

**BALLYMONEY BOROUGH COUNCIL
COUNCIL MEETING NO. 833– 6th March 2006**

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Ballymoney Borough Council

Minutes of Council Meeting No. 833 held in the Council Chamber, Riada House, Ballymoney on Monday 6th March 2006 at 7.00 pm.

IN THE CHAIR: Alderman C Cousley, Mayor

PRESENT:

Aldermen:

F Campbell
J Simpson
H Connolly

Councillors:

B Kennedy	M Storey, MLA
P McGuigan, MLA	J Finlay
M McCamphill	Councillor R Wilson
D McKay	A Patterson
A Cavlan	

APOLOGIES: Councillor T McKeown
Councillor E Robinson

IN ATTENDANCE: Quarry Products Association (Item 1)
Mr Gordon Best, Quarry Products Association
Mr John Shannon, Patrick Bradley Ltd
Mr Philip Shields, Northstone (NI) Ltd

Chief Executive
Director of Financial & Administrative Services
Director of Health & Environmental Services
Corporate Services Officer
Committee Clerk

The Press were in attendance.
Members of the public were present.

883.1 PRESENTATION – Quarry Products Association

Mr Best gave a presentation to members on the impact on the industry of cuts in the roads budget. He thanked Council for its support and the representations made to the Minister and the Treasury.

In the ensuing discussion Mr Best responded to members' questions.

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

that a letter be sent to Lord Rooker asking that the funding for roads be kept in line with the RDS as published in 2002.

A copy of the presentation is included as Appendix A.

Councillor McGuigan, Councillor Cavlan, Alderman Simpson and Councillor Wilson joined the meeting during the presentation and prior to the motion at 7.15pm.

The Mayor left during the discussion and prior to the motion at 7.30pm and the Deputy Mayor assumed the chair.

833.2 COUNCIL MEETING NO. 827 – 6th February 2006

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

that the minutes of Council Meeting No 827 on 6th February 2006, as circulated, be confirmed as a correct record.

833.3 COUNCIL MEETING NO. 828 – 7th February 2006

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

that the minutes of Council Meeting No 828 on 7th February 2006, as circulated, be confirmed as a correct record.

833.4 COUNCIL MEETING NO 829 – 9th February 2006

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

that the minutes of Council Meeting No 829 on 9th February 2006, circulated, be confirmed as a correct record.

833.5 COUNCIL MEETING NO 830 – 9th February 2006

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

that the minutes of Council Meeting No 830 on 9th February 2006, circulated, be confirmed as a correct record.

833.6 COUNCIL MEETING NO 831 – 14th February 2006

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

that the minutes of Council Meeting No 829 on 9th February 2006, circulated, be confirmed as a correct record.

833.7 COUNCIL MEETING NO 832 – 20th February 2006

It was proposed by Councillor Wilson, seconded by Councillor Patterson and
AGREED:

that the minutes of Council Meeting No 832 on February 2006, circulated, be confirmed as a correct record.

833.8 SEAL DOCUMENTS

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

that the Seal of the Council be affixed to Grave Registry Certificate numbers: 989, 990, 991.

833.9 DEVELOPMENT COMMITTEE MEETING NO. 168 – 13th February 2006

Councillor Storey presented the report including the following Addendum:

9.1 Hotel Feasibility Study

An invitation to tender for a feasibility study into the potential for a hotel development in Ballymoney was issued on Friday 6th January 2006 to five consultants on our select list. The closing date for receipt of completed tenders was Monday 30th January 2006.

Four of the firms declined to submit a proposal. The proposal by Colin Buchanan Consultants, Belfast, was examined and their consultancy team has made a presentation to the project group. The total tender cost, excluding VAT, is £18,400 plus expenses, capped at 10% =£20,240.

Criteria for quantitative assessment of the proposal, based solely upon the requirements of the study, as set out in the original tender document, were used to score the proposal, with proposals requiring to score 60% or more. Colin Buchanan Consultants scored 128 out of a possible 150 marks, equivalent to 85%.

It is **recommended** that Council award the commission to Colin Buchanan to conduct a study into the potential for hotel development in Ballymoney and their tender in the total amount of £20,240 plus VAT, be accepted.

The tender is slightly over the budget of £15,000. However the firm have extensive experience in the study area, are offering a highly experienced project team and enhancement of the study areas specified by us. The additional cost can be met from re-allocation of project monies from abandoned business awards project.

The key areas the study will cover are:

- potential market demand
- potential location and facilities
- investment required and timescale
- how the development will contribute to the tourism masterplan
- presentation to relevant developers

Costs associated with the presentation and marketing of the study to potential developers will be met by Council. These are not expected to exceed £2,000 and will be met from existing marketing budget.

9.2 Development adjoining Castlecroft Square, Main Street, Ballymoney

An application has been received from Bell Architects, on behalf of their client, Mr David Chartres, for permission to remove the buttress wall between Council's amenity area at 59 Main Street and his property at 53-55 Main Street, Ballymoney which is being redeveloped.

It is **recommended** that Council grant approval to Mr David Chartres to remove the buttress wall between his property and Council's at the above-mentioned location, subject to the proviso that he make good the surface, finishing in the same surfacing material as the remainder of the Castlecroft Square, to Council's satisfaction.

Similar approval was granted to Ballymoney Regeneration Company when they redeveloped their site on the other side of the Council's site.

The following matters were discussed.

9.3 Presentation: Ballymoney Borough Twinning Association (168.3)

Councillor McKay asked whether the delegates nominated to visit Vanves the Twinning Association in June 2006 would comprise councillors or members of the public. The Chief Executive advised that a decision concerning delegates will be made at the next committee meeting. Such delegations normally comprised councillors/officers.

9.4 Housing Growth Indicators (168.9)

The Chairman commended and thanked the Chief Executive for his role in the presentation at the examination in public. Councillor Stevenson associated himself with these remarks.

9.5 Hotel Feasibility Study (9.1 above)

In reply to Councillor Simpson the Chairman gave details of the Project Group and the assessment process. The Corporate Services Officer gave information on the content of the study, the criteria and arrangements utilized to assess proposals. The Chairman stated that the proposal had been further considered at the presentation and the tender received had met the criteria laid down and its acceptance was recommended.

9.6 Adoption of Minutes

It was proposed by Councillor Storey, seconded by Councillor Wilson and **AGREED:**

- (1) ***that the minutes of the Development Committee Meeting No. 168 – 13th February, as circulated, be adopted and the recommendations therein approved.***
- (2) ***that Council award the commission to Colin Buchanan Associates to conduct a study into the potential for hotel development in Ballymoney and that their tender in the amount of £20,2404 +VAT be accepted.***
- (3) ***that approval be granted to Mr David Chartres to remove the buttress wall between his property and Council property at 59 Main Street, Ballymoney, subject to the proviso that he make good the surface finishing in the same surface material as the remainder of the Council's site and to Council's satisfaction.***

833.10 LEISURE & AMENITIES COMMITTEE MEETING NO 314 – 21ST February 2006

Following presentation of the report by Alderman Campbell, the following matters were discussed:

10.1 Proposed Housing, Public Open Space, Cloughmills (314.11)

Councillors Finlay and McCamphill spoke in favour of the proposals, which would provide much needed open space and supported the recommendation to support the applicant at appeal.

10.2 Small Pockets of Deprivation Programme (314.12)

Councillor Storey expressed his concern regarding the withdrawal of this funding from small communities in the Borough and supported the representations to DSD and NIHE.

10.3 Committee Structures

Alderman Simpson queried the case for looking at the roles of committees following the restructuring of departments with a view to making best use of officer time. Councillor Kennedy supported the member's view. The Chief Executive advised that the committee structure would be examined as part of the ongoing review to ensure it was aligned to the new operational arrangements implemented by Council. He would report on this in due course.

10.4 Adoption of Minutes

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

that the minutes of the Leisure & Amenities Meeting No. 314 – 21st February 2006, as circulated, be adopted and the recommendations therein approved.

The Mayor returned to the meeting at this stage, the time being 8.00pm, and assumed the chair.

833.11 FINANCE & GENERAL PURPOSES COMMITTEE No. 339 – 27TH February 2006

Alderman Connolly presented the Committee Report.

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

that the minutes of the Finance & General Purpose Committee Meeting No. 339 – 27th February 2006, as circulated, be adopted and the recommendations therein approved.

***Councillor Kennedy retired from the meeting, the time being 8.05 pm.**

833.12 HEALTH & ENVIRONMENTAL SERVICES COMMITTEE MEETING NO. 313 - 28TH FEBRUARY 2006

Councillor Finlay presented the Committee report.

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

that the minutes of Health & Environmental Services Committee Meeting No.313 – 28th February 2006, as circulated, be adopted and the recommendations therein approved.

833.13 BI-LINGUAL SIGNAGE – LEGAL OPINION

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

that Council move ‘into Committee’ to consider this matter.

Council accordingly moved ‘into committee’ and members of the press and public retired from the meeting at this point.

A copy of the opinion was circulated to members.

The Chief Executive gave background to the request for a sign in Carnfinton Park, the subsequent threat of judicial review, legal advice from Council's Solicitor and the decision to obtain Senior Counsel opinion, a copy of which had been circulated to members.

He gave a synopsis of the opinion dealing with Council's discretionary power to erect names in a language other than English; the need to have regard to the views of occupiers of premises in the street concerned; the requirements of the EU Charter in relation to promotion of minority languages. He pointed to the need to produce a policy to cover practical issues like: a threshold level of support before council acts; the method of obtaining views of residents; the size of font to be used etc. He confirmed that such a policy must “fit within the council's existing Section 75 Equality scheme.”

He recommended that Council resolve that a comprehensive policy be produced and agree whether the policy should include a threshold and, if so,

the level of that threshold. Details of the thresholds operated by other councils were given.

After discussion it was proposed by Councillor Storey seconded by Councillor Stevenson that a draft policy, including recommendations with regard to threshold, validation etc, be prepared for Council's consideration, this to be subjected to an equality impact assessment.

On being put to the meeting 10 members voted for and no member voted against.

The Mayor declared the motion carried.

The Council resolved itself out of committee on the proposal of Councillor Stevenson seconded by Councillor Finlay.

833.14 ANNUAL TENDERS 2006/07

The Director of Financial and Administrative Services presented report on annual tenders received for goods and services for the financial year 2006/07.

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

that the schedule of tenders, as recommended, be accepted, for 2006/07 being the lowest in each case except where stated otherwise, in accordance with the details set out in Appendix

- **Councillor McGuigan, the Director of Health & Environmental Services, the Director of Financial & Administrative Services retired from the meeting, the time being 8.45 pm.**

833.15 RPA TASKFORCE

The Department of Environment has written to advise that the Local Government Division is developing a programme of work in response to the need both to modernise local government and implement decisions following from the Review of Public Administration. To help drive and inform this process, the Department in consultation with local government has agreed to the establishment of a Taskforce.

The draft Terms of Reference for the Taskforce will be "*to produce proposals for modern and effective local government in light of the requirements of the Review of Public Administration and other drivers for change. It will draw on independent expert advice and best practice from elsewhere but will seek solutions appropriate to local need and circumstance.*"

The taskforce will have three tiers, a political advisory panel, a working group and a number of work streams. The work of the Taskforce will also be informed and challenged by a number of independent experts who have experience of local government modernisation and restructuring in GB and Ireland.

SOLACE has been invited to nominate a number of Chief Executives to sit on the working group and the Chief executive has been so nominated. Other officers from Local government will be invited to be members of the work streams. SOLACE and NILGA both take the view that, whatever the reservations about numbers of councils or other details in the announcement made by the Minister, it is imperative that officers and members from local government are involved in the shaping of the new councils; the alternative is that civil servants, with no knowledge of or vested interest in local government, will design the arrangements which local government officers and members will inherit.

Accordingly, Council was asked to approve the participation of the Chief Executive, and any other Ballymoney Borough Council officers invited to take part in the taskforce, in the workings of that body.

During discussion members restated their opposition to the 7 Council model. The Chief Executive explained that the taskforce was not about implementation of the 7 Council model but about the practical implications of whatever configuration the Councils are.

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

That Council approves the participation of the Chief Executive, and any other Ballymoney Borough Council officers invited to take part in the taskforce, in the workings of that body.

833.16 QUARRY PRODUCTS ASSOCIATION – ROADS SPEND

The Department of Regional Development has responded to the Council's representations in support of the case put forward by the Quarry Products Association about reduced funding for road's structural maintenance in Northern Ireland.

The Department, on behalf of the Minister, explain:

"On the Minister's behalf, the Department explained that the Revised Budget announced on 14th December 2005 provides that total government spending in Northern Ireland will exceed £16 billion by 2008, a jump of more than 50% since 1997. Public expenditure in Northern Ireland is by far the highest figure for any region of the UK and is 29% higher than the UK average. Indeed,

average expenditure on roads' structural maintenance increased substantially following approval of the Regional Transportation Strategy (RTS).

Furthermore, in the last 3 years a total of some £735m has been spent on developing and maintaining the road network in Northern Ireland. Some £495m has been invested in revenue activities, including maintenance, with a further £240m on capital. Over the next 10 years, the Investment Strategy for Northern Ireland envisages that some £1.9 billion will be invested in roads subject to the availability of resources in future budget rounds, economic appraisals and statutory approvals. Expenditure this year, coupled with the Revised Budget Allocations, suggests that about £170m will be invested in roads' structural maintenance in the three years to 2007/08. When assessing budget figures, a single year's allocation is of course important but it is also important to see these figures over a cycle."

While the Minister expresses appreciation about the concerns of the Quarry Products Association, he points out that there are many pressures on the Northern Ireland budget and the roads' programme must compete for funding alongside other spending programmes. The Minister concludes by assuring the Council that the Department will continue to make best use of the resources available to it to develop and maintain the road network and that road safety is, and will remain, a top priority.

833.17 ROADS SERVICE REPRESENTATION AT PLANNING OFFICE MEETINGS

Recently, in correspondence, Roads Service indicated that site meetings were the best forum for addressing roads issues in relation to planning applications. As a consequence, the matter was raised with Planning Service.

The Divisional Planning Manager advises that the problem about Roads Service attendance at Planning Office Meetings has now been resolved and that a representative of Roads Service attended the last set of office meetings on applications where there were roads reasons for refusal. The Planning Manager points out that the Roads Manager's view that roads issues are better handled on site by the applicant, Agent and Roads Service, relates to the earlier stages in the processing of applications, that is prior to consultation with Council. She also reminds Council of the arrangements for meetings on applications which have been deferred by Council, as set out in the guidance previously circulated. If there are exceptional circumstances, where there are clear planning reasons why issues can only be discussed on site, a request can be made in writing outlining the reasons to the Planning Manager.

833.18 HOUSING EXECUTIVE – FORMAL CONSULTATION

The Housing Executive wishes to consult with Council on its District Housing Plan.

This plan is an overall review of housing trends, conditions and needs in the Borough area. Council is invited to suggest suitable dates for the meeting in June.

It was **AGREED**:

that the Northern Ireland Housing Executive be invited to present the Borough's housing plans to Council on 19th or 20th June at 6.00pm.

833.19 ROADS SERVICE – PRIVATE STREETS

Roads Service advises of the adoption of the following streets within developments, under the Private Streets (NI) Order 1980.

- Parking provision at 4-13 Belford Park, Ballymoney (NIHE Development)
- Development at Greenville Avenue, Stage 3 (Developer Brett Properties Limited).

833.20 ROYAL MAIL – END OF UNOFFICIAL INDUSTRIAL ACTION

Royal Mail have written to advise that they have now started the enormous task of restoring customer confidence and trust in their business following almost three weeks of unofficial industrial action in Belfast. They state that this unlawful and unballoted strike action has done irreparable damage to their business and has resulted in an unacceptable level of inconvenience to its customers. They apologise sincerely for this. They advise also of the various processes in which they are now engaged as follows:

“Royal Mail is committed to building a modern and flexible postal service that puts customers first and our ability to compete effectively in an open market depends on us achieving just that. The strike action was completely unnecessary, as Royal Mail had already written to the CWU in December, offering to bring in an independent third party to look at industrial relations in the Belfast delivery office. It is extremely disappointing, therefore that the wildcat action ever occurred or that it lasted as long as it did. Certainly, there can be no question of anyone having gained from it.

We now have two key tasks. Firstly, the very immediate task of clearing 18 days of backlogged post amounting to some 7 million items of mail. This work is already underway and we are bringing in around 150 extra people, laying on 70 additional vehicles and enlisting the help of 25 mail centres across Great Britain to get delayed mail delivered to customers as quickly as possible. Even with this huge effort, we estimate that it will take up to three to four weeks to clear the backlog, although we will do everything possible to exceed this timescale. All customer enquiries are being handled directly by our customer services team in Belfast and staff are on hand to help with enquiries regarding claims for compensations etc. For information, the team can be contacted on Tel: 08457 740740.

Our second task will be to start moving our whole industrial relations and employee relation's climate forward to ensure that our customers do not face this type of disruption again. To begin this process, we have been holding meetings with employees returning to work to talk through where we are in terms of our customers, Royal Mail as a company and our own people. Everyone involved has also signed up to a flashpoint resolution process to prevent any reoccurrence of such damaging strike action.

Delivering excellent quality of service is the best way to fight competition – this is no less than our customers deserve and it is our number one priority as we move forward.”

833.21 POST OFFICE – BENDOORAGH

The Post Office has written regarding the unavoidable closure of the Bendooragh Post Office due to circumstances beyond their control. They would welcome applications from potential partners interested in running the Post Office branch on behalf of Post Office Limited at, or near, the existing premises at 1 Bendooragh Road. Potential candidates should be referred to the Agency Recruitment Team. Post Office apologise for any inconvenience caused to customers through the closure of the Office and have provided details other convenient locations in the area, details circulated.

833.22 WATER SERVICE - POTENTIAL CLOSURE OF DEPOTS/OFFICES

Water Service has written to advise that it is currently considering the closure of a number of smaller depots/offices, including Ballymoney. Being aware of the importance public representatives attach to local office locations, they have written to explain their position.

“Following Ministerial announcements on the formation of Northern Ireland Water Limited and the introduction of water charges to domestic customers in April 2007, Water Service is pursuing a range of efficiency measures, including a rationalisation of work centres, to streamline our service and reduce costs.

An initial investigation has indicated that we will be able to close 7 depots/offices without undue impact on staff or customers. There will be no job losses as a result of these closures and the 78 staff involved will be redeployed to the nearest alternative location. We are already consulting with Trade Unions and our staff in relation to these proposals and a business case has been produced. We will also be considering the views of the general public on the planned closures.

An Equality Impact Assessment (EQIA) report has been drafted on a number of Water Reform processes, including future accommodation needs, and this will be published on 20th February 2006 for a 12-week consultation period. Copies of the report will be available on our website www.waterni.gov.uk.

When the EQIA has been completed and findings produced, I will share these with you. At that stage, we will be in a better position to confirm whether the Ballymoney office/depot will be closed and if so, on what date.”

They emphasise that Water Service aims to continuously improve the quality of our services to customers, whilst at the same time, ensuring that we meeting stringent efficiency targets which have been set to ensure that the cost of these services is as affordable as possible.

833.23 RESOLUTIONS/REPRESENTATIONS

- a) North Down Borough Council – Criminal Restorative Justice Schemes.

North Down Borough Council has adopted the following motion and seeks Council's consideration and response.

“That this Council opposes the Government’s deceptive protocols recently published for restorative justice schemes in Northern Ireland. We believe that any such scheme must have proper protocols amongst whose conditions must ensure that the schemes are centrally controlled by the Police and that everyone connected with the running of such schemes, deal directly with the Police. Without these safeguards, we believe that such schemes will inevitably lead to the paramilitaries having a level of control in the criminal justice system and calls upon Government to ensure that the justice system in Northern Ireland remains under the control of the Police and the Courts. This Council resolves to write to the Secretary of State outlining our opposition to such proposals. This Council further resolves to send copies of this motion to the Chief Constable, the Policing Board and the other Councils in Northern Ireland.”

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

that Council lend its support to the above resolution.

- b) **Belfast City Council – National Stadium**

Belfast City Council has adopted the following motion, which has asked to be brought to Council's attention.

“Belfast City Council calls upon the Government to take heed of the views of the Northern Ireland football supporters and many others who believe that the Maze is not a suitable location for the Northern Ireland National Stadium; calls upon the Secretary of State to reveal immediately the full business case for the siting of a National Stadium at the Maze, to set out the full costs of the proposal, to indicate how it fits with wider Government policy in relation to

planning, urban regeneration and Targeting Social Need and to facilitate an open and fair debate on the location of a National Stadium; and further calls on the Secretary of State to follow precedence in other parts of the United Kingdom, most notably the proposed London 2012 Olympic Village, and identify a suitable, inner city brownfield site for the National Stadium in Belfast.

The Council agrees also to circulate the Motion to other District Councils.”

It was **AGREED:**

that the above be noted.

833.24 REPORTS

A schedule of reports, which are available, was tabled for information.

This concluded the business of the meeting, the time being 9.05 pm.

Appendices

A – Quarry Products Presentation

B – Annual Tenders 2006/07