\* Council is not permitted to appoint any new members to the Partnership during this transition period. The option to simply replace one SDLP member with another is not afforded to Council as there are no other SDLP members sitting on the District Policing Partnership.*

The Director of Borough Services advised that Item 371.23 District Policing Partnership Chairperson will be on the Council meeting agenda.

In response to Councillor Stevenson questions regarding waste haul and waste disposal the Director stated that he would ascertain the information sought and then convey same to him.

**This being all the business the meeting closed at 9.01pm.**