

Ballymoney Borough Council

Health & Environmental Services Committee Meeting No 379 – 27th March 2012

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For information

BALLYMONEY BOROUGH COUNCIL

Minutes of Health & Environmental Services Committee Meeting No 379, held in the McKinley Room, Riada House, Ballymoney on Tuesday 27th March 2012 at 7.04 pm.

IN THE CHAIR: Councillor E Robinson

PRESENT:

Aldermen
 F Campbell
 C Cousley, MBE
 B Kennedy

Councillors
 J Atkinson
 W Blair
 R Halliday
 R McAfee
 C McLaughlin
 I Stevenson, Mayor

APOLOGIES: Alderman H Connolly
 Councillor A Cavlan
 Councillor J Finlay

IN ATTENDANCE: Director of Borough Services
 Committee Clerk

379.1 MINUTES - Meeting No 378 – 28th February 2012

It was proposed by Councillor Atkinson, seconded by Councillor Halliday and

AGREED:

to recommend that the minutes of Meeting Number 378 – 28th February 2012, as circulated, be confirmed as a correct record.

MATTERS FOR CONSIDERATION

ENVIRONMENTAL SERVICES

379.2 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 Director of Borough Services summarized the background to this item which had been deferred from the previous Committee meeting, covering information which had been before Members previously. He explained that Council would continue to work jointly with the others involved as it had previously decided, but having regard to the work previously undertaken at Crosstagherty Landfill it was thought to be in the Council's best interests to progress the Site Closure Plan sought by the Department in the manner now proposed.

- * Councillor Stevenson joined the meeting on 7.08pm during discussions.

In response to Alderman Kennedy and Alderman Campbell, the Director advised as to why procurement assistance and advice would be required and addressed the processes as regards both the production of the plan and its approval; but also thereafter in respect of the actual work to be done, giving indicative timelines and commenting on the A26 implications.

- * Councillor Stevenson left the meeting at 7.21pm and rejoined at 7.27pm.

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

to recommend that the necessary consultancy services be obtained utilizing the NWRWMG Waste Related Consultancy Services Framework Agreement and to further recommend that the Director be authorized to obtain the procurement assistance and expertise required.

ENVIRONMENTAL HEALTH GENERAL

379.3 HIGH HEDGES ACT (NORTHERN IRELAND) 2011 HIGH HEDGES (FEE) REGULATIONS (NORTHERN IRELAND) 2012

The Chair invited Councillor Halliday to raise a query as regards the new high hedges legislation with the Director. The Councillor outlined the specific situation concerning his constituent which the Director then commented on in general terms drawing attention to the guidance which the Department had prepared, some of which had been included with the Committee papers and commended this to Members. The Councillor thanked the Director for his response.

The Department of the Environment made the above Regulations on the 6th February with an effective date of 31st March 2012. The maximum fee which may be determined by a Council under Section 3(1)(b) of the High Hedges Act (Northern Ireland) 2011 is £360.00.

It is important to note the following in setting an appropriate fee:-

1. If a Council investigates a high hedge complaint and decides that the height of the hedge should be reduced, it will issue a remedial notice specifying what action must be taken. If this remedial notice then takes effect (after any appeals have been decided), the Council will refund the complainant's fee (if one has been charged). The Department has made Regulations allowing the Council to charge

the 'hedge owner' a fee when a remedial notice takes effect i.e. the person causing the problem pays to have it dealt with.

2. A 'higher' fee level would be a good incentive for the hedge owner to take action and would encourage them to sort out the issue before the formal process was instigated.
3. The fee would be set at an appropriate level as to deter frivolous and vexatious complaints but should not prevent legitimate complaints.
4. The guidance for Council officers and complainants alike stipulates complainants cannot make a complaint to Council unless they can prove they have taken appropriate means to remedy the matter themselves, e.g. approaches to the hedge owner, solicitors letters etc.

In responding to the consultation on fees the majority of Councils felt that the maximum level of fee should be in the region of £320-£360.

It is estimated that a high hedge complaint will require 12-13 hours of an officer's time in addition to the cost of registering a remedial notice as a statutory charge.

In order to ensure that Council (and ratepayers generally) do not face an additional financial burden associated with the investigation of complaints ***IT IS RECOMMENDED*** that Ballymoney Borough Council set a fee of £360.00 under Section 3(1)(b) of the High Hedges Act (Northern Ireland) 2011.

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

to recommend that Ballymoney Borough Council set a fee of £360.00 under Section 3(1)(b) of the High Hedges Act (Northern Ireland) 2011.

ENVIRONMENTAL SERVICES

379.4 ENVIRONMENTAL SERVICES CHARGES 2012-2013

Notwithstanding the rate estimate proposal, given the continuing economic challenges being faced, ***IT IS RECOMMENDED*** that Council for 2012-2013 adopt and apply the Environmental Services Charges as circulated.

The Director of Borough Services gave an explanation into the reasons for the fees set and responded to members' questions on landfill tax and dog licensing fees.

* Alderman Kennedy left the meeting 7.51pm.

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

to recommend that Council for 2012-2013 adopt and apply the Environmental Services Charges as circulated.

379.5 FIRE DAMAGE REPAIRS TO CROSSTAGHERTY WASTE TRANSFER STATION TENDERS

Members will recall that in response to public advertisement for a Select List in January 2012, although 26 no. companies requested documentation, only 4 companies returned applications. These were:-

1. J. S. Dunlop Ltd., 48a Kirk Road, Ballymoney, BT53 8HB.
2. Barahaven Construction, 194 Washingbay Road, Dungannon, BT71 5EG.
3. Gilmore Engineering, 18 Dromona Road, Cullybackey, Ballymena, BT42 1NT.
4. JFC Construction Ltd., 40 Lime Road, Greysteel, BT47 3EH.

All 4 companies were placed on the Council's Select List and were subsequently invited to tender for the work. Only 3 contractors returned tender documentation by the deadline set and the tenders opened by the Committee Chair (Cllr. Robinson) and the Head of Environmental Services on 22nd March 2012 were as follows:-

<u>Contractor</u>	<u>Tender Figure</u>
J. S. Dunlop Ltd.	£66,515.00
JFC Construction Ltd.	£79,997.00
Gilmore Engineering	(non-compliant)

The Council's consultants, R. Robinson & Sons, have scrutinised the tenders received and have recommended that the tender of J. S. Dunlop Ltd. in the sum of £66,515.00 be accepted. ***IT IS RECOMMENDED*** that Council accept the tender of J. S. Dunlop Ltd. in respect of the repair of fire damage at the Council's Crosstagherty Waste Transfer Station.

* Councillor Halliday left the meeting at 7.59pm

* Alderman Kennedy rejoined the meeting at 8.00pm

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

to recommend that Council accept the tender of J. S. Dunlop Ltd. in respect of the repair of fire damage at the Council's Crosstagherty Waste Transfer Station.

FOOD CONTROL

379.6 FOOD COMPLAINT

During the report period 1 no. informal food complaint investigation was completed.

<u>Ref. Number</u>	<u>Nature of Complaint</u>
FC/805/C/01/12	Foreign matter in Weetabix biscuit.

IT IS RECOMMENDED that no further action be taken on this occasion for the above complaint other than to advise the complainant, manufacturer and Home Authority in writing of the outcome of the investigation.

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

to recommend that no further action be taken on this occasion for the above complaint other than to advise the complainant, manufacturer and Home Authority in writing of the outcome of the investigation.

HEALTH & SAFETY

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

The Department of Culture, Arts and Leisure has 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	DCAL 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

The time taken to process an application for a general safety certificate is approximately 20 hours of officer time and it is on this basis that the recommended fees have been calculated.

In response to correspondence sent to DCAL on 29th February 2012, they have requested any reply by Council to the consultation be provided as soon as possible in order that it may be taken into account in reaching a decision on same.

In response to Alderman Kennedy, the Director of Borough Services gave the background into the Safety at Sports Grounds legislation. He also explained the impact of the legislation on sporting arenas in the Ballymoney Borough area and likely fixtures which are affected.

* Councillor Atkinson left the meeting at 8.08pm.

Discussion followed on the proposed fees with the Director of Borough Services advising that the Department of Culture, Arts and Leisure will set the final fees.

- * Councillor Atkinson rejoined the meeting at 8.13pm during discussions.

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.

The Chair initiated a discussion as to the appropriateness of the respective fee proposals.

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

to recommend 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.

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

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

<u>Premises</u>	<u>Applicant</u>
Bushview Filling Station, 58 Coolkeeran Road, Armoy, BALLYMONEY, BT53 8XN.	Mr. S. McMahon
CENTRA 8 Ballybogey Road Ballymoney Co. Antrim BT53 6QD	Mr. G Biesty

The renewal of the licences as detailed above is **RECOMMENDED** subject to the receipt of a satisfactory electrical test certificate.

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

to recommend the renewal of the licences as detailed above, subject to the receipt of a satisfactory electrical test certificate.

ENVIRONMENTAL HEALTH GENERAL

379.9 THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011 57E TRINITY DRIVE, BALLYMONEY, BT53 6EG.

Further to a visit by a District Environmental Health Officer to the above-mentioned premises on the 14th March 2012 accompanied by representatives from the NIHE and Social Services, there was evidence, on site, that a statutory nuisance exists that is prejudicial to health namely:-

Internal

Accumulation of household waste including putrescible waste.

It was noted that there was an accumulation of household rubbish including food items, containing packaging etc. covering the entire first floor apartment namely the living room, bedroom, kitchen and bathroom. The conditions found were deemed unsanitary including conditions that will attract rodents to the premises.

IT IS RECOMMENDED that a statutory abatement notice be served on the tenant of the premises under Section 63 of the Clean Neighbourhoods and Environment Act (NI) 2011 requesting that the tenant removes and disposes of all household rubbish from 57E Trinity Drive, Ballymoney within 7 days of its service prohibiting its recurrence.

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

to recommend that a statutory abatement notice be served on the tenant of the premises under Section 63 of the Clean Neighbourhoods and Environment Act (NI) 2011 requesting that the tenant removes and disposes of all household rubbish from 57E Trinity Drive, Ballymoney within 7 days of its service prohibiting its recurrence.

ENVIRONMENTAL PROTECTION

379.10 CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NORTHERN IRELAND) 2011

OFFICER AUTHORISATIONS

As a result of the introduction of the above legislation it is necessary to update existing officer authorisations to ensure the proper enforcement of the Act.

In exercise of its powers under 47A of the Local Government Act 1972 as amended by Article 26 of the Local Government (Miscellaneous Provisions) (NI) Order 1985 ***IT IS RECOMMENDED*** that Ballymoney Borough Council appoints the undernoted as authorised officers under Sections 4, 5, 26, 37, 43, 45, 52, 56 and schedule 2 paragraphs 2 and 3:-

John Campbell Michael
Bryan Edgar
Lynne McCullough
Judith Carolyn Freeburn

Damian John Gavin
 Warner David Patrick Kirkpatrick
 William Nigel McKeown
 Karen Wendy Elizabeth Mitchell
 Declan Joseph Donnelly
 David Clive Anderson

and in addition delegates those powers in Section 39 & 47 (Power of District Councils to obtain information) to the undernoted officers:-

John Campbell Michael
 Bryan Edgar

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

to recommend that Ballymoney Borough Council appoints the above as authorised officers under Sections 4, 5, 26, 37, 43, 45, 52, 56 and schedule 2 paragraphs 2 and 3

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

Landlord

Mr. Kieran Dillon

Dwelling- House

231 Garryduff Road
 Dunloy,
 BALLYMENA, BT44 9EE.

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 McLaughlin and
AGREED:

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

LICENSING

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

Premises

The Glynn's Bar,
23 Church Street,
BALLYMONEY, BT53 6HS.

The Village Inn,
1 Bellaghy Road,
Dunloy,
BALLYMENA, BT44 9AE.

Applicant

Mr. Brooke Huey

Mr. Kenneth and Mrs.
Anthea Curran,

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the case of The Village Inn subject to the provision of satisfactory electrical test certificates. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise files also apply.

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

to recommend that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the case of The Village Inn subject to the provision of satisfactory electrical test certificates. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise files also apply.

379.13 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATIONS (FOURTEEN UNSPECIFIED DAYS) (RENEWAL)

Premises

Dervock Presbyterian Church Hall,
57 Carncullagh Road,
Dervock,
BALLYMONEY, BT53 8BU.

Finvoy Presbyterian Church Hall,
185 Finvoy Road,
BALLYMONEY, BT53 7JS.

Applicant

Mr. I. K. Patrick

Mr. Alan G. Campbell

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the case of Dervock Presbyterian Church Hall subject to the provision of satisfactory electrical test certificates. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise files also apply.

It was proposed by Councillor Stevenson, seconded by Councillor Atkinson and
AGREED:

to recommend that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the case of Dervock Presbyterian Church Hall subject to the provision of satisfactory electrical test certificates. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise files also apply.

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

Premises

AGG Furniture,
24 Drumlee Road,
BALLYMONEY, BT53 7LE.

Applicant

Mr. Samuel Dunlop
Finvoy Young Farmers Club

IT IS RECOMMENDED that the Borough Council grant the Indoor Entertainment's Licence as detailed above subject to a satisfactory Northern Ireland Fire & Rescue report and satisfactory electrical test certificates being received. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also applies.

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

to recommend that the Borough Council grant the Indoor Entertainment's Licence as detailed above subject to a satisfactory Northern Ireland Fire & Rescue report and satisfactory electrical test certificates being received. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also applies.

**379.15 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND)
ORDER 1985 - LICENCE APPLICATION (FULL) (GRANT)**

Premises

Ballymaconnelly Hall,
239 Vow Road,
Rasharkin,
BALLYMENA, BT44 8TB.

Applicant

Mr. Dessie Elder

IT IS RECOMMENDED that the Borough Council grant the Indoor Entertainment's Licence as detailed above subject to a satisfactory Northern Ireland Fire & Rescue report and satisfactory electrical test certificates being received. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also applies.

It was proposed by Councillor Atkinson, seconded by Councillor Stevenson and
AGREED:

to recommend that the Borough Council grant the Indoor Entertainment's Licence as detailed above subject to a satisfactory Northern Ireland Fire & Rescue report and satisfactory electrical test certificates being received. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also applies.

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

379.16 Application has been received from the undernoted Society for registration by the Borough Council (Article 136 of the 1985 Order refers):-

<u>Society</u>	<u>Lottery Promoter</u>	<u>Fee</u>
James Wray Trust	Ms. Marina Monteith, 56 Burnquarter Road, BALLYMONEY, BT53 7DW.	£35.00

IT IS RECOMMENDED that the Borough Council register the above-mentioned Society.

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

to recommend that the Borough Council register the above-mentioned Society.

379.17 THE HAIRDRESSERS ACT (NORTHERN IRELAND) 1939

<u>Premises</u>	<u>Applicant</u>
Unit B Acorn Business Centre, 2 Riada Avenue, BALLYMONEY, BT53 7LH.	Ms. Elizabeth Mooney

IT IS RECOMMENDED that the above-named person and premises be registered under The Hairdressers Act (Northern Ireland) 1939.

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

to recommend that the above-named person and premises be registered under The Hairdressers Act (Northern Ireland) 1939.

PHARMACY AND POISONS

379.18 POISONS (N.I.) ORDER 1983

Application for new registration in respect of the sale of poisons included in part II of the Poisons List together with the appropriate fee has been received as follows:-

<u>Name</u>	<u>Address</u>	<u>Deputies</u>
Mr. Ken Storey	Aquasun, Unit 6, Logan's Complex, 232 Frosses Road, Cloughmills, BALLYMENA, BT44 9PU.	Ms. Glenda Agnew

IT IS RECOMMENDED that the Borough Council give its approval to the above.

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

to recommend that the Borough Council give its approval to the above.

ENVIRONMENTAL HEALTH GENERAL

379.19 HIGH HEDGES ACT (NORTHERN IRELAND) 2011

OFFICER AUTHORISATIONS

As a result of the introduction of the above legislation, it is necessary to supplement existing officer authorisations to ensure proper enforcement of the Act.

In exercise of its powers under 47(A) of the Local Government Act 1972 as amended by Article 26 of the Local Government (Miscellaneous Provisions) (NI) Order 1985 ***IT IS RECOMMENDED*** that Ballymoney Borough Council appoints the undernoted as authorised officers under Sections 9 and 12 of the High Hedges Act (Northern Ireland) 2011 together with any Orders or Regulations made under it:-

John Campbell Michael
Bryan Edgar
Lynne McCullough
Judith Carolyn Freeburn
Damian John Gavin
Warner David Patrick Kirkpatrick

It was proposed by Councillor Stevenson, seconded by Councillor Atkinson and
AGREED:

to recommend that Ballymoney Borough Council appoints the undernoted as authorised officers under Sections 9 and 12 of the High Hedges Act (Northern Ireland) 2011 together with any Orders or Regulations made under it

- * Alderman Kennedy left the meeting at 8.24pm

DOG CONTROL

379.20 THE DOGS (LICENSING AND IDENTIFICATION) REGULATIONS (NORTHERN IRELAND) 2012

OFFICER AUTHORISATIONS

Further to item HES. 379.28 it is necessary to amend officer authorisations under the Dogs (NI) Order 1983 to ensure the proper enforcement of the Order.

In exercise of its powers under 47A of the Local Government Act 1972 as amended by Article 26 of the Local Government (Miscellaneous Provisions) (NI) Order 1985 ***IT IS RECOMMENDED*** that Ballymoney Borough Council appoints the undernoted as authorised officers under Regulation 10 of the Dogs (Licensing and Identification) Regulations (Northern Ireland) 2012:-

John Campbell Michael
 Bryan Edgar
 Lynne McCullough
 Judith Carolyn Freeburn
 Damian John Gavin
 Warner David Patrick Kirkpatrick
 William Nigel McKeown
 Karen Wendy Elizabeth Mitchell
 Declan Joseph Donnelly
 David Clive Anderson

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

to recommend that Ballymoney Borough Council appoints the above as authorised officers under Regulation 10 of the Dogs (Licensing and Identification) Regulations (Northern Ireland) 2012.

379.21 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>
Mrs. Jennifer Dickson	24 Friary Road, Ballymoney, BT53 8XE.
Mr. William and Mrs. Amanda Dobbin	59 Kilmandil Road, Cloughmills, Ballymena, BT44 9BH.
Mr. Mervyn Dooley	23 Drumlee Road, Ballymoney, BT53 7LE.

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

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

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

WELFARE OF ANIMALS

379.22 WELFARE OF ANIMALS ACT (NORTHERN IRELAND) 2011

The above legislation will become effective on the 2nd April 2012 and imposes new obligations on District Councils in relation to welfare protection of non-farmed animals.

A collaborative approach was identified as the most appropriate way of complying with the new obligations province-wide. It was identified that the existing 'group' structure would act as the basis for each cluster to operate within. Such arrangements are to be reviewed in December 2012.

It was agreed by Chief Executives that Ballymena Borough Council would act as the cluster lead for the 10 Northern area Councils to enable funding to be drawn down for the service from DARD in respect of employment, training, purchasing of vehicles, veterinary, legal and appropriate welfare services. A Service Level Agreement and a protocol in respect of receipt of calls together with an enforcement policy are currently being prepared and will be brought before committee for approval.

It will be necessary, however, to authorize five animal welfare officers (AWO's) to discharge this function on behalf of Ballymoney Borough Council. These officers will provide mutual cover and support across the sub region. (Belfast, Northern, Southern, Eastern and Western Groups). In addition the AWO line manager and Head of Service within regional lead councils should be authorized to provide additional cover if required.

IT IS RECOMMENDED that in exercise of its powers under 47A of the Local Government Act 1972 as amended by Article 26 of the Local Government (Miscellaneous Provisions) (NI) Order 1985 Ballymoney Borough Council hereby appoints the undernoted officers as inspectors under Section 45(1)(b) of the Welfare of Animals Act (NI) 2011:-

Mrs. Sinead Sargent, Animal Welfare Officer Line Manager, Ballymena Borough Council.

Mrs. Nicola McCall, Head of Service, Ballymena Borough Council.

Mr. Samuel Jackson, Animal Welfare Officer.

Mr. Ian Peter McCreary, Animal Welfare Officer.

Mr. Mark Brown, Animal Welfare Officer.

Mrs. Karen Kerr-George, Animal Welfare Officer.

Ms. Alexandra Lightfoot, Animal Welfare Officer.

The Director of Borough Services explained the proposed procedure for handling animal welfare complaints originating within the Borough and responded to Member

questions as to the types of animals subject to the new enforcement powers to be exercised on behalf of district councils.

It was proposed by Councillor Stevenson, seconded by Councillor McAfee and
AGREED:

to recommend that in exercise of its powers under 47A of the Local Government Act 1972 as amended by Article 26 of the Local Government (Miscellaneous Provisions) (NI) Order 1985 Ballymoney Borough Council hereby appoints the above officers as inspectors under Section 45(1)(b) of the Welfare of Animals Act (NI) 2011.

BIODIVERSITY

379.23 WILDLIFE AND NATURAL ENVIRONMENT ACT (NI) 2011 CONSULTATION ON DRAFT BIODIVERSITY DUTY GUIDANCE FOR PUBLIC BODIES

The review of the Wildlife (Northern Ireland) Order 1985 culminated in the introduction of the Wildlife and Natural Environment Act (NI) 2011 in August 2011. As part of this Act public bodies have a 'Duty to conserve biodiversity – *it is the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.*'

(Full Biodiversity Duty can be viewed at
<http://www.legislation.gov.uk/nia/2011/15/section/1>).

In addition, the Biodiversity Duty also states that 'The department must issue guidance containing recommendations, advice and information for the assistance of public bodies in complying with the duty..'

The Department issued a draft guidance document for consultation on 30th January 2012 and have invited comments by 13th April 2012.

IT IS RECOMMENDED that Ballymoney Borough Council endorse the response undernoted and submit this to the Department of Environment prior to the consultation closing date.

- The document does not make clear what is expected of public bodies in general, nor specifically what is expected of councils. A separate section or document is required to clarify what is expected of councils.
- The document needs to be more concise and clear. It is suggested that the first three chapters be summarised into a page or two and the document proper starts at chapter four.
- There are fundamental omissions, such as the lack of reference to Local Biodiversity Action Plans (LBAP) and the role they play as a key mechanism to the delivery of the Biodiversity Duty.
- There is no reference to the Northern Ireland Biodiversity Group (NIBG) which plays a key strategic role for biodiversity in Northern Ireland and very little mention of the Northern Ireland Biodiversity Strategy.
- The legislative framework from Northern Ireland through to the EU also needs to be clearly outlined. For example, the EU Biodiversity Strategy to 2020, which was adopted on 3rd May 2011, has a headline target to halt the loss of

biodiversity and ecosystem services in the EU by 2020 in line with two commitments made by EU leaders in March 2010 – halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020 and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss.

- Throughout the document it is unclear as to what a Biodiversity Implementation Plan (BIP) is. BIPs and LBAPs need to be clearly defined and the roles they are to play in the delivery of the Biodiversity Duty. In addition, guidance is required on how to develop BIPs.
- Links should be made between the Biodiversity Duty and the Northern Ireland Biodiversity Strategy and a reporting mechanism established e.g. a duty placed on NIBG to report to the Minister on a three year cycle with public bodies being asked to provide information to demonstrate compliance.
- Throughout the document there are a number of factual inaccuracies e.g. the duty is 'all functions' not 'main functions' and 'to further' not 'to have due regard'.
- The case studies should be more relevant and have some local council specific examples and be best practice. These should also include Invasive Alien Species (IAS) best practice which is a major issue for all public bodies.
- The Scottish guidance document would be an excellent template to follow.
- It is recommended that the Department establish and fund a steering group, composed of key representatives from public bodies, NIBG and the Biodiversity Officers Forum to develop and oversee Biodiversity Duty Guidance for public bodies and the public.

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

that Ballymoney Borough Council endorse the above response and submit this to the Department of Environment prior to the consultation closing date.

MATTERS FOR INFORMATION

FOOD CONTROL

379.24 THE FOOD HYGIENE (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2012

The above Regulations made by the DHSSPS on the 16th March 2012 come into effect on the 10th April 2012. They amend the 2006 Regulations to allow the service of a remedial action notice (RAN) on establishments not subject to approval under European food hygiene legislation and provide compensation to a food business operator who suffers loss by complying with an RAN which on appeal is subsequently cancelled.

At the request of Councillor Atkinson, the Director of Borough Services gave an explanation of what was meant by a remedial action notice.

ENVIRONMENTAL SERVICES

379.25 MUNICIPAL WASTE RETURNS

<u>Waste Type</u>	<u>Feb 2011</u>	<u>Feb 2012</u>	<u>Apr 10 – Feb 11</u>	<u>Apr 11 – Feb 12</u>
Mixed Residual Waste (waste direct to landfill)	733.38t	713.14t -2.76%	8,579.46t	8,458.96t -1.40%
Mixed Dry Recyclables (blue bin recycling)	132.68t	131.52t -0.87%	1,507.35t	1,573.67t +4.40%
Garden Waste (brown bin recycling)	n/a	n/a	1,201.52t	1,199.96t -0.13%
Waste Recovery (segregated HRC waste)	37.26t	75.50t +102.63%	824.20t	755.10t -8.38%
Cardboard	6.70t	3.90t -41.79%	74.61t	3.91t -14.34%
Timber*	21.54t	13.62t -36.77%	n/a	292.62t

* Timber recycling commenced 1st November 2010.

The Chair highlighted the encouraging reduction in mixed residual waste arisings emphasizing that a greater reduction was needed. She also highlighted the positive change in mixed dry recyclables overall.

379.26 BLUE BIN SERVICE – UPDATE

The Director advised Committee on how the blue bin service would be delivered in the first month of the new financial year as discussed and recommended by the NWRWMG Joint Committee notwithstanding the budgetary provision which had been made. He commented on the budget which had been retained for 2012-2013 again advising Members that this had been allocated to the necessary task of educating service users so that only the correct materials were placed in the right bins.

* Councillor McLaughlin left the meeting at 8.49pm.

At the request of Councillor Atkinson the Director explained how bin contamination is dealt with.

379.27 DOE RETHINK WASTE FUNDING APPLICATION – HOME COMPOSTERS & KITCHEN CADDIES

An application has been made to Rethink Waste Social Needs Scheme to acquire funding for the purchase of home composters and kitchen caddies.

Approximately 800 home composters and kitchen caddies will be distributed free of charge to local residents. The purpose of this application is to engage householders

further in effective waste management at home and help reduce the amount of garden and food waste going to landfill.

At Committee the Director confirmed that the Rethink Waste funding in the sum of £12,672.38 had on 27th March been confirmed with the money to be spent by the month end. The securing of additional funding was welcomed by Members.

ENVIRONMENTAL PROTECTION

379.28 THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT (NORTHERN IRELAND) 2011

The above Act comes into operation on the 1st April 2012. The objective of the Act is to improve the quality of the local environment by giving Councils additional powers to deal with litter, nuisance alleys, graffiti and fly posting, abandoned and nuisance vehicles and statutory nuisances.

379.29 POLLUTION PREVENTION & CONTROL REGULATIONS (NI) 2005 APPLICATION NO. P0169/07A

NIEA have recently furnished a copy of the Annual Report 2011 in respect of the above process for inclusion in the public register.

379.30 THE WASTE MANAGEMENT LICENSING REGULATIONS (NI) 2003 52 GORTAHAR ROAD, RASHARKIN.

NIEA have recently forwarded a copy of the Waste Management Licence LN/12/08 issued in respect of the above premises. The licence relates to the depolluting and dismantling of end of life vehicles.

379.31 FOOD HYGIENE REGULATIONS (NI) 2006 REGULATION 6, HYGIENE IMPROVEMENT NOTICES

The following Hygiene Improvement Notice was served on the food business operator of XXX, on 8th March 2012, for failing to comply with the above regulations. The premises were in breach of Article 17(1) of the Food Hygiene Regulations (NI) 2006 in that they contravened the following community provision:

- Regulation (EC) 852/2004 Annex II chapter I para 4 regarding the need for a wash hand basin.

ENVIRONMENTAL HEALTH GENERAL

379.32 THE HIGH HEDGES ACT (NORTHERN IRELAND) 2011

The above Act comes into operation on the 31st March 2012. The Department of Environment have produced information for hedge owners and complainants, a copy of which was circulated to members. It is intended to place this information and guidance on the Council's website to assist those in deciding whether a complaint to the Council is warranted.

DOG CONTROL

379.33 THE DOGS (AMENDMENT) (2011 ACT) (COMMENCEMENT NO. 3) ORDER (NORTHERN IRELAND) 2012

The Department of Agriculture and Rural Development have advised that The Dogs (Amendment) (2011 Act) (Commencement No. 3) Order (Northern Ireland) 2012 which brings the compulsory microchipping for dogs held under an individual licence into operation from the 9th April 2012.

To enable implementation of this new provision and commence the new technical requirements for compulsory microchipping the Dogs (Licensing and Identification) Regulations (NI) 2012 will be made to coincide with the commencement order on 9th April. These Regulations also include a requirement that all dogs held under a block licence must be microchipped and specify the record keeping requirements for block licence holders. The Regulations include a short exemption, until 1st January 2013 for thoroughbred greyhounds registered with the Irish Coursing Club. This will allow time for the Irish Coursing Club to enhance their systems to facilitate the recording of microchip numbers. The Regulations also phase the age at which a pup needs to be microchipped under a block licence. From the 9th April 2012, the age at which pups held under a block licence will have to be microchipped is 12 weeks. From 1st January 2013, the age will reduce to 8 weeks.

379.34 DOGS (NORTHERN IRELAND) ORDER 1983 AS AMENDED DOG STRAYING – ARTICLE 22(1)

Further to committee minute HES 378.13, I am pleased to report that the outstanding two fixed penalties have now been paid thus negating the need to institute legal proceedings in this instance.

LICENSING

379.35 LICENSING (NORTHERN IRELAND) ORDER 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
M & M Bradley Ltd., "The Dug Out", Main Street, MAGHERA.	Occasional Licence (Millennium Centre, Loughgiel on 17/3/12 – 7.30pm – 1.00am Fundraiser for Loughgiel GAC)	28/2/12
Mr. Graeme Boyd, 2 Berryfields Park, BALLYMONEY.	Protection Order Application (North Irish Horse, Dervock).	1/3/12

This being all the business the meeting closed at 9.09pm.