

Ballymoney Borough Council
Health & Environmental Services Committee Meeting No 399 – 25th February 2014

Table of Contents

| | | |
|---------------|---|---|
| 399.1 | Declarations of Interest | <i>Nil</i> |
| 399.2 | Minutes - Meeting No 398 – 28 th January 2014 | <i>Adopt</i> |
| 399.3 | Waste Statistics | <i>Note</i> |
| 399.4 | NILAS Compliance | <i>Divert 500 tonnes</i> |
| 399.5 | Bio Waste Service Provision | <i>Enter into contract with Natural World Products; Phase in the recycling of food waste and; Make an application to WRAP for capital funding</i> |
| 399.6 | Provision of Interim Landfill Capacity for Residual Waste | <i>Note</i> |
| 399.7 | The Deregulation (Improvement of Enforcement Procedures) (Food Safety) (Revocation) Order (NI) 2014 | <i>Note</i> |
| 399.8 | Clean Neighbourhoods and Environment Act (NI) 2011 | <i>Serve abatement notice</i> |
| 399.9 | Licence Applications (Full) (Renewal) | <i>Renew licences</i> |
| 399.10 | Licence Applications (14 Unspecified Days) (Renewal) | <i>Renew licences</i> |
| 399.11 | Renewal of Registration of Bingo Club Licence Notification | <i>Note</i> |
| 399.12 | Mobile Street Trading Licence | <i>Renew licence</i> |
| 399.13 | Affordable Warmth Report | <i>Agree in principle</i> |
| 399.14 | Proposed Provision of CCTV, Ballymoney | <i>Note that if installed, system to be owned by Ballymoney Borough Council with monitoring carried out by PSNI</i> |
| 399.15 | Licensing (NI) Order 1996 | <i>Note</i> |
| 399.16 | Group Building Control Officer Post | <i>Note</i> |

BALLYMONEY BOROUGH COUNCIL

Minutes of Health & Environmental Services Committee Meeting No 399, held in the McKinley Room, Riada House, Ballymoney on Tuesday 25th February 2014 at 7.00 pm.

IN THE CHAIR: Councillor Blair

PRESENT:

Aldermen
F Campbell

Councillors
R Halliday
R McAfee
A McLean
E Robinson, MBE
I Stevenson

APOLOGIES:

Alderman
H Connolly
C Cousley, MBE
B Kennedy

Councillors
J Atkinson
J Finlay

IN ATTENDANCE: Director of Borough Services
Business Support Officer

399.1 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

399.2 MINUTES – MEETING NO 398 – 28th January 2014

The Director of Borough Services informed the Committee that the minutes of meeting no. 398 at item 398.6 had been changed to reflect comments made at February's Council meeting by Councillor Robinson.

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

to recommend that the minutes of Meeting Number 398 – 28th January 2014, as circulated, be confirmed as a correct record.

MATTERS FOR CONSIDERATION

ENVIRONMENTAL SERVICES

399.3 WASTE STATISTICS

| <u>Waste Type</u> | <u>January 2013</u> | <u>January 2014</u> | <u>April 12 – January 13</u> | <u>April 13 – January 14</u> |
|--|-------------------------|-------------------------|----------------------------------|----------------------------------|
| <i>Mixed Residual Waste (waste direct to landfill)</i> | 858.82t | 931.36t +8.45% | 7,265.28t | 7,021.36t -3.36% |
| <i>Mixed Dry Recyclables (blue bin recycling)</i> | 213.04t | 210.54t -1.17% | 1,621.63t | 1,731.34t +6.76% |
| <i>Garden Waste (brown bin recycling)</i> | n/a | n/a | 1,074.18t | 1,133.70t +5.54% |
| <i>Waste Recovery (segregated HRC waste)</i> | 67.78t | 71.24t +5.10% | 690.70t | 687.96t -0.40% |
| <i>Cardboard</i> | 2.92t | 5.74t +96.58% | 45.04t | 49.06t +8.92% |
| <i>Timber</i> | 27.16t | 22.70t -16.42% | 235.26t | 214.16t -8.97% |

IT IS RECOMMENDED that Council note the above statistics.

In response to Councillor Robinson, the Director of Borough Services confirmed that the waste from CA Sites [segregated HRC waste] sent for recovery [diversion from landfill and recycling] under a contract facilitated by the NWRWMG greatly assisted Council in achieving its annual NILAS target. He also responded to other member questions and comments.

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

to recommend that Council note the above statistics.

399.4 NILAS COMPLIANCE

As was reported to Council via its Health & Environmental Services Committee on 19th December 2013 (Minute HES397.3 refers) the total amount of biodegradable local authority collected municipal waste sent to landfill by Ballymoney Borough Council (as subsequently verified by NIEA) for the scheme year 2012-13 was 5,409 tonnes, that is, 97.91% of the Council's available allowances were utilized.

| <u>YEAR</u> | <u>BLACMW ALLOWANCE</u> |
|-------------|-------------------------|
| 2012-13 | 5,525t |
| 2013-14 | 5,311t |
| 2014-15 | 5,094t |

It is a statutory duty that Council complies with its NILAS obligations. In the event that it does not, Council can be fined £150 per tonne for every tonne Council exceeds its NILAS target in any scheme year.

Notwithstanding that the specific budget sought for NILAS compliance for 2013-14 was removed on 11th February 2013, it was stated that were funds required the money would be taken from the Councils reserves.

The question for Committee to determine on behalf of Council is:- should any waste sent for disposal by landfill be diverted for reprocessing so that Council thereby does not exceed its NILAS target for 2013-14, that is 5,311 tonnes of BLACMW.

On present information (which is by no means definitive) it is estimated that Council will use up its NILAS allocation for 2013-14 \pm 2%, so we may or may not comply with the Councils statutory duty.

IT IS RECOMMENDED that Council note this best 'guesstimate' as to its NILAS compliance for 2013-14.

Councillor Robinson commented that Council ought to be seeking to comply with its NILAS obligations and that the Director of Borough Services should have authority to divert black bin waste ordinarily sent direct to landfill for processing should he judge this to be necessary. The Director of Borough Services advised that this was why the matter was before Committee as a decision was now required by Council. He again drew attention to all the factors to be taken into consideration, suggested a minimum tonnage, gave the additional cost which would come from the Council's reserves and outlined the potential recycling benefit of diverting waste under the contract facilitated by the NWRWMG. In the ensuing discussion the Director dealt with member questions.

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

to recommend that Council divert 500 tonnes of black bin waste.

399.5 BIO WASTE SERVICE PROVISION

As Committee/Council had previously been advised (Minutes 394.9 and 397.5 refer) officers have been working with other NWRWMG colleagues to put in place a Bio Waste Contract so that kitchen and/or garden waste might be processed and hence diverted from disposal by landfill. At its meeting on 22nd January 2014, the NWRWMG Joint Committee received the tender report in respect of the service sought and made a recommendation that the individual Councils comprising the Group consider the award of contract. Given the outcome of the recent budget setting process for the incoming year (2014-2015), ***IT IS RECOMMENDED*** that Council does not enter into a contract with Natural World Products for bio waste service provision.

Councillor Robinson made reference to the fact that Council ought to be providing a service to recycle kitchen waste, taking this waste type out of the 'black' bin as many other councils in Northern Ireland were doing and availing of the funding available from WRAP to assist with the cost of such a service. Councillor Stevenson was supportive of his colleagues proposals. The Director of Borough Services drew attention to the discussion by Committee and Council as regards the matter now raised as part of the budget setting process for 2014-15 and to the fact that Council had determined, in setting its budget earlier in the month, that it would not enhance any of its present recycling services. He again outlined the potential capital and revenue costs of the suggested service change being made and drew attention to a number of operational matters and constraints to be considered and resolved before any such changes could be implemented. He emphasized that the present WRAP funding related only to capital items, not revenue spend and again highlighted the recent DoE consultations regarding both the introduction of a statutory recycling target and the possible ban on landfilling organic waste and its separate collection by councils.

* **Alderman Campbell left the meeting at 7.49pm and rejoined at 7.52pm during discussion.**

In response to Alderman Campbell, the Director of Borough Services advised as to the implications, both in the short term and going forward, in respect of the new Causeway Coast & Glens Council of not entering the bio-waste contract facilitated by the NWRWMG. He also advised as to a possible way Council could enter the proposed contract and satisfy the minimum contract conditions in the incoming year by putting 'green' waste through same albeit this would be at additional cost to the budget set aside in that regard for 2014-15, were the Council not to proceed with a kitchen waste recycling service.

* **Councillor McAfee left the meeting at 9.07pm.**

During the continuing discussion the Director of Borough Services dealt with what he considered to be achievable were members minded to recommend an extension of recycling services to facilitate householders removing kitchen waste from their 'black' bin. He advised members that it was not feasible, without the necessary lead in time and necessary finance, to roll out a service to every household in the Borough [approximately 11,700 households]. He reminded members that presently only about 7,100 households had a 'brown' bin which was collected for 8 months of the year.

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

to recommend that Council does enter into a contract with Natural World Products for a bio waste service; and

to further recommend that the collection of food waste be phased in and initially this service be based on the existing 'brown' bin system which would be collected throughout the year and in this regard an application be made on behalf of Council to WRAP for funding to cover the purchase of caddies, initial three months supply of biodegradable bags and for the supply, publication and distribution costs associated with the new service to be provided in 2014-15.

399.6 PROVISION OF INTERIM LANDFILL CAPACITY FOR RESIDUAL WASTE

IT IS RECOMMENDED that Council note that further to correspondence with Cookstown District Council, it has been confirmed that the contract for provision for Interim Landfill Capacity for Residual Waste Arisings will be extended to 31st March 2015. The tendered price remains fixed for the duration of the contract extension.

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

to recommend that Council note that further to correspondence with Cookstown District Council, it has been confirmed that the contract for provision for Interim Landfill Capacity for Residual Waste Arisings will be extended to 31st March 2015.

FOOD CONTROL

399.7 THE DEREGULATION (IMPROVEMENT OF ENFORCEMENT PROCEDURES) (FOOD SAFETY) (REVOCATION) ORDER (NORTHERN IRELAND) 2014

The above Order which came into force on 17th February removes from the NI legislative code, 12 years after this happened in the rest of the UK, the requirement to serve a "minded to" notice prior to the service of any notice under Article 9 of the Food Safety (NI) Order 1991.

IT IS RECOMMENDED that Council note the above information.

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

to recommend that Council note the above information.

ENVIRONMENTAL HEALTH

399.8 CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011

7 UNION STREET BALLYMONEY, BT53 6HT

Further to a private tenancy fitness inspection conducted on the 7th February 2014 the following defects were observed that are deemed prejudicial to the health of the occupants. Internal high levels of rising dampness present to the external facing ground wall in the living room and high levels of dampness within roof structure due to missing flashings and or tiles.

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

N.B. 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 Alderman Campbell and **AGREED:**

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

LICENSING

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

Premises

Applicant

Ballymoney Rugby Football Club,
63 Kilraughts Road,
BALLYMONEY, BT53 7HL.

Mr. John Hunter,
Hon. Secretary.

Pattons Bar,
18 Ballycregagh Road,
Cloughmills,
BALLYMENA, BT44 9LB.

Mr. Robert Dennis Moore

Ballymoney Utd. Football
Recreation & Social Club,
35 Castle Street,
BALLYMONEY, BT53 7BJ.

Mr. Gerry McAleese

Sé Óg's Bar,
15 Main Street,
Rasharkin,
BALLYMENA, BT44 8PT.

Ms. Donna Martin

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licences as detailed above. 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 Robinson, seconded by Councillor Stevneson and **AGREED:**

to recommend that the Borough Council renew the Indoor Entertainment's Licences as detailed above. 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.

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

| <u>Premises</u> | <u>Applicant</u> |
|---|-------------------------|
| Roseyards Presbyterian Church Hall, 115 Kirk Road, BALLYMONEY, BT53 8HN. | Mr. David Ramsay, |
| Drumreagh Presbyterian Church Hall, 104 Bann Road, Bendooragh, BALLYMONEY, BT53 7NA. | Ms. Cindy Craig |
| Topp Orange Hall, 161 Gracehill Road, Stranocum, BALLYMONEY, BT53 8LS. | Mr. Clifford Bellingham |
| Ballymoney High School, (Assembly Hall), 17 Garryduff Road, BALLYMONEY, BT53 7AN. | Mr. R. Scott, NEELB. |
| Bushvale Presbyterian Church, 118 Fivey Road, Stranocum, BALLYMONEY, BT53 8JB. | Mr. Robert Patton |

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the cases of Roseyards Presbyterian Church Hall, Topp Orange Hall and Ballymoney High School subject to the proviso that satisfactory electrical test certificates are received. 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 Robinson, seconded by Councillor Stevenson and **AGREED:**

to recommend that the Borough Council renew the Indoor Licences as detailed above and in the cases of Roseyards Presbyterian Church Hall, Topp Orange Hall and Ballymoney High School subject to the proviso that satisfactory electrical test certificates are received. 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.

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

399.11 RENEWAL OF REGISTRATION OF BINGO CLUB LICENCE NOTIFICATION

Premises

Ballymoney Bingo Club
27-29 Castle Street
BALLYMONEY
BT53 6JT

Applicant

Bingo Vision Limited

IT IS RECOMMENDED that Council note the application.

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

to recommend that Council note the application.

STREET TRADING

399.12 STREET TRADING ACT (NI) 2001 – MOBILE STREET TRADING LICENCE

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

Purpose

Hot Food Takeaway (Mobile Kitchen)

Applicant

Mr. J. V. McCook

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

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

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

INVESTING FOR HEALTH

399.13 AFFORDABLE WARMTH REPORT

Background

The Department for Social Development (DSD) has been running various schemes to address the issue of fuel poverty since 2005.

The “Warm Homes” scheme has in particular been delivered entirely on the Department’s behalf through 2 separate contracts with the private and third sectors. These contracts expire in June 2014 and the Department has been considering alternative delivery models. In 2012 an area based pilot scheme for

Affordable Warmth, phase 1 was undertaken in September 2012 and is now currently being piloted in Mid Ulster Cluster area and Newtownabbey Borough Council areas.

This pilot is an area based approach and the targeting tool has been developed by University of Ulster to identify potentially fuel poor households. (Council previously participated in the initial pilot scheme in 2012).

Councils and Northern Ireland Housing Executive (NIHE) will be working in partnership. With Council staff engaging personally with customers on the doorstep to encourage the uptake of energy efficiency improvements to the home and NIHE undertaking the scheme delivery. Limited self referral will also be available.

This pilot has proven to be very successful with 50% of all targeted homes being eligible for free energy efficiency measures under the existing "Warm Homes" scheme.

Proposal

The Department is seeking agreement in principle from Council to deliver the "Affordable Warmth" scheme beyond 2014 utilising Council staff to identify homes in fuel poverty that are likely to qualify for assistance and refer these households to the NIHE for a technical inspection and installation of relevant energy efficiency measures.

DSD are prepared to provide financial assistance to Councils to provide this service on a cost recovery basis. It is recognised that this proposal will have implications beyond 2015 and as such the support of the STC will also be required.

Recommendation

IT IS RECOMMENDED that Council agree in principle to support the DSD proposal to utilise Council staff in the identification and referral of households to the "Affordable Warmth" scheme.

The Director of Borough Services responded to Councillor Robinson as regards the experience gained in relation to the input resource required in order to secure the uptake of scheme measures. The Director stressed the need for full cost recovery to be obtained in relation to undertaking work on behalf of DSD.

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

to recommend that Council agree in principle to support the DSD proposal to utilise Council staff in the identification and referral of households to the "Affordable Warmth" Scheme on a full cost recovery basis.

* **Alderman Campbell left the meeting at 9.45pm.**

PCSP

399.14 PROPOSED PROVISION OF CCTV, BALLYMONEY.

The matter of CCTV was discussed at the Ballymoney PCSP Policing Committee meeting no. 16 on 22nd January 2014. PSNI officers suggested an alternative system (redeployable cameras that work solely on 3G and broadband) with the PSNI contributing to start-up costs but system to be owned by PCSP or Council.

Provision of town centre CCTV in Ballymoney would potentially provide the following benefits:

- Assist in reducing fear of crime, particularly during the hours of darkness and thereby encourage development of a night time economy
- Prevent and reduce crime and antisocial behaviour
- Assist in investigation and identification of those involved in crime and antisocial behaviour, e.g. shoplifters, assaults, burglaries and criminal damage to commercial premises, antisocial motoring
- Identification of traffic congestion or disorder allowing earlier deployment of police officers to the scene

The PSNI have suggested the following locations in Ballymoney for provision of town centre CCTV in priority order:

1. High Street, Main Street, Church Street, Charlotte Street
2. Castle Street, Meetinghouse Street, Seymour Street, Main Street
3. Market Street, Charles Street, Linenhall Street, Victoria Street
4. Queen Street, Rodeing Foot, Greasepit car park

Ballymoney PSNI had hoped for a 'hardwire' system to be implemented at the time of the construction of the new station. Given the financial pressures of G8 and the on-going flags issues the capital is no longer available for a CCTV system of this nature.

IT IS RECOMMENDED that Council note that Ballymoney PCSP are seeking quotes for a wireless system consisting of 2 no. CCTV cameras and a recording unit. As and when funding becomes available this system may be added to. The system would be funded in partnership with Ballymoney PCSP and the PSNI from within the 2013-2014 financial year.

IT IS FURTHER RECOMMENDED that the system if installed, be owned by Ballymoney Borough Council, but the monitoring be carried out within the Ballymoney PSNI station by PSNI personnel.

* **Alderman Campbell rejoined the meeting at 9.48pm.**

In response to Councillor Robinson, the Director of Borough Services explained that for insurance and administrative reasons the Councils consent to the ownership of the CCTV system was required and that this was really the matter under consideration.

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

to recommend that Council note that Ballymoney PCSP are seeking quotes for a wireless system consisting of 2 no. CCTV cameras and a recording unit. As and when funding becomes available this system may be added to. The system would be funded in partnership with Ballymoney PCSP and the PSNI from within the 2013-2014 financial year; and to further recommend that the system, if installed, be owned by Ballymoney Borough Council, with the monitoring being carried out within the Ballymoney PSNI station by PSNI personnel.

LICENSING

399.15 LICENSING (NORTHERN IRELAND) ORDER 1996

| <u>Applicant</u> | <u>Purpose</u> | <u>Date</u> |
|---|---|-------------|
| Mr. Martin L. Doyle, The Diamond Bar, 1 Charlotte Street, BALLYMONEY, BT53 6AY. | Occasional Licence in Our Lady & St. Patricks Church Hall, Castle Street, on 15/2/14 8.00pm – midnight. | 22/1/14 |
| Ms. Pauline Gallagher, 21 Church Street, BALLYMONEY, BT53 6HS. | Occasional Licence in Old Council Chamber, Town Hall on 27/2/14 – 1/3/14 8.00pm – 10.30pm, 3/3/14 – 7/3/14 8.00pm – 10.30pm and 8/3/14 7.30pm – 1.30am | 24/1/14 |
| Mr. Daniel G. Gillan, The Tower Bar, 41 Church Street, BALLYMONEY, BT53 6HS. | Grant of a Licence | 6/2/14 |
| Mr. James P. McMullan, 22-24 Glenbush Road, Armoy, BALLYMENA, BT53 8YG. | Grant of a Licence | 7/2/14 |

IT IS RECOMMENDED that Council note the above applications.

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

to recommend that Council note the above applications.

BUILDING CONTROL

399.16 GROUP BUILDING CONTROL OFFICER POST

Correspondence has been received from the Northern Group Building Control Committee intimating that “Damien McMurray be asked to take on the role of Group Chief Building Control Officer in place of Anthony Tohill”.

IT IS RECOMMENDED that Council note this development.

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

to recommend that Council note this development.

This being all the business the meeting closed at 9.51pm.