

Ballymoney Borough Council

Health & Environmental Services Committee Meeting No 386 – 27th November 2012

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BALLYMONEY BOROUGH COUNCIL

Minutes of Health & Environmental Services Committee Meeting No 386, held in the McKinley Room, Riada House, Ballymoney on Tuesday 27th November 2012 at 7.00pm.

IN THE CHAIR: Councillor J Atkinson

PRESENT:

Aldermen
F Campbell
C Cousley, MBE

Councillors
W Blair
A Cavlan
J Finlay
R McAfee
C McLaughlin
E Robinson, Mayor

APOLOGIES:

Alderman H Connolly
Councillor R Halliday
Councillor P McGuigan
Councillor M Storey, MLA

IN ATTENDANCE:

Rachel Bain, Biodiversity Officer
Director of Borough Services
Committee Clerk

* Councillor McAfee and Alderman Cousley joined the meeting at 7.01pm and 7.02pm respectively.

386.1 PRESENTATION – Causeway Coast & Glens Local Biodiversity Action Plan 2013-18

The Chair welcomed Rachel Bain, Biodiversity Officer, to the meeting to give a presentation to members on the Cluster Council Local Biodiversity Action Plan project. The key aims of the project were highlighted along with the areas of focus, main functions and benefits. Ms Bain responded to member questions. The Chair thanked Ms Bain for her presentation which concluded at 7.25 pm.

Ms Bain left the meeting at this time.

386.2 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

386.3 MINUTES - Meeting No 385 – 25th October 2012

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

to recommend that the minutes of Meeting Number 385 – 25th October 2012, as circulated, be confirmed as a correct record.

Matters Arising:**3.1 Consultation Paper on a Bill on the Numbering of Individual Properties within Townlands (385.9)**

In response to Alderman Campbell, the Director of Borough Services advised that he had had no further communication regarding this matter, having responded to the consultation as Council had agreed.

MATTERS FOR CONSIDERATION**ENVIRONMENTAL PROTECTION****386.4 THE LITTER (NORTHERN IRELAND) ORDER 1994
THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011
THE ENVIRONMENTAL OFFENCES (FIXED PENALTIES) (MISCELLANEOUS
PROVISIONS) REGULATIONS (NI) 2012**

Article 16 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 amends Article 6 of the Litter (Northern Ireland) Order 1994 (fixed penalty notices). The Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations (Northern Ireland) 2012 came into operation on the 1st April 2012, and prescribe the ranges within which certain fixed penalties are required to fall.

In respect of:-

1. Article 6(6A)(a) (fixed penalty notices) and of paragraph 7(4)(a) of Schedule 1A to the Litter Order; and
2. Sections 27(1) (graffiti and fly posting), 44(1) (dog control orders) and 53(2) (alarm notification areas) of the Clean Neighbourhoods and Environment Act 2011;

this shall be not less than £50.00 and not more than £80.00. If the Council does not specify a level the Order sets the level at £75.00.

Members may recollect that a similar matter was agreed in relation to The Dogs (Fixed Penalty) Regulations (NI) 2011, HES 373 refers dated 27th September 2011.

In order to ensure parity;

IT IS RECOMMENDED that Ballymoney Borough Council sets the amount payable under the fixed penalty notice in respect of Article 6(6A)(a) of and paragraph 7(4)(a) of Schedule 1A to The Litter (Northern Ireland) Order 1994 and Sections 27(1), 44(1) and 53(2) of The Clean Neighbourhoods and Environment Act 2011 at £80.00 with a discount of £30 applicable for early payment made within 14 days from the date of issue.

In respect of:-

3. Article 14A(4)(a) of the Litter (NI) Order 1994 (street litter supplementary provisions) and Section 8A(2)(a) of the Noise Act 1996,

this shall be not less than £75.00 and not more than £110.00.

IT IS RECOMMENDED Ballymoney Borough Council sets the amount payable under the fixed penalty notice in respect of Article 14A(4)(a) of The Litter (NI) Order 1994 (street litter supplementary provisions) and Section 8A(2)(a) of the Noise Act 1996 at £110.00 with a discount of £30 applicable for early payment made within 14 days from the date of issue.

4. The level is fixed at £100 in relation to Article 14A(5) Litter (NI) Order 1994 and Section 8A(4) of the Noise Act 1996 (fixed penalty notices) and Section 4(10) Clean Neighbourhoods and Environment Act (NI) 2011 (nuisance parking);
but shall be not less than £60.00 if early payment is received.
5. Article 29A(1) (abandoned vehicles) fixed rate £200;
but shall be not less than £120.00 if early payment is received.

IT IS FURTHER RECOMMENDED in relation to Article 14A(5) of The Litter (NI) Order 1994 and Section 8A(4) of The Noise Act 1996 and Section 4(10) of The Clean Neighbourhoods and Environment Act (NI) 2011 (Nuisance Parking Offences) a discount of £40 be applicable for early payment within 14 Days of the date of issue.

IT IS FURTHER RECOMMENDED in respect of a fixed penalty issued under Article 29A a discount of £80 be applicable for early payment within 14 days of the date of issue.

It was proposed by Councillor Finlay, seconded by Councillor Cavlan and

AGREED:

to recommend that Council sets the amount payable under the fixed penalty notice in respect of Article 6(6A)(a) of and paragraph 7(4)(a) of Schedule 1A to The Litter (Northern Ireland) Order 1994 and Sections 27(1), 44(1) and 53(2) of The Clean Neighbourhoods and Environment Act 2011 at £80.00 with a discount of £30 applicable for early payment made within 14 days from the date of issue.

and to further recommend that Council sets the amount payable under the fixed penalty notice in respect of Article 14A(4)(a) of The Litter (NI) Order 1994 (street litter supplementary provisions) and Section 8A(2)(a) of the Noise Act 1996 at £110.00 with a discount of £30 applicable for early payment made within 14 days from the date of issue.

and to further recommend that in relation to Article 14A(5) of The Litter (NI) Order 1994 and Section 8A(4) of The Noise Act 1996 and Section 4(10) of The Clean Neighbourhoods and Environment Act (NI) 2011 (Nuisance Parking Offences) a discount of £40 be applicable for early payment within 14 Days of the date of issue.

and to further recommend that in respect of a fixed penalty issued under Article 29A a discount of £80 be applicable for early payment within 14 days of the date of issue.

HEALTH & SAFETY

386.5 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: -

Premises

100 Ballybogey Road,
Ballybogey,
BALLYMONEY, BT53 6PD.

Applicant

Mr. B Kennedy

The renewal of the licence as detailed above is **RECOMMENDED**.

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

to recommend the renewal of the licence as detailed above.

ENVIRONMENTAL HEALTH GENERAL

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

Landlord

Mr. & Mrs. McKeever

Dwelling- House

3 Gate End,
BALLYMONEY, BT53 6LA.

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 Alderman Campbell, seconded by Councillor Robinson and
AGREED:

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

386.7 CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011

1 GATE END, BALLYMONEY, BT53 6LA.

Further to a private tenancy fitness inspection conducted on 16th November 2012 the following defects were observed that are deemed prejudicial to the health of the occupants.

Internal

High levels of rising dampness present to ground floor walls of living room and kitchen area.

IT IS RECOMMENDED that an abatement notice be served on the landlord of the premises under Section 63(1)(a) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 with a time period of compliance of 90 days in order to remedy the condition thereat as described above.

NB All works included on the above notice will be eligible for grant aid from the Northern Ireland Housing Executive.

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

to recommend that an abatement notice be served on the landlord of the premises under Section 63(1)(a) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 with a time period of compliance of 90 days in order to remedy the condition thereat as described above.

LICENSING

386.8 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATIONS (FULL) (GRANT)

Premises

Balnamore Community Centre,
 59 Balnamore Road,
 Balnamore,
 BALLYMONEY, BT53 7PU.

Ballybogey Community Centre,
 8A Millview Park,
 Ballybogey,
 BALLYMONEY, BT53 6NU.

Applicant

Mrs. Diane McMullan,
 Balnamore Community Assoc.

Mrs. Maureen McCook,
 Ballybogey Community Assoc.

IT IS RECOMMENDED that the Borough Council grant Indoor Entertainment's Licences as detailed above subject to satisfactory reports being received from the NIFRS. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also apply.

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

to recommend that the Borough Council grant Indoor Entertainment's Licences as detailed above subject to satisfactory reports being received from the NIFRS. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also apply.

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

<u>Premises</u>	<u>Applicant</u>
Ballybrakes Community Indoor Bowling Club, Unit 12, 38 Ballybrakes Road, BALLYMONEY, BT53 7PL.	Mr. Morris McCullagh
Imperial Bar, 58 Main Street, BALLYMONEY, BT53 6AL.	Ms. Jacqueline Blair
Blackwater Bar & Restaurant, 250-252 Castlecatt Road, Dervock, BALLYMONEY, BT53 8BP.	Mr. Stephen and Mrs. Sharon McKillop
The Corner House Bar, 2 Culcrum Road, Cloughmills, BALLYMENA, BT44 9NH.	Mr. Anthony O'Hanlon
The Scenic Inn, 38 Fivey Road, Armoy, BALLYMONEY, BT53 8UT.	Ms. Shirley McKinley

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the cases of Ballybrakes Community Indoor Bowling Club and The Imperial Bar, 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 McAfee, seconded by Councillor McLaughlin and **AGREED:**

to recommend that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the cases of Ballybrakes Community Indoor Bowling Club and The Imperial Bar, 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.

386.10 THE BUSINESS OF TATTOOING, EAR PIERCING AND ELECTROLYSIS – REGISTRATION OF PERSONS AND PREMISES – PART V PROVISIONS

<u>Applicant</u>	<u>Premises</u>
Mr. Anthony Taylor (Tattooing)	Taylor's Ink, 11a Main Street, BALLYMONEY, BT53 6AN.
Ms. Lisa McAleese (Ear Piercing & Electrolysis)	Beauty Within, 5B Main Street, BALLYMONEY, BT53 6AN.
Ms. Jan Millen (Ear Piercing & Tattooing)	Trim, Tone, Tan, 49B Queen Street, BALLYMONEY, BT53 6JD.

IT IS RECOMMENDED that the above persons and premises be registered.

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

to recommend that the above persons and premises be registered.

386.11 STREET TRADING ACT (NI) 2001 TEMPORARY STREET TRADING LICENCES

Application for the grant of Temporary Street Trading Licences has been made to this Directorate as follows:-

<u>Purpose</u>	<u>Applicant</u>
Sale of Glow in the Dark Products beside Xmas lights switch on 22 nd November 2012	Mr. Aaron Ferguson
Sale of Dinky Doughnuts in High Street, Ballymoney at Xmas lights switch on 22 nd November 2012	Mr. Carson Skelton

Sale of Flashing Chinese Novelty Lights
in High Street, Ballymoney at Xmas lights
switch on 22nd November 2012

Mr. Lee When Ching

IT IS RECOMMENDED that the Borough Council grant the Temporary Street Trading Licences as detailed above for the Christmas lights switch on ceremony.

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

to recommend that the Borough Council grant the Temporary Street Trading Licences as detailed above for the Christmas lights switch on ceremony.

INTOXICATING LIQUOR BYELAWS

386.12 BYELAWS FOR GOOD RULE AND GOVERNMENT CONSUMPTION OF INTOXICATING LIQUOR IN DESIGNATED PLACES

Ballymoney Borough Council made byelaws in respect of the above on the 1st March 1999 which were subsequently confirmed by the Department of Social Development on the 12th May 1999. The Byelaws relate to Ballymoney Town, and the roads and streets therein as identified in the Schedule attached thereto. At that time there was considered no need to include any other part of the Borough.

New measures to deal with this issue have been included in the Criminal Justice Order (NI) 2008. However, the Department of Justice will not be introducing the new powers until details of the public place designation arrangements and a fixed penalty notice scheme, both of which need to be set out in subordinate legislation are finalized. There is no immediate prospect that such legislation will be brought forward shortly. A number of Councils including Newry, Belfast and Ballymena have recently, (2011 and 2012), made new byelaws extending the areas to which they apply.

There has been an increase in the number of incidents of drinking in public within certain villages within the Borough where there is currently no restrictions and it is therefore prudent that Council review the adequacy of the current bye-laws.

IT IS RECOMMENDED that the current byelaws be reviewed with a view to making new byelaws and that adequate resources be included in the 2013-14 budget to ensure implementation.

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

to recommend that the current byelaws be reviewed with a view to making new byelaws and that adequate resources be included in the 2013-14 budget to ensure implementation.

In response to Councillor Robinson, the Director clarified that a budget was required for both new signage and the refreshment of signage which had been in place for some time [including removal and fixing] and stated that an estimate would be included in the next rates book.

HIGH HEDGES

386.13 THE HIGH HEDGES ACT (NI) 2011

From 1st April 2012 the Council have powers to deal with nuisance that act as a barrier to light under the High Hedges Act (Northern Ireland) 2011.

A complaint has been received from the owner of 52 Boyland Road in relation to a neighbouring high hedge located at 50 Boyland Road. Both parties failed to resolve the issue informally resulting in the complainant paying a £360 fee to the Council on 30th August 2012 to instigate a formal investigation.

Main Considerations

The council's role in these cases is to seek to strike a balance between the competing rights of neighbours to enjoy their respective properties and the rights of the community in general, and thereby to formulate a proportionate response to the complainant.

The complainant alleged that the hedge is adversely affecting the enjoyment of the domestic property at 52 Boyland Road, Ballymoney by acting as a barrier to light. Officers gathered evidence and information in relation to the complaint by inviting the owner of the land where the hedge is situated to submit a statement. In addition, an officer visited the site on 2nd November 2012 carrying out appropriate measurements.

The Hedge and its Surroundings

The onsite visit established that the "hedge" for the purposes of this complaint refers to the four mature Lawson Cypress trees located at 50 Boyland Road. The trees are approximately 7.5 metres in height and act as a barrier to light to the kitchen window at 52 Boyland Road. All were planted about 5.0 metres apart and about 1.0 metre from the boundary. There was some crown dieback and browning of foliage evident in these four trees. The hedge measured 16.7 metres in length. This row of trees is deemed a hedge in accordance with the aforementioned legislation.

Light obstruction

In order to verify light nuisance experienced by the complainant officers use the method outlined in the 'High Hedges Act (Northern Ireland) 2011 – Technical Guidance' for calculating what height a hedge should be in order not to cause an unreasonable obstruction of light to windows and gardens. Observations by Council officers during the site visit on 2nd November 2012 at 14:00 hours indicated the hedge had a significant impact on the complainant's property. At that time, a substantial portion of the grassed garden area was dominated by the tall mature row of Lawson Cypress trees.

Visual amenity

The complainant's property is a two story country house with adjoining out buildings. There is a stoned garden area to the front of the dwelling and grassed area to the side of the property where the hedge in question is located.

The hedge towers over the garden at 52 Boyland Road with number 50 Boyland Road not visible to the eye from a considerable distance. The hedge dominates the complainant's property and has a severe effect on the complainant's use and enjoyment of their garden area.

Privacy

There is no real difference in level between the land where the hedge is situated and the complainant's property. A reduction of the height of the hedge would mean less privacy for the property with the hedge than they now enjoy.

Health of the hedge

The expertise of an independent arboriculturist was sought to consider the health of the hedge. It was established that the Lawson cypress trees was infected with a wilt disease, however would survive a 50% reduction in overall height. It was considered 40% of the live crown will only be removed in any 50% cut due to cone shaped nature of the upper crown of this species of tree.

Conclusion

The hedge is causing significant obstruction of daylight and sunlight to the complainant's dwelling. The hedge dominates the complainant's property, severely affecting living conditions and visual amenity. In order to remedy the problems identified evidence obtained by officers using the technical guidance suggests that the action height of the hedge would need to be reduced by an angled or slanted cut, to a height of 4 metres measured from ground level at the complainant's property and 5 metres measured from ground level at the owner of the hedge's property.

This compromise will ensure the likely survival of these four trees. It will also maximise the benefit to the owners of 52 Boyland Road, while minimising the impact to the owners of the trees located at 50 Boyland Road.

This resulting height would be sufficient to safeguard the privacy of the occupiers at both neighbouring properties and would not, adversely affect the enjoyment of that property or the general character and amenity of the neighbourhood. Such expenses incurred by the reduction of hedge height are accepted as part of the general ongoing maintenance of the property at 50 Boyland Road.

IT IS RECOMMENDED that Council issue a remedial notice pursuant to the High Hedges Act (NI) 2011, to the owners of the hedge at 50 Boyland Road for a reduction to the height of the hedge growing closest to the garden;-

- at 52 Boyland Road, shall be reduced in height to 4.0m.
- at 50 Boyland Road, shall be reduced in height to 5.0m.

The Director responded to members' questions regarding both the legislative requirements and potential legal costs.

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

to recommend that Council issue a remedial notice pursuant to the High Hedges Act (NI) 2011, to the owners of the hedge at 50 Boyland Road for a reduction to the height of the hedge growing closest to the garden;-

- ***at 52 Boyland Road, shall be reduced in height to 4.0m.***
- ***at 50 Boyland Road, shall be reduced in height to 5.0m.***

EMERGENCY PLANNING

386.14 EMERGENCY SUPPORT CENTRES

Members may recall that an Emergency Support Centre Protocol was developed in conjunction with PSNI, NIAS, and the Northern Health and Social Care Trust in 2007 and subsequently revised in 2009. The Protocol sets out the roles and responsibilities of each of the agencies when setting up and managing an Emergency Support Centre. The Protocol is currently being reviewed and it is appropriate to consider the inclusion of new/refurbished and existing council provided facilities.

IT IS THEREFORE RECOMMENDED that necessary arrangements are put in place with keyholders of all new, refurbished and existing Council facilities so that in the event of an emergency they may be utilised as a designated centre if required by any of the responding agencies.

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

to recommend that necessary arrangements are put in place with keyholders of all new, refurbished and existing Council facilities so that in the event of an emergency they may be utilised as a designated centre if required by any of the responding agencies.

386.15 EMERGENCY PLAN IMPLEMENTATION

Council has on a number of occasions considered what arrangements it ought to put in place to ensure that in the event of an emergency within the Borough the commensurate response on its behalf is made in a timely manner.

IT IS RECOMMENDED that Committee again address the issue with a view to recommending to Council the formal arrangements it ought to put in place to implement its emergency plans.

Councillor Robinson suggested deferring the item for one or two month(s) to allow the party groups time to re-consider the matter. Alderman Campbell, supported by Councillor McLaughlin, advised that he believed that the Chief Executive had been authorised to deal with the matter as a management issue and the Director undertook to clarify this and progress accordingly.

BIODIVERSITY

386.16 LOCAL BIODIVERSITY ACTION PLAN (LBAP)

The Northern Ireland Biodiversity Strategy includes targets and actions for a range of important habitats and species. To meet the recommendations of this strategy local biodiversity action must be taken. One way to achieve this is by a Local Biodiversity Action Plan (LBAP). A LBAP has been drafted for the Causeway Coast & Glens cluster area and was circulated to members. The LBAP will be published and launched in February 2013.

The purpose of the LBAP is to celebrate our local biodiversity and encourage people to work together to conserve it for future generations. The LBAP will help deliver on European, UK and Northern Ireland strategies and action plans.

The key aims of the Local Biodiversity Action Plan are to:-

- Conserve and enhance the rich biodiversity of the area
- Raise awareness of the variety and importance of the area's biodiversity
- Encourage local ownership and guardianship of the area's biodiversity
- Where possible, incorporate the sustainable use of biodiversity into all new policies and strategies affecting the area covered by the Council cluster

Most importantly, with its implementation, the LBAP will allow the Council cluster to deliver on The Wildlife and Natural Environment Act (Northern Ireland) 2011 which places a statutory duty on all public bodies to *'further the conservation of biodiversity in exercising any functions'*.

IT IS RECOMMENDED that Council endorse the Local Biodiversity Action Plan.

The Director gave members further details regarding the mechanism deployed to produce the LBAP and mentioned how most of the project cost was being met by funding obtained from NIEA.

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

to recommend that Council endorse the Local Biodiversity Action Plan.

ENERGY EFFICIENCY

386.17 ENERGY BILL REVOLUTION

Correspondence, in the above regard, was circulated to members (which was deferred from meeting HES 384 item 19) is again tabled for consideration.

IT IS RECOMMENDED that Committee consider the matter and make a recommendation to Council.

The Mayor spoke on the matter she had asked to be tabled and during the discussion the issue of the amount of funding provided by DSD to effectively tackle fuel poverty was highlighted.

* Councillor McAfee left the meeting at 8.05pm.

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

that written representation be made to DSD seeking additional funding to tackle fuel poverty.

ENVIRONMENTAL SERVICES

386.18 MDR CONTRACTS

It is necessary to update Members concerning the various contracts which have been operated this year in order to process the Council's MDR.

From 1st April to 31st May (due to procurement issues with the proposed NWRWMG contract) Council continued to operate its NWRWMG contract with Glassdon and incurred cost which had not been budgeted for.

From 1st June to 31st August an interim service was procured with the Council's MDR being processed by ReGen. It was expected that an income would be generated and whilst invoices have issued to date no payment has been received. In order to protect the Council's interests it has been necessary to obtain legal advice from Belfast City Council.

From 1st September, following Council's award of the contract (procured via the NWRWMG) to ReGen, its MDR is being processed by that company under the contract. After the first month of operation all member Councils of the NWRWMG have been informed that contamination levels in the materials supplied exceed the 10% limit provided for in the contract.

The member Councils of the Group refute this and having been carrying out analysis on samples of our materials to verify that the limit is not being exceeded. Officers from the Councils and the NWRWMG have met with the contractor to establish how this has happened and it is clear that the area at issue revolves around the definition of contamination as understood by both parties.

The NWRWMG has taken legal advice on behalf of member Councils to ensure the correct steps are taken and to protect Council should this matter become irreconcilable.

As a result the contract dispute resolution clause has been formally invoked and Councils must utilize this clause to demonstrate our reasonableness in attempting to resolve this matter before considering an alternative course of action.

I will keep Council informed of developments.

IT IS RECOMMENDED that Council note the steps which have been taken in order to protect its interests in respect of both the interim and new MDR contracts with ReGen.

Discussion ensued on the situation Council now found itself in and mention was made of the recent awareness campaign, the need to be vigilant as regards bin use and the implications as regards targets including NILAS compliance.

* Councillor McLaughlin left at 8.30pm.

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

to recommend that Council note the steps which have been taken in order to protect its interests in respect of both the interim and new MDR contracts with ReGen.

386.19 COLLECTED TIMBER

A proposal has been received from S J McAuley Engineering who wish to use timber collected at the Council's household recycling centres for energy recovery purposes at their Ballymena Road facility.

The Council collects approximately 300 tonnes of timber per annum at its recycling centres. The net effect of timber being diverted for energy recovery purposes would be an estimated 2% reduction in the Council's annual recycling rate. There would be no impact on NILAS diversion which would remain at 100% for this material stream.

This is an opportunity for Council to work in partnership with a local company to benefit both parties.

IT IS RECOMMENDED that Council note the above proposal.

The Director responded to member questions and during the discussion mention was made of the proposal contained in the revised NI Waste Management Strategy [which was currently out to consultation] that a new statutory obligation to be placed on Councils that by 2020 they recycle 60% of the waste they collect.

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

to recommend that Council note the above proposal and to enter into an arrangement for a period of 1 year, subject to review.

Councillor Robinson requested that she be recorded as not being in agreement with the recommendation due to the resulting reduction in the Council's annual recycling rate.

386.20 CHRISTMAS / NEW YEAR HOLIDAY ARRANGEMENTS**Bin Collection**

The following bin collection arrangements will operate over the Christmas / New Year period:

Public Holiday	Collection
Tuesday 25 th December 2012	Saturday 22 nd December
Wednesday 26 th December 2012	As normal
Tuesday 1 st January 2013	As normal

The brown bin collection service is suspended to Monday 25th March 2013.

Household Recycling Centres

Knock Road and Crosstagherty household recycling centres will be closed on –

Christmas Day	Tuesday 25 th December 2012
Boxing Day	Wednesday 26 th December 2012
New Year's Day	Tuesday 1 st January 2013

And will have curtailed opening time on the following date:

Monday 24 th December 2012	8.30am – 1.00pm
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Household recycling centres will be open as normal at all other times.

Crosstagherty Waste Handling & Transfer Facility

Facility will be closed to commercial customers on –

Christmas Day	Tuesday 25 th December 2012
Boxing Day	Wednesday 26 th December 2012
New Year's Day	Tuesday 1 st January 2013

And will have curtailed opening time on the following date:

Monday 24 th December 2012	8.45am – 1.00pm
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Street Cleansing

No street cleansing will be undertaken on Wednesday 26th December 2012. There will be a curtailed service on Tuesday 25th December and Tuesday 1st January.

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

that Council note the arrangements made for the Christmas / New Year holiday period.

Councillor Finlay commended the work of employees involved in both waste collection and street cleansing and Councillor Atkinson concurred with his comments.

MATTERS FOR INFORMATION

ENVIRONMENTAL SERVICES

386.21 MUNICIPAL WASTE RETURNS

<u>Waste Type</u>	<u>Oct 2011</u>	<u>Oct 2012</u>	<u>Apr 11 – Oct 11</u>	<u>Apr 12 – Oct 12</u>
Mixed Residual Waste (waste direct to landfill)	790.02t	745.24t -5.67%	5,291.18t	4,982.76t -5.83%
Mixed Dry Recyclables (blue bin recycling)	135.66t	166.10t +22.44%	984.81t	1,078.93t +9.56%
Garden Waste (brown bin recycling)	110.14t	115.76t +5.10%	1,199.96t	1,066.06t -11.16%
Waste Recovery (segregated HRC waste)	48.96t	87.32t +78.35%	477.26t	522.36t +9.45%
Cardboard	4.04t	5.12t +26.73%	41.89t	31.80t -24.09%
Timber	26.36t	40.08t +52.05%	207.50t	179.04t -13.72%

386.22 NWRWMG CONTRACTS

Council has from 1st November 2012 entered into contract with the North West Recycling Consortium for the following services:-

1. Provision for the treatment of commingled waste from HWRC's and from other Council services. [minimum contract period will be 2 years with optional monthly extensions of up to a further 2 years]
2. Provision for the haulage, treatment and disposal of local authority residual municipal waste (short term contract).
[minimum contract period will be 6 months with optional monthly extensions of up to a further 18 months]

386.23 DOG MICROCHIPPING ROADSHOW

The Council, in partnership with Dogs Trust, hosted a microchipping roadshow in the Borough from 30th October to 2nd November 2012. This initiative was organised in response to the legal requirement on dog owners to microchip their pet from April 2012 onwards. Dogs which are not microchipped from this date cannot be licensed by the Council.

In total, 108 dogs were microchipped by Dogs Trust during the roadshow which visited Ballymoney, Balnamore, Cloughmills, Loughgiel, Rasharkin and Stranocum.

386.24 PROSPECTIVE ENVIRONMENTAL SERVICES CAPITAL SPEND AND SERVICE OPTIONS

The Director presented the proposed capital projects 2013-2014 relating to environmental services. He explained the reason for the proposals which included the replacement of vehicles and building upgrade, resurfacing and drainage work at Crosstagherty. In addition, he presented proposed operational enhancements as regards both street cleansing and waste collection services. Members were asked to take account of both the prospective service changes and the proposed capital spend when consideration was being given to the budget for 2013-2014. The Director then responded to member questions.

FOOD CONTROL

386.25 MATERIALS & ARTICLES IN CONTACT WITH FOOD REGULATIONS (NI) 2012

These Regulations, which came into operation on 20th November 2012, consolidate the legislative code and provide for the enforcement of EU Commission Regulation No. 10/2011. Regulation 10/2011 governs the substances that can be used in the manufacture of food contact plastics.

LICENSING

386.26 LICENSING (NORTHERN IRELAND) ORDER 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Mr. Darrel R. Stevenson and Stephanie M Grey, 4/6 Drumadoon Road, Cloughmills, BALLYMENA.	Grant of Licence	5/11/12
Mr. Anthony O'Hanlon, The Corner House Bar, 2 Culcrum Road, Cloughmills, BALLYMENA, BT44 9NH.	Occasional Licence - Cloughmills Community Centre 3/11/12	18/11/12

HOME SAFETY

386.27 HOME SAFETY EQUIPMENT – EXTENSION OF CONTRACT

Further to the PHA's original letter of offer for the above project for 2012-13 an additional £2,350 is to be made available within the current financial year.

This brings the total to £3,350 which is a reduction of approximately 30% on the 2011-2012 allocation.

INVESTING FOR HEALTH

386.28 KEEP WARM PACK FUNDING

The Public Health Agency have offered additional in year funding of £7,000 to Ballymoney Borough Council for the purchase and distribution of keep warm packs for adults and children. The monies will be paid through the existing Energy Efficiency Adviser contract. Contents of packs will include such items as gilets, thermal underwear, hats, gloves, scarf, socks and blankets.

The following criteria has been drawn up to ensure that the packs go to those who are most in need.

- (1) The person must be experiencing fuel poverty; and
- (2) Not have received a keep warm pack from a different source; and
- (3) Fall into one of the following 5 categories:-
 - (a) adult with an underlying cold-related illness or illness that makes them more vulnerable in the cold e.g. Asthma, Chronic Bronchitis or Emphysema, Coronary Heart Disease, Stroke and TIA, disability that makes them less mobile, any long term condition that worsens in the winter.
 - (b) Homeless person/rough sleeper.
 - (c) Dependent children.
 - (d) People 65+ living alone.
 - (e) People over 70.

MISCELLANEOUS

386.29 THE ROADS (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND) 2010 PROHIBITION OR RESTRICTION OF USE OF PUBLIC ROADS: SPECIAL EVENTS

The above legislation was enacted on the 13th August 2010 and amends the Road Traffic Regulation (Northern Ireland) Order 1997 to provide the relevant authority the power to prohibit or restrict traffic using a public road for the purpose of holding a special event. The provisions have yet to be commenced by the Department of Regional Development but it is intended to do so by 1st January 2013.

A special event is defined as any sporting event, social event or entertainment which is held on a public road, or the making of a film on a public road. Examples include street parties, concerts, cultural events, Christmas light switch-on etc. Significant exemptions are however:-

1. A public procession (within the meaning of Public Processions (Northern Ireland) Act 1998;

2. A motor race falling within the Road Races (Northern Ireland) Order 1986 (motor races on roads); and
3. A race or trial falling within Article 45 of the Road Traffic (Northern Ireland) Order 1995 (cycle racing on roads).

The relevant authority for most public roads will be the local Council.

The legislation and accompanying technical guidance (once completed) for Councils and applicants provides the procedure for making orders and the recovery of costs. The procedure will include the submission of an application form, public advertisement, the consideration of representations made in respect of the application and consultation with statutory agencies prior to the issuing of an Order. The breach of any Order made by Council will be the responsibility of PSNI to enforce.

Work is currently being undertaken in relation to the application of the new legislation in terms of governance, consultation, consideration of representations, resources, costs and cost recovery. A further report will be made to committee for consideration.

- * Councillor Finlay left the meeting at 9.39pm

This being all the business the meeting closed at 9.40pm.