

**Ballymoney Borough Council
Council Meeting No 962 – 6th June 2012**

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BALLYMONEY BOROUGH COUNCIL

Minutes of Council Meeting No 962 held in the Council Chamber, Riada House, Ballymoney on Wednesday 6th June 2012 at 7.00 pm.

IN THE CHAIR: Councillor I Stevenson, Mayor

PRESENT:**Aldermen**

F Campbell
H Connolly

Councillors

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

APOLOGIES:**Aldermen**

C Cousley, MBE
B Kennedy

Councillor

M Storey, MLA

IN ATTENDANCE:

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

Press**962.1 MAYOR'S REMARKS**

The Mayor made the following remarks:

- "The past few days have seen two major events take place nationally and I would like to take this opportunity firstly, to extend Council's congratulations to Her Majesty, Queen Elizabeth II on her Diamond Jubilee. Her 60 years of dedicated service have been celebrated over the extended Bank Holiday weekend and I was pleased to see events being held locally to mark this

wonderful occasion. I would also like to extend Council's best wishes to the Duke of Edinburgh for a speedy recovery.

- Secondly, The Olympic Torch has been travelling through Northern Ireland over the past few days and a huge crowd turned out in Dervock to witness the relay. It was a particularly moving and unique event in that it was in the year of the 100th anniversary of KK McArthur's Olympic Marathon win in 1912 that the Olympic Torch came to Dervock. I would like to pay tribute to all who worked tirelessly in Council and in the local community in Dervock to make this event a success.
- I would also like to congratulate Patrick Frew from Cloughmills for making the final shortlist for two prestigious UK Awards, the Octavia Hill Awards promoted by the National Trust and the Observer Ethical. In both cases, judges recognized the amazing voluntary effort and passion which motivates Patrick to work on behalf of his community. He is the only representative from Northern Ireland to feature in the two shortlists which is a remarkable achievement.
- On the sporting front, congratulations go to Ballymoney Rugby Club's 2nd XV team who reached the finals of the Crawford Cup and played at Ravenhill and also to Ballymoney's Hockey 2nd X1 Team who won the Qualifying Plate recently. Well done to both of these clubs on their achievements.
- Continuing with sporting success. The North West 200 brought success for William Dunlop who won the McKendry Fabrications Supersport race and at the TT. William came 6th in the Dainese Superbike race and took 3rd place on the podium in the Monster Energy Supersport race. Also at the TT, Michael Dunlop took 2nd place on the podium in the Royal London 360 Superstock race. Congratulations to both Michael and William on their continuing success.
- Council conferred the Freedom of the Borough on The Royal Irish Regiment last month. I was honoured to preside over the ceremony in the Town Hall and to welcome the Regiment to Ballymoney. It was also very pleasing to see so many people on the streets of the town to show support for the troops on parade.
- Finally, Council sends its best wishes to Alderman Cousley for a speedy recovery".

962.2 MINUTES – MEETING NO 960 – 8TH MAY 2012

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

that the minutes of Meeting No 960 – 8th May 2012, as circulated, be confirmed as a correct record.

**962.3 MINUTES OF CONSULTATION COMMITTEE MEETING NO 73 –
21ST MAY 2012**

Councillor Cavlan presented the report.

The minutes of Consultation Committee Meeting No 73 – 21st May 2012, as circulated, were received.

**962.4 MINUTES OF DEVELOPMENT COMMITTEE MEETING NO 235 –
16TH MAY 2012**

Councillor Finlay presented the report.

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

that the minutes of Meeting No 235 – 16th May 2012, as circulated, be adopted and the recommendations therein approved.

**962.5 MINUTES OF LEISURE & AMENITIES COMMITTEE MEETING NO 395 –
15TH MAY 2012**

Alderman Campbell presented the report together with addendums as set out at 5.1, 5.2 and 5.3.

5.1 Request to use Dunaghy Playing Fields

A request has been received from Dunaghy LOL 791 to use toilets and hard standing at Dunaghy Playing Fields to facilitate a religious service on Sunday 10th June 2012 in celebration of 125th anniversary of LOL 791. It is **recommended** that Council grants permission to Dunaghy LOL to use its facilities for the purposes sought.

5.2 Community Support Grants

Three Grant Applications have been received, as follows –

- I. North Antrim Horticultural Association for assistance towards its 84th Annual Flower Show.
- II. Ballymacconnelly Renewal Group for assistance towards a Community Games Night.
- III. Coleraine Canine Club for assistance towards its 50th Anniversary Show.

All applications meet the criteria of the Community Support Grant Scheme. It is **recommended** that the 3 applicants are awarded £200.00 each. While there is only £405.00 remaining in the budget £195.00 will be made

available out of another grant scheme budget. Community Groups will be advised that the Community Support Grant Scheme for 2012/13 is now closed.

5.3 Request for Use of Riverside Park

Council has received a request from Trinity Presbyterian Church for the use of Riverside Park on Sunday 17th June at 6.30 pm for the purposes of an open air service. **It is recommended** that Council approves the request.

Matters Arising from Minutes:

5.4 Proposed Removal of Bus Shelter at Magherahoney (395.7)

Alderman Connolly expressed the view that reasons for removal of the shelter are unfounded on the grounds of antisocial behaviour and he intends to monitor and speak further on the subject at the next meeting. Councillor Cavlan referred to the poor condition of the shelter and stated that an upgrade to Adshel type would be more appropriate.

5.5 Glebeside Community Association

At the request of Councillor McAfee, the Director of Borough Services undertook to provide advice as to the proposed schemes planned for Glebeside and the status of these.

5.6 Adoption of Minutes

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

that the minutes of Meeting No 395 – 15th May 2012, as circulated, be adopted and the recommendations therein approved including items as set out at 5.1, 5.2 and 5.3.

* **Councillor Finlay left the meeting at 7.20 pm.**

962.6 MINUTES OF HEALTH & ENVIRONMENTAL SERVICES MEETING NO 381 - 22ND MAY 2012

Councillor Robinson presented the report. The Director of Borough Services at request of the Chair presented additional items as set out at 6.1 and 6.2.

6.1 Environmental Protection Noise Complaint Arising from Construction Activities

On 28th and 29th May 2012 Borough Services Department received complaints from occupiers of residential premises affected by noise from construction work. The construction site is located within a residential

area. The complaint was investigated by an officer from this department and evidence was gathered to substantiate a noise nuisance.

The main source of the noise complaints originated from piling activities which have now been completed as of 31st May 2012. The noise complained of was the loud bang created by the piling method used to drive sheet metal into the ground. BS 5228-1:2009, "Code of practice for noise and vibration control on construction and open sites" sets out standards that should be met by comparing the ambient noise level to the total noise level when construction activities are being carried out.

Noise level measurements were taken by this department on 29th May when piling work was being undertaken, on 30th May when some piling and other construction activities were being undertaken and on 31st May when there was some welding on site and results were found as follows:-

29th May 2012 – 74.2dB $L_{Aeq\ 1h}$

30th May 2012 – 68.0dB $L_{Aeq\ 1h}$

31st May 2012 – 51.9dB $L_{Aeq\ 1h}$

The reading taken on 31st May 2012 was determined to be representative of the ambient noise level. This figure was used to apply the standard set out in Appendix E of BS:5228 Code of practice which determined the appropriate category and noise limits that should be achieved at the facade of the nearest noise sensitive receptor through the day and night as follows:

The equivalent continuous sound level (L_{eq}) from construction activities when measured at any point on a line 1 metre from the facade of any noise sensitive dwelling shall not exceed:-

- 65dB $L_{Aeq\ 1h}$ between 07.00 hours and 19.00 hours on Monday to Friday and 07.00hrs to 13.00hrs on Saturdays.
- 55dB $L_{Aeq\ 1h}$ between 19.00 hours and 23.00 hours on Monday to Friday and 13.00hrs to 23.00hrs on Saturdays.
- 45dB $L_{Aeq\ 1h}$ between 23.00 hours and 07.00 hours on Monday to Saturday.

Noise from construction activities shall not be audible at anytime on Sundays.

The method set out in Appendix E.3.2 shows the threshold of significant effect at dwellings when the total noise level, rounded to the nearest decibel, exceeds the listed value. For the appropriate period the ambient noise level is determined (in this case 51.9dB) and rounded to the nearest 5dB (in this case 50dB). This is then compared with the total noise level,

including construction activities. If the total noise level exceeds the appropriate category value, then a significant effect is deemed to occur.

Using the ambient noise level it was determined that the area falls into Category A of the table which sets out the limits above to be achieved at times of the day. The readings of 74.9dB and 68.0dB were both taken between the hours of 07.00 and 19.00, and it can be seen that they exceed the threshold limit of 65dB. Council is asked to determine whether a statutory noise nuisance exists.

Where Council is satisfied that a statutory noise nuisance exists, or is likely to occur or recur, then Council shall serve a notice under Article 40 of the Pollution Control and Local Government (NI) Order 1978, requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence. The notice shall specify the time or times within which the requirements of the notice are to be complied with.

IT IS RECOMMENDED that a notice be served on the operator of the construction site under Article 40 of the Pollution Control and Local Government (NI) Order 1978 requiring the abatement and preventing the recurrence of the noise nuisance resulting from construction activities.

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

that a notice be served on the operator of the construction site under Article 40 of the Pollution Control and Local Government (NI) Order 1978 requiring the abatement and preventing the recurrence of the noise nuisance resulting from construction activities.

6.2 Environmental Health General Extension of Better Regulation Strategy

Correspondence has been received from the Department of Enterprise Trade and Industry (DETI) regarding the extension of the above Strategy to include local authorities in Northern Ireland.

The Better Regulation Strategy was first endorsed by the NI Executive in 2001. Its aim was to reduce the regulatory burdens on businesses and in so doing to encourage and assist the competitiveness and growth of Northern Ireland business. It was reviewed in 2006-2007 with the outcome an endorsement of the principles underlying the 2001 Strategy, which were, proportionality, accountability, consistency, transparency and targeting, together with an implementation action plan. A further review was carried out in 2009-2010 which led to a forward work programme of 21 strategic actions, endorsed by the Executive in July 2010. A summary has been provided for Members. DETI have asked that Councils formally

endorse the Strategy. For a number of years Council has through its enforcement policy been committed to the principles of Better Regulation.

IT IS RECOMMENDED that Ballymoney Borough Council agree to extending NI Better Regulation Strategy to include local authorities.

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

that Ballymoney Borough Council agree to extending NI Better Regulation Strategy to include local authorities.

6.3 Adoption of Minutes

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

that the minutes of Meeting No 381 – 22nd May 2012, as circulated, be adopted and the recommendations therein approved including the recommendations as set out at items 6.1 and 6.2.

962.7 MINUTES OF CORPORATE & CENTRAL SERVICES MEETING NO 405 – 28TH MAY 2012

Councillor McKeown presented the report including addendum as set out at 7.1 and 7.2

7.1 Councillor Party Affiliations:

Councillor Anita Cavlan has written to advise Council that she is now an Independent Councillor with no affiliations to any other party, with effect from 23rd May 2012.

7.2 Councillor Training Programme (405.9)

It was **recommended** that Councillor Finlay attend the NITB tourism and Events Seminar to be held on 21st June 2012 at a cost of £55 excluding VAT.

7.3 Adoption of Minutes

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

that the minutes of Meeting No 405 – 28th May 2012, as circulated, be adopted and the recommendations therein approved including the recommendation set out at 7.2.

962.8 MINUTES OF RESOURCES TASK GROUP MEETING NO 41 – 28TH MAY 2012

Councillor McKeown presented the report.

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

that the minutes of Meeting No 40 – 23^d May 2012, as circulated, be adopted and the recommendations therein approved.

- * **The Director of Central & Leisure Services and the Deputy Director of Borough services left the meeting at 7.30 pm.**
- * **Councillor McGuigan left the meeting at 7.30 pm.**

962.9 SEAL DOCUMENTS

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

that the Seal of Council be affixed to grave registration certificate numbers 1294, 1295, 1296, 1297.

962.10 DARD – DISPLAYING HOUSE NUMBERS IN RURAL AREAS

The Minister of Agriculture and Rural Development has written regarding a Written Question tabled to the Department by Mr Oliver McMullan MLA, highlighting the problem faced by the emergency services relating to domestic properties in rural areas not displaying their allocated house number.

The Minister's response to the Written Question indicated that she would support any call for property owners to display their allocated house number and that this was primarily a matter for Local Government to consider.

City, Borough and District Councils are empowered by Section 11 of the Local Government (Misc. Prov.) Order 1995 to allocate postal numbers to houses and buildings in their districts and that, other than in exceptional circumstances, a house number should be prominently displayed so that it can be easily read.

This is an important issue, as the emergency services and the general public need a way of locating and referencing properties.

The Minister has asked that her colleague's concerns are brought to the Council's attention.

The correspondence was noted.

962.11 ROADS SERVICE**11.1 APPLICATION TO RENEW A ROADS SERVICE LICENCE**

- B550 James Mcglone T/A J & M Coach Hire, 12 Culnafay Road, Toomebridge, Co Antrim, BT41 3QG
- B1566 Noel Mulholland T/A The Den Afterschool Club, 107 Station Road, Greenisland, Co Antrim, BT38 8UW
- B321 Adrian Mcdermott T/A Coach Connections Ireland/Mcdermott Coach Hire, 20b Cloughey Road, Portaferry, Newtownards, Co Down, BT22 1ND
- B1291 Out & About Enterprises Ltd, Unit 10 The Business Centre, 80 – 82 Rainey Street, Magherafelt, Co Londonderry, BT45 5AH
- B585 Robert James Ferry T/A Hagdorn Lgv/Psv School, 91 Roughan Road, Dungannon, Co Tyrone, BT71 4EN
- B600 Stephen Comerford T/A C.F.T. International Coach Hire, 100 Stewartstown Park, Stewartstown Road, Belfast, Co Antrim, BT11 9GN
- B1095 Downtown Transport Ltd, Knowledge House, Down Business Park , 46 Belfast Road, Downpatrick, BT30 9UP
- B837 Lyle Watson T/A Kirkwood Coaches, 18 Crebilly Road, Ballymena, Co Antrim, BT42 4ND
- B544 Robert & Finola Mcnerlin T/A Eglinton Travel, 37 Dellwood, Eglinton, Co Londonderry, BT47 3XE
- B1622 Cormac Gallogly, Doughrock, Drumskinney, Kesh, Co Fermanagh, BT93 1FX
- B1450 Hilary Rainey T/A Rainbow Private Day Nursery, 96 Brustin Brae Road, Larne, Co Antrim, BT40 2LJ
- B1560 William Mark Gibson T/A Glenview Enterprises, 23 Cavanapole Road, Tynan, Co Armagh, BT60 4RS

11.2 THE PRIVATE STREETS (NORTHERN IRELAND) ORDER 1980**DEVELOPMENT AT: BRIDGE STREET, RASHARKIN
STAGE: 1 DEVELOPER: C J DILLON & SONS**

Roads Service has now adopted the streets at the above development.

**11.3 THE PRIVATE STREETS (NORTHERN IRELAND) ORDER 1980
DEVELOPMENT AT SHELTON MEADOWS, LOUGHGUILLE
STAGE1 DEVELOPER: BRIAN CONNOLLY**

Roads Service has now adopted the streets at the above development.

**962.12 PRIVATE MEMBERS BILL – CONSULTATION 20MPH SPEED LIMIT ON
DESIGNATED RESTRICTED ROADS**

Conall McDevitt MLA, SDLP, South Belfast has written seeking Council's views on the introduction of a 20mph speed limit on some designated restricted roads as part of my bid to introduce a Private Members Bill in the Northern Ireland Assembly.

“Road injuries are amongst the leading causes of loss of life and disability worldwide, and regionally, a reduction in road related death and injury is a major aim of public policy. The World Health Organisation has identified speed as the single most important contributor to road fatalities. Research from the Department for Transport (DfT) found that if a pedestrian is hit by a vehicle travelling at 20mph, there is about a 2.5% (1 in 40) chance of being killed, or 97.5% chance of surviving, which compares with the research which states that if hit by a car travelling at 30mph, there is about a 20% (1 in 5) chance of being killed, or 80% chance of survival. This pattern further correlates if you increase the speed, increasing chance of death.

At present, there are some designated 20mph zones in this region; however the introduction of legislation to be applied to appropriate designated streets would represent a positive step towards making our streets a safer place. It is envisaged that the legislation would apply only to smaller residential streets and not major thoroughfares.

As a legislator, I believe we should be seeking to effect positive change in our society, and I believe that reducing the speed limits on some of our roads would ensure fewer accidents and fatalities on our streets, as well as the possibility of playing a part in contributing to public health, through encouraging more people to walk and cycle for short, every day journeys.”

To respond to the consultation online please visit http://kwiksurveys.com?u=20mph_Consultation or contact Anna by telephone on 028 90 683535 or alternatively email c.mcdevitt@sdlp.ie.

The MLA will also be holding a stakeholder event on **Monday 11 June 2012 (time TBC) in the Senate Chamber, Parliament Buildings, Stormont** to debate the issues relating to this important issue. Anyone wishing to attend should contact 028 90683535 or email c.mcdevitt@sdlp.ie.

962.13 WELFARE REFORM BILL

Council asked the Chief Executive how it could ensure that local residents affected by the coming changes are informed. DSD as the responsible department in Northern Ireland was asked what is planned by way of communication to local communities and responded as follows:

DSD has been in touch with both SOLACE and NILGA and have arranged for a slot at the monthly meeting to allow the Chief Executive of the Social Security Agency to come along and give a presentation on Welfare Reform.

25 May **NILGA meeting at Roe Valley Arts Centre Limavady**

1 June **SOLACE meeting at Magherafelt Council Offices**

DSD is also working in partnership with NICVA in their role as regional umbrella organisation for Voluntary & Community sector to deliver communication around Welfare Reform. The following meetings for stakeholders were recently held:

27 February & 1 March – meeting with approximately 60 stakeholders to give broad overview of Universal Credit and discuss concerns

6 March – members of staff from SSA attended the NICVA conference to give presentations on Personal Independence Payment (PIP) and Universal Credit (UC)

22 March – 20 stakeholders attended meeting with Personal Independence Payment staff to give feedback on the proposed forms for Personal Independence Payment.

The Department is also considering other methods of communication such as social media, use of internet and provision of booklets. However, as the Welfare Reform Bill has not entered the Assembly as yet, it is still early stage with these projects.

962.14 REPORTS

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

Northern Health & Social Care Trust media statement regarding A&E circulated.

962.15 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 pm 7.40 pm.