

## Ballymoney Borough Council

### Health & Environmental Services Committee Meeting No 378 – 28<sup>th</sup> February 2012

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**BALLYMONEY BOROUGH COUNCIL**

Minutes of Health & Environmental Services Committee Meeting No 378, held in the McKinley Room, Riada House, Ballymoney on Tuesday 28<sup>th</sup> February 2012 at 7.02 pm.

**IN THE CHAIR:** Councillor E Robinson

**PRESENT:**

**Aldermen**  
F Campbell  
C Cousley, MBE

**Councillors**  
J Atkinson  
W Blair  
A Cavlan  
J Finlay  
R Halliday  
R McAfee  
C McLaughlin

**APOLOGIES:**

Alderman H Connolly  
Councillor P McGuigan  
Councillor I Stevenson, Mayor  
Councillor M Storey, MLA

**IN ATTENDANCE:** Deputy Director of Borough Services  
Committee Clerk

**378.1 MINUTES** - Meeting No 377 – 24<sup>th</sup> January 2012

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

***to recommend that the minutes of Meeting Number 377 – 24<sup>th</sup> January 2012, as circulated, be confirmed as a correct record.***

**MATTERS ARISING**

**1.1 GLASS (377.22)**

The Chair highlighted that glass can be added to blue bins from 1<sup>st</sup> March 2012.

## **MATTERS FOR CONSIDERATION**

### **ENVIRONMENTAL SERVICES**

#### **378.2 DISPOSAL OF SURPLUS ASSETS**

***IT IS RECOMMENDED*** that the undernoted vehicles are disposed of by Council via public auction:-

Johnston 500 Sweeper (1996)  
Marshall RCV (1999)  
Madvac Sweeper (2001)

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

***to recommend that the above vehicles are disposed of by Council via public auction***

\* Alderman Cousley joined the meeting at 7.05pm.

#### **378.3 CROSSTAGHERTY LANDFILL**

Given the need to progress the production of a Site Closure Plan to satisfy Landfill Directive standards and bearing in mind the work undertaken to date (including the substantive assessment undertaken by the NWRWMG in 2010 when part of the site was offered to bidders in connection with that Group's waste infrastructure project), ***IT IS RECOMMENDED*** that the necessary consultancy services be obtained utilizing the NWRWMG Waste Related Consultancy Services Framework Agreement. Given that Council has no in-house procurement expertise, ***IT IS FURTHER RECOMMENDED*** that the Director be authorized to obtain the procurement assistance and expertise required.

The Chair requested additional information on this matter. Therefore it was proposed by Councillor Cavlan, seconded by Councillor Halliday and **AGREED:**

***that the matter be deferred to Health & Environmental Services Committee meeting in March 2012.***

### **ENVIRONMENTAL HEALTH GENERAL**

#### **378.4 PUBLIC HEALTH (IRELAND) ACT 1878 AS AMENDED**

##### **301 MOYARGET, DERVOCK, BALLYMONEY, BT53 8DL.**

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**

Rising dampness to all external walls.

***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.

The Deputy Director responded to members' questions on Private Tenancies (NI) Order 2006 inspections and certificates of fitness.

It was proposed by Councillor Cavlan, seconded by Councillor Halliday 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.***

**15 HENRY STREET, BALLYMONEY, BT53 6HX.**

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**

- Rising dampness to ground floor walls within the front bedroom and living room areas.
- Penetrating dampness to the first floor rear bedroom.

***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.

It was proposed by Councillor Atkinson, seconded by Councillor Finlay 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.***

**130 DUNEANEY ROAD, RASHARKIN, BALLYMENA, BT44 8SR.**

Further to the recommendation that an abatement notice be served on the landlord of the above premises under Section 110 of the Public Health (Ireland) Act 1878, minute HES 376.8 refers, a request has been received from the landlord to extend the period of compliance from 5<sup>th</sup> April 2012 to 5<sup>th</sup> June 2012.

**IT IS RECOMMENDED** that an extension to the period of compliance, in respect of abatement notice served on the landlord of the above premises under Section 110 of the Public Health (Ireland) Act 1878 as amended, be granted until 5<sup>th</sup> June 2012.

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

***to recommend that an extension to the period of compliance, in respect of abatement notice served on the landlord of the above premises under Section 110 of the Public Health (Ireland) Act 1878 as amended, be granted until 5<sup>th</sup> June 2012.***

#### **65 UNION STREET, BALLYMONEY, BT53 6HT.**

Further to a complaint received in respect of the above property the following defects considered to be prejudicial to health were observed.

#### **Internal**

- Penetrating dampness to first floor rear bedroom of the property.

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

It was proposed by Alderman Cousley, seconded by Alderman Campbell 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.***

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

##### **Landlord**

Mr. Mervyn Dowey

##### **Dwelling- House**

25 Drumlee Road,  
BALLYMONEY, BT53 7LE.

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 Article 36 (4) Certificate of Fitness in respect of the above dwelling house.

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

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

## LICENSING

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

#### Premises

#### Applicant

Ballymoney Rugby Football Club

Mr. John Hunter,  
16 Knockhill Park,  
BALLYMONEY, BT53 6DD.

Topp Orange Hall

Mr. Clifford Bellingham,  
24 Ashley Park,  
Dunaghy,  
BALLYMONEY, BT53 7HG.

The Bridge Bar

Mr. Daniel J. McFerran,  
145 Bridge Road,  
Dunloy,  
BALLYMENA, BT44 9EQ.

***IT IS RECOMMENDED*** that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the case of The Bridge Bar, subject to the provision of a satisfactory 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 Atkinson, seconded by Councillor Finlay and  
**AGREED:**

***to recommend that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the case of The Bridge Bar, subject to the provision of a satisfactory 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.***

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

#### Premises

#### Applicant

Bushvale Presbyterian Church  
Hall

Mr. Robert Patton,  
84 Bregagh Road,  
Armoy,  
BALLYMONEY, BT53 8TP.

Ballymoney High School (Assembly Hall)	Mr. R. Scott, NEELB., County Hall, 182 Galgorm Road, BALLYMENA, BT42 1HN.
Drumreagh Presbyterian Church Hall	Ms. Cindy Craig, 106 Bravallen Road, BALLYMONEY, BT53 7DU.
Roseyards Presbyterian Church Hall	Mr. David Ramsay, 10 Culramoney Road, Stranocum, BALLYMONEY, BT53 8LL.

**IT IS RECOMMENDED** that the Borough Council renew the Indoor Entertainment's Licence as detailed above and in the cases of Ballymoney High School, Drumreagh Presbyterian Church Hall and Roseyards Presbyterian Church Hall subject to the provision of a satisfactory 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 Finlay, seconded by Councillor Atkinson and  
**AGREED:**

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

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

**378.8** 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>
Glebe Rangers Football Club	Mr. John McAuley, 49 Millfields, Balnamore, BALLYMONEY, BT53 7RA.	£17.50
Dalriada Prep. Department	Ms. Oonagh Ogborne, 58 Boyland Road, BALLYMONEY, BT53 8LJ.	£17.50

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



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

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

### 378.9 RENEWAL OF REGISTRATION OF BINGO CLUB LICENCE NOTIFICATION

**Premises**

Lucky's Bingo Club  
27-29 Castle Street  
BALLYMONEY

**Applicant**

Bingovision Limited

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

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

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

## STREET TRADING

### 378.10 STREET TRADING ACT (NI) 2001 – MOBILE STREET TRADING LICENCE

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

**Purpose**

Hot Food Takeaway (Mobile Kitchen)

**Applicant**

Mr. J. V. McCook

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

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

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

The Deputy Director responded to members questions on Street Trading issues and confirmed that for any events where trading takes place in a street a valid licence must be held for that activity/event. The Deputy Director undertook to provide Councillor McAfee and Councillor Atkinson with further information on the Street Trading Act (NI) 2001.

\* Committee Clerk left the meeting at 7.18pm and rejoined at 7.19pm.

\* The Chair left the meeting at 7.23pm and rejoined at 7.24pm.

## DOG CONTROL

### 378.11 DOGS (NORTHERN IRELAND) ORDER 1983 AS AMENDED ARTICLE 13 – REGISTRATION OF DOG BREEDING ESTABLISHMENTS

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>
Mr. & Mrs. Jacqueline and Vincent Graham	14 Ozone Avenue, Ballymoney, Co. Antrim, BT53 6HU.
Mr. Alastair Scott	25 Bellaghy Road, Dunloy, Ballymena, BT44 9DX.

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

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

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

### 378.12 DOGS (NORTHERN IRELAND) ORDER 1983 AS AMENDED ARTICLE 29 ATTACK ON LIVESTOCK ARTICLE 30A(2) CONTROL CONDITIONS

The Directorate is in receipt of a complaint made on 22<sup>nd</sup> December 2011 regarding an alleged attack on sheep on lands at Carncullagh Road, Stranocum. A full investigation has been carried out into the matter, statements have been recorded and the owner of the dogs has been interviewed regarding the matter.

As a direct result of an attack one sheep found dead at the scene, another which was badly mauled subsequently died from its injuries.

On 6<sup>th</sup> January 2012 control conditions were imposed on Ms. xxxxx in respect of two dogs involved in the incident. The control conditions imposed were as follows:-

- That the dogs be kept under control (leashed) when in a public place.
- That the dogs (when not under control i.e. leashed) be kept securely confined in a building, yard or other enclosure.

Consideration has been given to the facts in this case and **IT IS RECOMMENDED** that a caution be issued to Ms. Xxxxx in respect of said offence. In the event of Ms. Xxxxx refusing to accept a formal caution **IT IS FURTHER RECOMMENDED** that legal proceedings then be instigated in respect of Article 29 – Attack on Livestock.

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

***to recommend that a caution be issued to Ms. Xxxxx in respect of said offence. In the event of Ms. Xxxxx refusing to accept a condition to further recommend that legal proceedings then be instigated in respect of Article 29 – Attack on Livestock.***

In response to the Chair, the Deputy Director of Borough Services advised that Council does not have powers to insist on financial compensation for loss of livestock following dog attacks.

### **378.13 DOGS (NORTHERN IRELAND) ORDER 1983 AS AMENDED DOG STRAYING – ARTICLE 22(1)**

On 10<sup>th</sup> November 2011 a complaint was received by the Directorate regarding three dogs straying on the Drumskea Road, Ballymoney. An investigation was carried out and the complaint was substantiated. Fixed Penalties were subsequently issued to Mr. xxxxx in respect of three dogs straying.

To date one of the fixed penaltys is recorded paid by Mr. xxxxx which has discharged his liability for conviction for the said offence in respect of one dog. However, the other two have remained unpaid.

***IT IS RECOMMENDED*** that legal proceedings be instigated under Article 22 of the above Order in relation to two dogs straying on 10<sup>th</sup> November 2011.

Following discussion, Councillor Halliday requested that this issue be held for one month. It was proposed by Councillor Halliday, seconded by Councillor Atkinson and **AGREED:**

***that the matter be deferred to Health & Environmental Services Committee meeting in March 2012.***

## **BUILDING CONTROL**

### **378.14 BUILDING CONTROL FEES FOR LOFT INSULATION**

Members may recall that in December 2009 Council agreed to waive Building Control fees for top-up roofspace insulation in existing dwellings (CMT 910.5 refers), at the request of the Head of the Energy Saving Trust (NI). The EST scheme, which offered the incentive of a one-off rebate on domestic rates, received very poor take up and has now been superseded by the Warm Homes Scheme. This scheme is funded by the Department for Social Development (DSD) to increase energy efficiency within homes. The scheme is only available to people who are in receipt of certain benefits.

Under the scheme people may be able to receive cavity wall, loft insulation, a hot water tank jacket and energy advice. The Warm Homes Plus scheme also includes the installation or upgrade of the central heating system in the home with an energy efficient system. An application to Building Control is required for these works and it is necessary for a surveyor to visit each and every dwelling to ensure that the works have been undertaken correctly and that ventilation to the roof space is not compromised.

The Building Control fee for a loft insulation application is £60 if the application is made in advance of the works being undertaken, and £72 where the application is made retrospectively. Councils were requested to “waive” these fees for an initial period of 6

months. As the statutory inspections must still take place, this is in fact not a “waiver” but absorption of costs, covered by all ratepayers within the council area.

The scheme expanded over 2010-11, and a number of councils, including Ballymoney Borough Council, continued to absorb the application costs, whilst other councils reverted to charging fees (the split is approximately 60/40 in favour of charging fees). The initial loss of fee income to Council was minimal, with only 2 applications submitted to Building Control in 2010/11. However, the number of applications for top-up roofspace insulation has dramatically increased in recent months, to 65 for the current year. This equates to a £3,900 loss of Building Control income.

H&A Mechanical Services (H&A), who manage the scheme on behalf of DSD, have previously written to councils requesting that Building Control fees in respect of applications for loft insulation be waived. DSD have also advised that it was never intended that any of the budget for the scheme would be diverted towards Building Control fees. DSD and H&A state that unless the fees are waived then a portion of homes in the area will not be able to receive the energy upgrades. It would appear that DSD did not incorporate the statutory building control fees in the budget for the Warm Homes Scheme.

Members will be aware that Council may only charge a fee if they have specific legislative authority to do so. In this case the authority is within the *Building (Prescribed Fees) Regulations (NI) 1997*. These regulations authorize the Council to charge the permitted fees but do not require Council to charge the fee. Section 115 of the *Local Government Act (NI) 1972* provides councils with the power to make payments for any purpose which in its opinion is in the interests of the council. In this case the council is not making any payments but rather, if it so resolves, would be taking a decision not to exercise a power to claim a payment.

The accounts of Council are subject to audit by the Local Government Auditor who has in the past expressed concern with how some councils exercised their discretion in respect of Building Control fees. Any erratic use of powers would be subject to Judicial Review and scrutiny in the audit regarding the financial probity of the transaction.

In essence Council needs to be seen to be acting for proper motives in an open and unbiased way after full and detailed consideration of the issues. It would be unlawful for Council to only waive fees for loft insulation to those applications under the Warm Homes Scheme. Any decision to waive fees would need to be applied to all applications within the Council, not just to those benefitting from the grant scheme.

This issue has been considered by NILGA who have written to the DSD Minister noting the lack of consideration given to building control fees under the Warm Homes Scheme. NILGA also note that a much larger scheme is likely to be rolled out in April 2012 and have emphasised the need for detailed discussion on the implications to be held with local Councils.

There is no doubt that the Warm Homes Scheme is a very noteworthy initiative and that it will assist in addressing fuel poverty within the Ballymoney Borough Council area. However there is concern that should fees be waived for loft insulation then Council would be requested to waive fees for other worthwhile schemes that address energy efficiency or safety within the home. Building Control are currently undertaking site inspections for an initiative to install smoke detectors in over 100 Northern Ireland Housing Executive properties. The building control fees for this scheme were approximately £7,600.

Council currently has a choice of two options: either to continue to absorb the fee, or to charge the fee. Should fees continue to be waived, there is not only the potential for loss of significant income, but pressure to absorb Building Control fees for other developing initiatives which require statutory approval.

***IT IS RECOMMENDED*** that Council adopt the proposal that statutory Building Control fees should be charged for the work of adding additional insulation to roof areas in dwellings.

The Chair summarised the issues raised by NILGA. These included equality and audit issues.

Following debate, it was proposed by Councillor Finlay, seconded by Councillor Atkinson and **AGREED**:

***to recommend that Council continue to waive the statutory Building Control fees for the work of adding additional insulation to roof areas in dwellings in relation to the Warm Homes Scheme.***

\* Councillor McAfee left the meeting at 7.40pm.

### 378.15 REJECTION OF BUILDING PLANS - JANUARY 2012

***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/2006/0070	A10 & Schedule 2 E2 F2 H3 K2	Failure to provide sufficient information Inadequate means of escape Failure to provide sufficient information Failure to provide sufficient information Inadequate means of ventilation
B/2006/0216	A10 & Schedule 2 D1	Failure to provide sufficient information Insufficient information to assess structure
B/2009/0114	A10 & Schedule 2 D1	Failure to provide sufficient information Insufficient information to assess structure
B/2011/0025	A10 & Schedule 2 D1	Failure to provide sufficient information Insufficient information to assess structure

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 Cavlan, seconded by Councillor Atkinson and  
**AGREED:**

***to recommend 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***

## HEALTH & SAFETY

### 378.16 SAFETY AT SPORTS GROUNDS (NI) ORDER 2006 – REVIEW OF FEES

The Department of Culture, Arts and Leisure have written with respect to the above. The fees that Councils could charge in respect of applications for the issue, amendment, replacement and transfer of general safety certificates and certificates for regulated stands were set by DCAL in October 2009. The current and proposed fees are as follows:-

	Current Fee	Proposed Fee	Recommended Fee
Issue of a general safety certificate	£100	£100	£400
Amendment, replacement or transfer of a general safety certificate	£50	£50	£200
Issue of a special safety certificate	N/A	£100	£400
Amendment, replacement or transfer of a special safety certificate	N/A	£50	£200
Issue of a general safety certificate for a regulated stand	£50	£50	£200
Amendment, replacement or transfer of general safety certificate for a regulated stand	£25	£25	£100
Issue of a special safety certificate for a regulated stand	N/A	£50	£200
Amendment, replacement or transfer of special safety certificate for a regulated stand	N/A	£25	£100

***IT IS RECOMMENDED*** that the proposed fees should be based on a full cost recovery basis as set out in column 3 of the above and that the Department of Culture Arts and Leisure be so advised.

\* Councillor Finlay left the meeting at 7.42pm.

The Chair recapped on the current and suggested fees and requested comments from members. The Deputy Director of Borough Services explained the reasons for the recommended fee those being to more accurately reflect the cost of processing such applications.

It was suggested that the matter be deferred for one month to allow political parties the opportunity to discuss the recommendation. The Deputy Director of Borough Services informed members that a response to DCAL was requested by Friday 2<sup>nd</sup> March 2012. The Chair requested that a letter be sent to DCAL informing them that a response will be provided within one month and giving reasons for the delay.

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

***that the matter be deferred to Health & Environmental Services Committee meeting in March 2012.***

## **FUEL POVERTY**

### **378.17 AREA BASED APPROACH TO TACKLING FUEL POVERTY**

The DSD's Fuel Poverty Strategy "Warmer Healthier Homes" published April 2011 identified a range of actions to tackle fuel poverty one of which was an area based approach. The Department along with the University of Ulster has used social security benefit data and energy efficiency data and other data to pinpoint areas within Councils where fuel poverty is most prevalent.

The Department would like to pilot an area based approach in 8 locations across the province, which would focus in a particular geographical area in a more co-ordinated fashion to tackle fuel poverty. Expressions of interest have been invited by the Department to be submitted by 9<sup>th</sup> March.

***IT IS RECOMMENDED*** that Ballymoney Borough Council submit an expression of interest to participate in this exercise.

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

***to recommend that Ballymoney Borough Council submit an expression of interest to participate in this exercise.***

## **MATTERS FOR INFORMATION**

### **ENVIRONMENTAL SERVICES**

#### **378.18 MUNICIPAL WASTE RETURNS**

<b><u>Waste Type</u></b>	<b><u>Jan 2011</u></b>	<b><u>Jan 2012</u></b>	<b><u>Apr 10 – Jan 11</u></b>	<b><u>Apr 11 – Jan 12</u></b>
Mixed Residual Waste (waste direct to landfill)	862.94t	898.64t 4.14%	7,846.08t	7,745.82t -1.28%
Mixed Dry Recyclables (blue bin recycling)	164.04t	169.38t +3.26%	1,374.67t	1,442.15t +4.91%
Garden Waste (brown bin recycling)	n/a	n/a	1,201.52t	1,199.96t -0.13%
Waste Recovery (segregated HRC waste)	74.98t	83.90t +11.90%	786.94t	679.60t -13.64%

<u>Waste Type</u>	<u>Jan 2011</u>	<u>Jan 2012</u>	<u>Apr 10 – Jan 11</u>	<u>Apr 11 – Jan 12</u>
Cardboard	6.92t	6.62t -4.34%	67.91t	60.01t -11.63%
Timber*	22.44t	32.12t +43.14%	n/a	279.00t

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

The Chair encouraged the whole Borough to recycle as much as possible and stressed that the best time to help reduce waste is when deciding which products to buy.

In relation to timber recycling, at the request of the Chair, the Deputy Director of Borough Services provided members with additional information on a wood recovery process which had featured in recent media reports.

\* Councillor Atkinson left the meeting at 7.52pm.

### 379.19 RECOGNITION FOR INCREDIBLE EDIBLE CLOUGHMILLS

Environment Minister Alex Attwood recognised the sterling efforts made to reduce waste when he presented an award to Incredible Edible Cloughmills, the Northern Ireland Community Group winner of the European Week for Waste Reduction (EWWR). The award recognized the efforts by the project to tackle food waste and reduce the carbon footprint of the community in the village.

The Minister presented awards to six out of a total of 250 registered organisations in recognition of their innovation, good communication, and the potential for their waste reduction activities to be replicated on a much wider scale, with the ultimate aim of reducing overall waste.

Funded by the Department of the Environment's Rethink Waste campaign, Cloughmills received a trophy made from scrap metal which was designed and made by Portadown artist Martin Medlow using reclaimed metal such as horseshoes, bicycle chains, candlesticks and even cufflinks.

The Minister said: **“This is the first year that my Department has been involved in supporting the initiative and I’m delighted that so many organisations, groups and individuals not only took part, but also came up with such innovative and creative ideas for reducing waste.**

**“To have so many companies and groups making a commitment towards reducing waste in the long term is most encouraging, and I hope that the changes and initiatives which took place during the week will now become a part of daily life, with the long-term goal of substantially reducing our contributions to landfill. The aim should be for NI to be ‘a world’ leader in carbon emissions. The success of EWWR and the great results achieved helps towards this objective.”**

Incredible Edible Cloughmills has also been nominated for the European EWWR 2011 Awards which take place in Paris in June. The group will discover if they have reached



the final stages in May. The project has also been featured in Environmental Health News February 2012 published by the CIEH.

### **378.20 PUBLIC HOLIDAY ARRANGEMENTS FOR REFUSE COLLECTION 2012**

<b><u>PUBLIC HOLIDAY</u></b>	<b><u>DATE</u></b>	<b><u>COLLECTION</u></b>
St Patricks Day	Saturday 17 <sup>th</sup> March	Monday 19 <sup>th</sup> March
Good Friday	Friday 6 <sup>th</sup> April	Friday 6 <sup>th</sup> April
Easter Monday	Monday 9 <sup>th</sup> April	Monday 9 <sup>th</sup> April
Easter Tuesday	Tuesday 10 <sup>th</sup> April	Tuesday 10 <sup>th</sup> April
May Day	Monday 7 <sup>th</sup> May	Monday 7 <sup>th</sup> May
Spring Bank Holiday	Monday 4 <sup>th</sup> June	Monday 4 <sup>th</sup> June
Diamond Jubilee	Tuesday 5 <sup>th</sup> June	Tuesday 5 <sup>th</sup> June
12 <sup>th</sup> July	Thursday 12 <sup>th</sup> July	Saturday 14 <sup>th</sup> July
13 <sup>th</sup> July	Friday 13 <sup>th</sup> July	Friday 13 <sup>th</sup> July
Summer Bank Holiday	Monday 27 <sup>th</sup> August	Monday 27 <sup>th</sup> August
Christmas Day	Tuesday 25 <sup>th</sup> December	Saturday 22 <sup>th</sup> December
Boxing Day	Wednesday 26 <sup>th</sup> December	Wednesday 26 <sup>th</sup> December
New Year's Day	Tuesday 1 <sup>st</sup> January 2013	Tuesday 1 <sup>st</sup> January 2013

## **ENVIRONMENTAL PROTECTION**

### **378.21 POLLUTION PREVENTION AND CONTROL REGULATIONS (NI) 2003**

#### **REGISTER OF PUBLIC INFORMATION – APPLICATION NO. P0038/04A**

NIEA have recently provided the following documents for inclusion in the public register in respect of the above application:

Schedule 7 Notice & Response.

#### **REGISTER OF PUBLIC INFORMATION – APPLICATION NOS. P0312/09A & P0369/11A**

NIEA have recently provided updates in respect of the above applications for inclusion in the public register.

## **ENVIRONMENTAL HEALTH GENERAL**

### **378.22 PEST CONTROL SERVICE NORTHERN GROUP ENVIRONMENTAL HEALTH COMMITTEE**

Northern Group Systems has by letter dated 2<sup>nd</sup> February 2012 confirmed that the Pest Control Service operated by the Group Committee is to be withdrawn. The decision was taken at the Group Committee meeting in December 2011. Customers have been advised that a minimum of one months notice will be given prior to the termination of the service. This decision will mean that the pest control requirements of the Council will now be sourced from the open market and the level of advice/service provided to members of the public in terms of pest identification and treatment will inevitably be reduced.

## **DOG CONTROL**

### **378.23 MICROCHIPPING ROADSHOW**

The Council, in conjunction with Dogs Trust, hosted a second successful microchipping roadshow in the Borough from 30<sup>th</sup> January to 3<sup>rd</sup> February 2012. This initiative was organised in response to the legal requirement on dog owners to microchip their pet from Spring 2012 onwards. Dogs which are not microchipped from this date cannot be licensed by the Council.

The Directorate would like to extend its thanks to Dogs Trust and in particular to Samuel Reid and Niamh McKerr who worked tirelessly throughout the week. The Directorate would also like to thank Christies Direct for hosting a Dogs Trust Roadshow on Saturday 4<sup>th</sup> February.

During the week a total of 249 dogs were microchipped.

### **378.24 DOG LIENSING AND IDENTIFICATION – OUTCOME OF REVIEW OF COLOURED COLLAR IDENTIFICATION TAGS FOR DOGS**

DARD have recently advised of the consultation of the review of coloured collar identification tags for dogs. The consultation was carried out to determine whether there is a future need for the dual identification systems of microchipping and the coloured collar tagging of licensed dogs post April 2012 when compulsory microchipping is introduced. Of the 3 options under consideration Option 2 – allow microchipping to bed in (for approximately 18-24 months) and review the need for coloured tags in January 2014 was agreed. The use of coloured collar tags will remain in place until the end of 2014 at least.

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

**378.25** New animal welfare responsibilities for Councils will come into effect from 1<sup>st</sup> April 2012. Councils will be responsible for dealing with complaints in respect of non farmed animals i.e. domestic pets and horses in addition to the welfare of circus animals. The ICE Management Programme Group was tasked with identifying and reviewing options for the delivery of the Local Government Animal Welfare Service. Following

consideration by SOLACE, a model has been agreed, by which the service will be delivered by 5 regionally based Animal Welfare Officers (AWO) on behalf of all Councils. The service will be funded by DARD. The AWO for the Northern Group area will be based in Ballymena. Work is ongoing in relation to the preparation of Service Level Agreements (SLA's) with respect to legal services, veterinary advice and the transport and temporary housing of seized animals. The delivery model will be reviewed prior to March 2013 to ensure it remains fit for purpose.

## LICENSING

### 378.26 LICENSING (NORTHERN IRELAND) ORDER 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Pauline Gallagher 21 Church Street BALLYMONEY	Occasional Licence – Annual Ballymoney Drama Festival 7-10 <sup>th</sup> March 2012 in Town Hall, Ballymoney.	23/1/12

### 378.27 A GUIDE TO THE LICENSING AND REGISTRATION OF CLUBS (AMENDMENT) ACT (NORTHERN IRELAND) 2011

The Department for Social Development has recently issued guidance on the above legislation. The following measures in the Act will come into effect from 1<sup>st</sup> May 2012.

- A system of penalty points to be levied by courts on licensed premises or clubs convicted of certain offences;
- A proof of age scheme specifying for the first time, acceptable proof of age documentation for licensed premises and clubs;
- Clarification of how the licensing Order applies to limited liability partnerships.

An implementation date has yet to be set for the following measures:-

- New powers to allow the closure for up to 24 hours, of licensed premises or registered clubs by the courts where there is actual or likely disorder, or by the police where there is actual disorder;
- Regulations to prohibit or restrict irresponsible drinks promotions in licensed premises and registered clubs;
- Regulations to prohibit or restrict the varying of the price at which intoxicating liquor is sold for limited periods in licensed premises and registered clubs; and
- Amendments to accounting requirements for registered clubs.

## **INVESTING FOR HEALTH**

### **378.28 PUBLIC HEALTH AGENCY – FUNDED POSTS**

Correspondence has been received from the Public Health Agency (25<sup>th</sup> January) that the funded posts IFH/N/06 Home Accident Prevention Officer (shared with Moyle and Coleraine), IFH/N/16 Fuel Poverty, Co-ordinator and IFH/N19 Energy Efficiency Adviser (Moyle and Ballymoney will have the existing contracts extended beyond 31<sup>st</sup> March 2012 until further notified based on the same terms and conditions and subject to on-going satisfactory performance being delivered.

### **378.29 PUBLIC HEALTH AGENCY FUNDING KEEP WARM PACKS**

The PHA have advised that an additional £6,000 will be made available to Council for the purchase and distribution of Keep Warm Packs. The funding relates to this current financial year only.

The Deputy Director of Borough Services gave a description of the contents of the Keep Warm Packs and advised the items will be purchased in the current financial year. It is planned to distribute the packs in autumn however members were advised to contact the Borough Services Directorate if they knew of individuals who would benefit from the packs earlier than the autumn.

## **TOBACCO CONTROL**

### **378.30 THE PROTECTION FROM TOBACCO (SALES FROM VENDING MACHINES) REGULATIONS (NORTHERN IRELAND) 2012**

The above Regulations made by the DHSSPS on the 19<sup>th</sup> January come into effect on the 1<sup>st</sup> March 2012. They prohibit the sale of tobacco from an automatic machine from any premises which includes any place and any vehicle, vessel, hovercraft, stall or moveable structure.

**This being all the business the meeting closed at 8.11pm.**