

Ballymoney Borough Council

Council Meeting No 959 – 2nd April 2012

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BALLYMONEY BOROUGH COUNCIL

Minutes of Council Meeting No 959 held in the Council Chamber, Riada House, Ballymoney on Monday 2nd April 2012 at 6.30 pm.

IN THE CHAIR: Councillor I Stevenson, Mayor

PRESENT:

Aldermen
F Campbell
H Connolly
C Cousley, MBE

Councillors
W Blair
A Cavlan
J Finlay
R Halliday
R McAfee
P McGuigan
T McKeown, Deputy Mayor
C McLaughlin
E Robinson
M Storey, MLA

APOLOGIES: Councillor J Atkinson

IN ATTENDANCE: Chief Executive
Director of Borough Services
Director of Central & Leisure Services
Head of Corporate & Development Services
Committee Clerk

Digital Switchover UK (Items 1-2)
Mr D Wolenski – Manager, Digital UK
Mr R Keene – Assistant Manager, Digital UK
Mr N Tilson – Manager – Help Scheme

Press x 2
Public x 2

959.1 CONDOLENCES

The Mayor expressed sympathy to Mr Richard Lewis, Chief Executive of our neighbouring Council of Moyle, on the death of his mother. Following so closely after the death of Richard's father this is very sad news. The Mayor has written to Richard conveying condolences to him and his family. They are in our thoughts and prayers at this time.

959.2 DIGITAL SWITCHOVER

The Mayor welcomed representatives from Digital UK to update members on the progress of switchover from analogue to digital TV. Mr Wolenski advised members that the switchover represents the biggest broadcasting infrastructure programme ever undertaken in the UK with the entire transmitter network being upgraded. Existing analogue TV signals will be switched off permanently releasing a valuable spectrum for new uses and providing stronger Freeview signals, more channels, more choice and better quality. The two stage process of the switchover will commence on 10th October when BBC 2 signal will be switched off. All other analogue signals will be switched off on 24th October.

Mr Tilson highlighted schemes in place to provide assistance to viewers during and after the switch over. Digital UK will be writing to those eligible for financial assistance towards the replacement of existing equipment to ascertain their needs and information sessions run by Digital UK, the Help Scheme and Outreach Partners will be held, the first roadshow taking place on Friday 7th September at Tesco in Ballymoney. The presentation is attached as Appendix 1.

The representatives responded to questions from members relating to:

- Need for Freeview HD TV to connect to RTE rather than use of Freeview box.
- Level of assistance available to those identified as eligible for financial assistance.
- Aftercare arrangements for those eligible for financial assistance.

The Chair thanked the representatives for their presentation which concluded at 6.55 pm. The representatives left the meeting at this time.

- * **Councillor McKeown joined the meeting at 6.37 pm during the presentation.**
- * **The Director of Central & Leisure Services joined the meeting at 6.50 pm during the presentation.**

959.3 MINUTES – MEETING NO 958 – 5th MARCH 2012

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

that the minutes of Meeting No 958 – 5th March 2012, as circulated, be confirmed as a correct record.

959.4 MINUTES OF CONSULTATION COMMITTEE MEETING NO 71 – 21ST MARCH 2012

Councillor Cavlan presented the report.

The minutes of Consultation Committee Meeting No 71 – 21st March 2012, as circulated, were received.

Matters Arising:

4.1 Northern Ireland Fire & Rescue Service Consultations (71.7)

Alderman Campbell expressed concern about the impact of the review of variable crewing framework and review of flexi duty rota in Ballymoney, particularly if Ballymoney is downgraded.

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

- 1. that an invitation be extended to representatives from NIFRS to give a presentation to Council at the Consultation Committee on 16th April, to enable issues of concern to be addressed prior to the deadline of 27th April, or***
- 2. that the Chief Executive write to NIFRS to ascertain the implications to Ballymoney of the reviews and request an extension to the deadline period to enable Council to fully consider the consultation documents and submit its response.***

- * **The Head of Corporate & Development Services and the Director of Borough Services joined the meeting at 7.00 and 7.05 pm respectively.**

959.5 MINUTES OF DEVELOPMENT COMMITTEE MEETING NO 233 – 21ST MARCH 2012

Councillor Finlay presented the report.

Matters Arising:

5.1 Condolence (233.1)

Councillor Finlay reiterated his condolences to Councillor Halliday on the death of his sister. Alderman Connolly and Councillor Stevenson associated themselves with Councillor Finlay's comments.

5.2 Adoption of Minutes

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

that the minutes of Meeting No 233 – 21st March 2012, as circulated, be adopted and the recommendations therein approved.

**959.6 MINUTES OF LEISURE & AMENITIES COMMITTEE MEETING NO 393 –
20TH MARCH 2012**

Alderman Campbell presented the report. The Director of Borough Services presented an additional item at 6.1. Alderman Campbell presented an addendum to the report as set out at 6.2.

6.1 Dervock & District Community Association – Permission Request

A request has been received from Dervock & District Community Association for the use of Riverside Park, Dervock on Saturday 7th July 2012 to facilitate their Beacon of Hope project. They have also requested the use of Riverside Park, Dervock and Dervock Recreation Grounds on Saturday 21st July to undertake the KK McArthur Festival of Running event. The Association has submitted an application for funding to the Big Lottery Awards for All and the funder has requested that they secure written permission from Council for the use of its facilities in order to support the funding request.

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

that Council grant permission to Dervock & District Community Association for the use of Riverside Park, Dervock on Saturday 7th July and the use of Riverside Park, Dervock and Dervock Recreation Grounds on 21st July to facilitate the projects detailed above.

6.2 Dervock & District Community Association – Nominations

A request has been received from Dervock & District Community Association for Council to appoint two Councillors with two substitutes to the Association.

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

that Alderman Kennedy and Councillor Robinson be nominated to represent Council on the above group and that Alderman Connolly and Alderman Campbell be nominated as substitutes.

6.3 Adoption of Minutes

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

that the minutes of Meeting No 393 – 20th March 2012, as circulated, be adopted and the recommendations therein approved including items 6.1 and 6.2.

- * **Councillor Finlay left the meeting at 7.15 pm.**

959.7 MINUTES OF HEALTH & ENVIRONMENTAL SERVICES MEETING NO 379 - 27TH MARCH 2012

Councillor Robinson presented the report. The Director of Borough Services presented an addendum to the report as set out at 7.1.

7.1 Welfare of Animals Act (Ni) 2011

Further to Committee report item 378.22 (28th February 2012) the governance arrangements with respect to the discharge of functions of the above Act by Ballymena Borough Council on behalf of all other constituent Councils within the Northern Group Environmental Health Committee need to be formalised.

IT IS THEREFORE RECOMMENDED that Ballymoney Borough Council approve the establishment of a Joint Committee by Ballymena Borough Council to be made up of the same members of the Northern Group Environmental Health Committee to oversee the delivery of the Welfare of Animals Act (NI) 2011 and that such meetings take place immediately after the afore-mentioned Group Environmental Health Committee.

At the request of Councillor Robinson, the Director of Borough Services clarified the rationale for the establishment of a separate Committee.

7.2 Adoption of Minutes

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

that the minutes of Meeting No 379 – 27th March 2012, as circulated, be approved and the recommendations therein approved including addendum as set out at 7.1

959.8 MINUTES OF CORPORATE & CENTRAL SERVICES MEETING NO 403 – 26TH MARCH 2012

Alderman Cousley presented the report.

Matters Arising:

8.1 Council Chamber – Draft Rules on use by Non-Council Bodies Background (403.14)

Councillor McAfee welcomed Council's decision to permit Compass Advocacy's Shadow Council to use the Council Chamber up to three times per year at no cost.

8.2 Adoption of Minutes

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

that the minutes of Meeting No 403 – 26th March 2012, as circulated, be adopted and the recommendations therein approved.

8.3 Councillors Allowances – New Scheme 2012/13 (403.7)

At its Corporate & Central Services Committee meeting on 26th March, it was recommended that Council approve the scheme and pay the maximum rates of Basic Allowances, Dependents', Carer's Allowances and Travel and Subsistence Allowances. On adoption of the recommendation, The Director of Central & Leisure Services requested that members consider Special Responsibility Allowances.

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

that the meeting be adjourned for a 10 minute period to allow consideration of the item.

- * **Members left the Chamber at 7.30 and returned at 7.40 pm with the exception of Councillor Finlay, Councillor McAfee and Alderman Connolly.**
- * **Councillor Storey joined the meeting at 7.40 pm.**

At the request of Councillor McKeown, the Director of Central & Leisure Services advised that the regulations came into force from 1st April and as Council pays allowances in the current month, a decision is needed to make payment for April. Any decision taken can be changed at Council's AGM or at any other meeting of Council if members are in agreement.

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

that from a total allowance of £16,000.00, the Mayor, Deputy Mayor and five Chairs of Committee be paid Special Responsibility allowance with the Mayor receiving an allowance of £4,000 and the Deputy Mayor and five Chairs of Committee, receiving £2,000 each, current incumbents:

- **Councillor McKeown - Deputy Mayor**
- **Councillor Cavlan – Consultation Committee**
- **Alderman Cousley – Corporate & Central Services Committee**
- **Councillor Finlay – Development Committee**
- **Councillor Robinson – Health & Environmental Services Committee**
- **Alderman Campbell – Leisure & Amenities Committee**

8.4 Somme Association (CM 958.8.1/402.3)

At the request of Councillor Robinson, the Head of Corporate & Development Services reported on approximate costs and availability of a range of alternative Somme tours. She advised that the tour options currently being explored are considerably less expensive than the annual pilgrimage but that travel costs cannot be identified until nominations have been decided.

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

that two representatives be nominated to attend a Somme 2012 tour and that nominations to attend be agreed at the Consultation Committee on 16th April.

- * Councillor McGuigan left the meeting at 7.45 pm during discussion of the above item.

959.9 MINUTES OF AUDIT COMMITTEE MEETING NO 23 – 14TH MARCH 2012

Councillor Stevenson presented the report.

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

that the minutes of Meeting No 23 – 14th March 2012, as circulated, be adopted and the recommendations therein approved.

959.10 MINUTES OF AUDIT COMMITTEE MEETING NO 24 – 29TH MARCH 2012

Alderman Campbell presented the report.

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

that the minutes of Meeting No 24 – 29th March 2012, as circulated, be adopted and the recommendations therein approved.

959.11 SEAL DOCUMENTS

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

that the Seal of Council be affixed to grave registration certificate numbers 1284, 1285, 1286, 1287 and 1288.

- * The Director of Central & Leisure Services and the Director of Borough Services left the meeting at 7.55 pm.

- * **Councillor Cavlan left the meeting at 7.55 pm.**

959.12 NI COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

The NI Commission for Children and Young People has requested an opportunity to give a presentation to Council on her role in the organization.

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

that Council invite the NI Commissioner for Child and Young People, Patricia Lewsley-Mooney, to give a presentation to Members at Council's Consultation Committee, date to be agreed.

959.13 ROADS SERVICE

13.1 A26 Dualling Scheme (Glarryford to Drones Road)

Statutory Notice has been given in local and provincial newspapers of the Trunk road T7 (A26 Dualling – Garryduff to A44 Drones Road Junction) Order (NI) 2012. A copy of the notice and statutory rule was circulated. An exhibition of the proposals was held at the Tullyglass Hotel, 178 Galgorm Road, Ballymena on 27th and 28th March between 2 pm and 9 pm.

Members will note from the notice that documents and maps may be inspected at Roads Service Offices, Ballymoney, Coleraine, Ballymena and Belfast and copy of proposals or a CD copy of the Environmental Statement may be obtained free of charge from the Coleraine office. ***Comments should be forwarded to Roads Service by 11th May.***

Councillor Storey urged Council to seek clarification from the Minister as to what representations he made on funding for A26 in relation to monies released arising from the reconfiguration of the A5, the current financial position relating to the dualling scheme and whether, if funding was available, DRD would be in a position to move ahead with the work on completion of the statutory process and timescale for public inquiry.

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

that the Chief Executive writes to the Minister requesting clarification on the issues raised.

13.2 Applications To Renew A Road Service Licence

The Department has received applications, to renew the Road Service Licences of the above-named operators.

The licence details and services have not changed from the previous licences.

In accordance with Section 6 of the Transport Act (NI) 1967 Roads Service should be informed of any representations regarding the applications.

- B506 Francis Bosco McAlinden T/A B&C Coaches, 60 Derryall Road, Portadown, Co. Armagh, BT62 1PN.
- B360 O Rooney Coach Hire Ltd, 4 Dana Place, Hilltown, Newry, Co. Down, BT34 5UE.
- B1239 Patrick Joseph Durnin T/A 3D Limos, 21B Glenbrook Terrace, Derry City, Co. Londonderry, BT48 0DY.
- B1924 ET NI Travel Ltd. 23A Turnaface Road, Moneymore, Co. Londonderry, BT45 7YP.
- B576 Fiona McAvoy T/A McAvoy's of Greyabbey, 29B Carrowdore Road, Greyabbey, Co. Down, BT22 2LU.
- B499 Patrick Connolly T/A East Coast Coaches, 72 Rathfriland Road, Newry, Co. Down BT34 1LE.
- B542 Stephen Davison T/A Davison Coach Hire, 26 Wellington Road, Dungannon, Co. Tyrone, BT71 7AQ.
- B2261 Declan O'Connor T/a Party Piglets, 25 Mountainview Parade, Belfast, Co Antrim, BT14 7GY
- B545 Damien Convery T/a DC's Coach Hire, 195 Gulladuff Road, Bellaghy, Magherafelt, Co Londonderry, BT45 8LW
- B025 James Henry T/a James Henry Funeral Services, 100-102 Broughshane Street, Ballymena, County Antrim, BT43 6EE

13.3 Unadopted Roads In Private Developments Ni Assembly Research & Information Service

Following consideration of RaISe publication 155-11 entitled: '*Adoption of New Roads in Private Developments and the use of Bonds*' members requested further information on the number of unadopted roads in Northern Ireland, classified by District Council Area. A copy of the briefing note prepared was circulated.

At the request of Councillor Robinson, the Chief Executive agreed to obtain details of the 21 roads in Ballymoney Borough which are currently unadopted. Councillor Storey raised the issue of housing estates not fully developed and estate roads not finished, in some cases due to the developer being in receivership. He raised questions on the number of bonds outstanding and sought clarity on where responsibility for the bond lies in such circumstances and what action has been taken or is open to the Department to take.

It was **AGREED:**

that the Chief Executive writes to DRD seeking clarification on the issues raised by the member.

13.4 ROADS SERVICE ANNUAL REPORT AND ACCOUNTS 2010-11

The Annual report and accounts for 2010-11 has been published. A copy is available on the DRD website www.drdni.gov.uk

The report describes how Roads Service has performed against the commitments contained in their 2010-11 business plan, in particular the published performance targets set by the Minister.

959.14 REGIONAL DEVELOPMENT STRATEGY

A copy of the DRD Regional Development Strategy 2035 Executive Summary "Building a Better Future" was circulated.

959.15 PUBLIC APPOINTMENTS TO THE HEALTH AND SOCIAL CARE RESEARCH ETHICS COMMITTEES (HSC RECS)

The application deadline is 20th April 2012, 12 noon and application packs and further information may be obtained on www.hscrecruit.com under Business Services Organisation (BSO).

959.16 POLICE SERVICE NI 'H' DISTRICT – STAFF CHANGES

On Monday 12th March Superintendent Ryan Henderson moved from his current post as Superintendent for Service Delivery in 'H' District to take up a new appointment as Staff Officer to the Chief Constable. His successor has not yet been announced.

959.17 FUEL COST INCREASE

The William Keown Trust has written regarding representations received the ever-rising costs of fuel. The ongoing increases mean that people are unable to run their family cars which is a barrier to their involvement and participation in community life. The cost to heat homes which is an absolute necessity especially for elderly and those in ill-health is also an issue. These circumstances are having an extremely detrimental effect on essential purchasing power as a large percentage of the average disposable income is now spent on fuel. The Trust believes that the present tax burden has become so high that not alone is it causing very severe hardship but is significantly adding to the ever increasing dole queues.

In the Outer Isles of Scotland a tax reduction in fuel has been acceded to and the Trust is pleading for a similar reduction across the whole country with the redistribution of tax levies to other areas where the impacted cost is less burdensome. The Trust also believes that industry, fisheries, food and farming sector are being financially hit hard too. It contends that a reduction on the duty on fuel would eradicate so many problems and increase employment which in turn would benefit the exchequer through additional tax revenue and a decline in the

payment of unemployment benefit. Council is asked to endorse the Trust's representations in the matter. No comments were offered.

959.18 HML DIAMOND JUBILEE SERVICE

Her Majesty's Lord Lieutenant for Co. Antrim, Mrs Joan Christie, invites members of County Antrim Councils to Church Service in St Patrick's Church of Ireland, Ballymena, on Sunday 29th April at 3.00 p.m. Formal invitation will follow.

959.19 RATING REFORM

Land and Property Services have provided factsheets on the rating reforms to take effect from 1st April 2012.

- Rate relief for Post Offices
- Small Business Rate Relief
- Large retail levy
- Empty premises relief

Details have been circulated to members in OCE memo dated 2nd April.

959.20 COMMUNITY PHARMACY – ALLEGED CUTS

The Health Minister has responded to Council's representations about the alleged cuts in the community pharmacy service and its request to meet with a delegation in support of Community Pharmacy NI's (CPNI) opposition to these alleged cuts.

The Minister advises that the Final Order in the judicial review instigated by CPNI against the current remuneration arrangements found that there were procedural failings on behalf of the Department and the HSC Board in the processes leading to the publication of the NI Drug Tariff which sets out the prices paid to pharmacists for the medicines they procure and the fees paid to pharmacists. However, the Court did not rule that the Tariff is illegal nor did it strike down the remuneration arrangements which are implemented through the Tariff.

Minister Poots met with representatives of CPNI on 14th February 2012 to discuss the issues facing community pharmacy. Following this, negotiations have continued between Departmental and HSC Board officials and representatives of CPNI, under the Chairmanship of his Permanent Secretary. A package of measures was offered to CPNI but regrettably, after consulting their membership, these proposals were rejected.

The Minister is profoundly disappointed by the failure to secure agreement with CPNI. However, as a sign of his commitment to ensure the stability of community pharmacy services moving forward, he announced on 13th March 2012, the release of £8m additional funding for community pharmacy for the 2011/12 year to support community pharmacies, particularly pharmacies in rural and deprived

areas, being mindful of concerns expressed by the public, public representatives and MLAs about the need to protect services in isolated communities.

The Minister assured Council that he remains committed to providing a fair and reasonable system of remuneration for community pharmacists in Northern Ireland. To ensure transparency in the financial arrangements put in place, the Department will now act under its statutory powers, as instructed by the Court in the findings of the recent judicial review, to conduct a margins survey to validate the profits actually accruing to pharmacists through the acquisition of medicines and a costs survey to assess the costs of providing high quality and safe community pharmacy services in Northern Ireland. It is anticipated that the completion of these surveys will take a number of months.

The most recent Court judgment, the Minister has agreed, should be subject to appeal because of its wider effect across Government. However, his priority is to get a new and sustainable way forward for Community Pharmacy and believes dialogue and negotiation are the key and best steps. He has approved the lodging of an appeal but that does not preclude or prejudice a new, open and transparent process aimed at a proper resolution of the issues. His office will continue to engage with CPNI representatives on the way forward in respect of 2012-13 under the Chairmanship of the Permanent Secretary.

Given the on-going negotiations, it would not be appropriate for the Minister to meet with external bodies to the negotiations at this time.

959.21 REPORTS

The Chief Executive referred to the schedule of reports, circulated, which are available from the Office of the Chief Executive.

959.22 NILGA REPORTS & UPDATES

The Chief Executive referred to the schedule of reports, circulated, which are available from the Office of the Chief Executive.

The meeting closed at 8.15 pm.

Appendices listed:

Appendix 1 Digital Switchover UK Presentation

APPENDIX 1

