

**Ballymoney Borough Council  
Council Meeting No 947 – 5th September 2011**

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- 10.1 Conferences (NAC)
- 10.2 Trade Waste VAT Claim

*Approve 2 places (Alderman Cousley, Councillor Robinson)  
Engage services of VAT Support & Solutions*

**947.11 Roads Service Speed Limit – Frosses Road at Dunloy Crossroads**

*Deferred until Roads Service presentation to Council 21.11.11*

**947.12 Community Pharmacy NI**

*Issue invitation to present to Council*

**947.13 Presentation – Causeway Volunteer Bureau**

*Issue invitation to present to Council*

**947.14 Autistic Spectrum Disorder (ASD) Family Support Service**

*For information*

**947.15 DoE – Review of Passported Benefits in Context of Welfare Reform – Early Warning**

*Chief Executive to consider*

<b>947.16</b>	Public Appointments – Invest NI	<i>Notice</i>
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**BALLYMONEY BOROUGH COUNCIL**

Minutes of Council Meeting No 947 held in the Council Chamber, Riada House, Ballymoney on Monday 5th September 2011 at 7.00 pm.

**IN THE CHAIR:** Councillor I Stevenson, Mayor

**PRESENT:** **Aldermen**  
F Campbell  
H Connolly  
C Cousley, MBE  
B Kennedy

**Councillors**  
J Atkinson  
J Finlay  
R Halliday  
P McGuigan  
T McKeown, Deputy Mayor  
C McLaughlin  
M Storey, MLA

**APOLOGIES:** **Councillors**  
A Cavlan  
E Robinson

**IN ATTENDANCE:** Chief Executive  
Director of Central and Leisure Services  
Director of Borough Services  
Head of Corporate and Development Services  
Committee Clerk  
  
Members of the Press

**947.1 CONDOLENCES****1.1 COUNCILLOR FINLAY'S FATHER**

The Mayor stated that he was saddened to learn of the passing of Councillor Finlay's father and conveyed to him and the family circle Council's deepest sympathy. Members stood for a minute's silence as a mark of respect.

**1.2 DEATH OF FORMER COUNCILLOR**

The Mayor said he was sorry to hear of the passing of a former Councillor, Robert Dickie, who served on this Council in the early 1980s and recorded Council's

appreciation of his public service. The Mayor conveyed condolences to his wife and family circle.

### **1.3 MOTORCYCLE RACING FATALITIES**

The Mayor advised that he was saddened to learn of the death of two Northern Ireland motorcycle road racers, Adrian McFarland from Plumbridge, near Omagh, who lost his life in the Czech Republic on 27<sup>th</sup> August and Wayne Hamilton from Portadown who lost his life in a crash in the Manx Grand Prix race on 29<sup>th</sup> August. Condolences were expressed to their family circles. Alderman Kennedy concurred with the Mayor's remarks stating that he knew both riders personally and that the deaths are a great loss to the sport.

### **1.4 BOOK OF CONDOLENCE – NORWAY ATTACK**

The Mayor referred to the book of condolence opened to allow citizens of this borough to record their condolences to the citizens of Norway following the attack on their community on 22<sup>nd</sup> July. The book has now sent to the Mayor of Oslo. It is hoped that it will be of some comfort to the citizens of Norway that the thoughts of citizens of this community are with the families of those killed and injured in Norway.

### **1.5 9/11 Anniversary**

The Mayor advised that he has written a letter of sympathy and support to the Mayor of New York on the 10<sup>th</sup> anniversary of the twin towers attack.

## **947.2 SECURITY ALERT IN BALLYMONEY**

The Mayor condemned those responsible for the bomb alert in Ballymoney on 22<sup>nd</sup> August which led to a security alert and homes having to be evacuated in and around Ozone Avenue, causing much distress and inconvenience to residents. He commended the work of the Police and Army Bomb Experts at the scene.

## **947.3 CONGRATULATIONS – WILLIAM & MICHAEL DUNLOP**

The Mayor congratulated William and Michael Dunlop on their 2011 race results in the Irish/Ulster and British road racing calendar with 23 and 26 victories respectively. The Mayor specifically congratulated Michael on his success at the Ulster Grand Prix in August.

## **947.4 MINUTES OF COUNCIL MEETING NO 946 – 25<sup>th</sup> JULY 2011**

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

*that the minutes of meeting No 946 – 25<sup>th</sup> July 2011, as circulated, be confirmed as a correct record.*

**947.5 MINUTES OF CONSULTATION COMMITTEE MEETING NO 64 – 15<sup>th</sup> AUGUST 2011**

*The minutes of Consultation Committee Meeting No 64 – 15<sup>th</sup> August 2011, as circulated were received.*

**947.6 SEAL DOCUMENTS**

It was proposed by Alderman Cousley seconded by Alderman Kennedy and **AGREED:**

*that the Seal of Council be affixed to Grave registration certificate numbers 1251, 1252, 1253 and 1255 (Ballymoney Cemetery) and 0015 and 0016 (Rasharkin Cemetery).*

**947.7 DEVELOPMENT COMMITTEE REPORT – 5<sup>th</sup> SEPTEMBER 2011**

The report was presented by Head of Corporate & Development Services.

**7.1 VILLAGE REGENERATION PROGRAMME (RDP)**

Following completion of the Village Plan, funded by Rural Development Programme, The Association and Council, Dervock & District Community Association Limited is applying to the Rural Development Programme measure 3.5 Village Renewal and Development Phase II for implementation of a project to celebrate the villages Olympic links. The project has a number of elements which will contribute to the regeneration of the village and its tourism potential. Council is asked to match fund the Dervock Olympics Festival Project up to £10,000. The Association has indicated its intention to make applications to other funders and to fundraise to augment its overall project funding by £10,000.

***IT IS RECOMMENDED*** that Council approve a contribution of up to £10,000 towards the Dervock Olympics Festival Project.

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

*that Council approves a contribution of up to £10,000 towards the Dervock Olympics Festival Project.*

**7.2 SCOTTISH PIPE BAND ASSOCIATION**

Councillor Storey informed members about the Scottish Pipe Band Association annual Co Antrim Championships which has, for a number of years, been circulating around Council areas in Co Antrim and is this year being held in Ballymena. Councillor Storey referred to the benefits in hosting this prestigious event which draws a considerable number of people to the venues where it is held and said Council should consider hosting the event in 2012.

The Chair, Councillor Finlay expressed support for Councillor Storey's motion stating that through Council's contribution towards securing the event, economic benefits to the town would accrue.

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

***that Council agrees to host the 2012 Co Antrim Pipe Band Championships event and that it moves forward to make the necessary arrangements.***

## **947.8 LEISURE & AMENITIES REPORT – 5<sup>TH</sup> JULY 2011**

### **LEISURE SERVICES REPORT**

The report was presented by the Director of Central & Leisure Services

#### **8.1 GOOD RELATIONS GRANTS**

The following applications for grants have been received –

- i. Castle Community Association for assistance towards 'Memories of the Past' Event.  
Amount Requested £350.00.
- ii. Cheers Youth Club for assistance towards a European Citizenship Programme.  
Amount Requested £350.00.
- iii. Lisnagaver Flute Band for assistance towards a Vintage Rally and Family Fun Day.  
Amount requested £350.00.
- iv. Lavin Flute Band for assistance towards an Ulster Scots Cultural Event.  
Amount requested £350.00.
- v. Rasharkin Community Association for assistance towards a Learning and Sharing our Common Heritage Event.  
Amount requested £290.00.

The applications have been assessed and they meet the criteria of the Small Grants Scheme.

***IT IS RECOMMENDED*** that Castle Community Association, Cheers Youth Club, Lisnagaver Flute Band and Lavin Flute Band are awarded £350.00 each and that Rasharkin Community Association is awarded £290.00.

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

***that Castle Community Association, Cheers Youth Club, Lisnagaver Flute Band and Lavin Flute Band are awarded £350.00 each and that Rasharkin Community Association is awarded £290.00.***

- \* **Councillor McKeown and Councillor McGuigan joined the meeting at 7.15 pm during presentation of the report.**

## **8.2 JOEY DUNLOP LEISURE CENTRE**

Alderman Kennedy commended contractors, officers and staff for the refurbishment undertaken at the Joey Dunlop Leisure Centre stating that this excellent facility has been finished to the highest standard. The Mayor concurred with Alderman Kennedy's remarks. The Director of Central & Leisure Services thanked Alderman Kennedy on behalf of the staff at the Centre. She will be reporting further on the refurbishment at the next meeting of the Leisure & Amenities Committee and will be offering members an opportunity to visit the facility.

Councillor Storey reminded members about the cycle scheme which closes at the end of this week and encouraged take up citing the benefits to health and wellbeing.

## **AMENITIES REPORT**

### **8.3 BALLYMONEY CEMETERY – MEMORIALS**

#### Section H4 No. 134

Mrs. May Culbertson, 10 Windsor Gardens, Ballymoney.  
All Black Granite Headstone and Base.

#### Section E1 No. 166

Mr. David Getty. 12 Armstrong Drive, Ballymoney.  
All Polished Black Granite Headstone & Base.

#### Section E1 No.29

Mr David Lamont 4 Postboys Walk, Ballymoney.  
All Polished Black Granite Headstone & Base

#### Section 6 No.25 & 26

Mr William Buick, 241 Kilraughts Road, Ballymoney  
All Polished Black Granite Headstone & Surround

***IT IS RECOMMENDED*** that Council grant permission for the above memorials to be erected in Ballymoney Cemetery, subject to usual requirements.

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

***that Council grants permission for the above memorials to be erected in Ballymoney Cemetery, subject to usual requirements.***

At the request of Councillor Storey, the Director of Borough Services clarified Council's regime for grass cutting at the cemetery.



**947.9 HEALTH & ENVIRONMENT SERVICES REPORT – 5<sup>TH</sup> SEPTEMBER 2011****9.1 THE PRIVATE TENANCIES (NORTHERN IRELAND) ORDER 2006  
ARTICLE 36 (4) - CERTIFICATE OF FITNESS****Landlord****Dwelling- House**

Ms. J. Adair

12 Killyrammer Road, BALLYMONEY BT53 8LZ

Mr. B. McGuckian

21 Ballycreagh Road, Cloughmills,  
BALLYMENA BT44 9LB

Mrs. R. Henry

6B Crosstagherty Road, BALLYMONEY BT53 8LN

Mr. A. McClelland

101 Finvoy Road, BALLYMONEY BT53 7JJ

Fitness inspections of the above dwellings have been conducted and the dwelling houses meet 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 an Article 36 (4) Certificate of Fitness in respect of the above dwelling houses.

**9.2 FOOD CONTROL - THE FOOD SAFETY (NI) ORDER 1991 (AS AMENDED) -FOOD COMPLAINTS**

During the report period 3 formal food complaint investigations were completed.

<b>Ref Number</b>	<b>Nature of Complaint</b>	<b>Outcome of investigations</b>
FC/805/C/01/11	Alleged hair in Denny's Cocktail Sausage	Uncertainty as to source of hair. Manufacturer took corrective action.
FC/805/C/04/11	Glass allegedly found in Rustlers burger	Source of the glass could not be conclusively identified
FC/805/C/05/11	Metal pieces found in dinner	Source of the metal pieces could not be conclusively identified

***IT IS RECOMMENDED*** that no further action be taken in relation to these complaints other than to advise the complainant, manufacturer and home authority in writing of the outcome of the investigations.

**HEALTH & SAFETY****9.3 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:

<b><u>Premises</u></b>	<b><u>Applicant</u></b>
Finvoy Filling Station, 180 Finvoy Road, BALLYMONEY.	Mr. S. Maguire
Logan Hardware 36 Drumadoon Road, Cloughmills, BALLYMENA.	Mr. C. Logan
Golden Plough, 86 Drones Road, Armoy, BALLYMONEY.	Mr. T. Coyle
Corkey Filling Station, 136 Corkey Road, Corkey, BALLYMENA BT44 9JQ.	Mr. L. Reid

The renewal of the licences as detailed above is **RECOMMENDED** and in the case of Corkey Filling Station subject to the receipt of a satisfactory electrical test certificate.

**9.4 APPROVED ELECTRICAL TEST CERTIFICATES**

All applications for a petroleum licence must be accompanied by an approved electrical test certificate.

A Certificate should be from an approved competent electrical engineer, stating that the electrical installations on site have been examined and tested and found to be in a satisfactory condition. The defect report should be included with the certificate. Current membership of the following bodies is considered as an acceptable qualification:

- NICEIC Contractor who has been assessed for the hazardous area extension under UKAS accredited scheme
- Electrical Contractors Association (ECA) or Electrical Contractors Association of Scotland (ECAS) where the contractor has been assessed for working in hazardous areas under UKAS accredited scheme.

**IT IS RECOMMENDED** that Council adopt this definition of an approved electrical test certificate.

**LICENSING****9.5 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATIONS (FOURTEEN UNSPECIFIED DAYS) (RENEWAL)****Premises**

St. Patrick's Parochial Hall,  
75 Castle Street,  
BALLYMONEY  
BT53 6JT.

**Applicant**

Fr. Francis O'Brien

Rasharkin Community Centre,  
Duneaney Road,  
Rasharkin,  
BALLYMENA  
BT44 8SR.

Mr. Gareth Doyle

***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 7<sup>th</sup> October 1985 the additional conditions detailed on the premise files also apply.

**9.6 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATIONS (FOURTEEN PARTICULAR DAYS) (GRANT)****Premises**

The Great European Circus  
temporary location to the  
rear of 34 Ballymena Road,  
Ballymoney.

**Applicant**

Mr W Courtney

**Dates**

26-28 August 2011

Application was made for a circus on lands to the rear of 24 Ballymena Road, Ballymoney. A £50 fee was paid.

***IT IS RECOMMENDED*** that the Borough Council grant in retrospect, an Indoor Entertainment's Licence to Big Top Circus. In addition to the Borough Council's "Conditions of Licence" adopted on 7<sup>th</sup> October 1985.

**BETTING, GAMING, LOTTERIES AND AMUSEMENTS  
(NORTHERN IRELAND) ORDER 1985****9.7 ARTICLE 115 – APPLICATION FOR THE RENEWAL OF AN AMUSEMENT PERMIT**

Application for the renewal of an amusement permit under the provisions of Article 115 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, has

been received from Mr. Samuel Wylie, 9 Ashbrook Drive, Balnamore, Ballymoney, BT53 7TA, in respect of premises namely Rafters Snooker Club, 18 Seymour Street, Ballymoney, BT53 6JR.

***IT IS RECOMMENDED*** that the Borough Council renew the said permit and that same be subject to the Council's "Amusement Permit Conditions".

## **STREET TRADING**

### **9.8 STREET TRADING ACT (NI) 2001 MOBILE STREET TRADING LICENCE - RENEWAL**

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

<u>Purpose</u>	<u>Applicant</u>
Ice Cream Van	Mrs. Drina Stewart, 44 Margaret Avenue, BALLYMONEY BT53 6BY.

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

### **9.9 STREET TRADING ACT (NI) 2001 TEMPORARY STREET TRADING LICENCE**

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

<u>Purpose</u>	<u>Applicant</u>
Hot Food Catering Trailer/Burger Stall in High Street (outside McKeefrys) on 30 <sup>th</sup> July 2011	Mr. Darryl Wilson
Hot food catering van on High Street Event on 20 <sup>th</sup> August 2011	Mr. Darryl Wilson
Sale of Xmas Novelties at Switch on Ceremony for 24 <sup>th</sup> November 2011.	Mr. Richard McLernon

***IT IS RECOMMENDED*** that the Borough Council grant the Temporary Street Trading Licences as detailed above for the switch on ceremony and retrospectively for the hot food catering van.

## DOG CONTROL

### 9.10 THE DOGS (FIXED PENALTY) REGULATIONS (NORTHERN IRELAND) 2011

From 3<sup>rd</sup> October 2011, the Dogs (Fixed Penalty) Regulations (Northern Ireland) 2011 will come into operation. These Regulations prescribe the form of fixed penalty notice which may be given by an officer of a District Council to the keeper of a dog under the procedure in Part IV of the Dogs (Northern Ireland) Order 1983 whereby certain offences may be punished without prosecution.

The notice offers the opportunity of discharging any liability to conviction of the offence specified in the notice by the payment of a fixed penalty to the district council that issued the notice. Councils are required to use the receipts from fixed penalties only for their functions under the Dogs (NI) Order 1983. Such offence may relate to:-

- (a) keeping a dog without a valid licence;
- (b) a dog straying;
- (c) control on certain roads and on land;
- (d) failure to display identification of keeper on a dog's collar or on a plate or badge attached to it;
- (e) failure to attach licence information to a dog's collar;
- (f) greyhounds not controlled and muzzled in a public place;
  
- (g) more than two greyhounds being exercised or led by one person in a public place;
- (h) failure to comply with control conditions of a dog licence;
- (i) failure to notify transfer of a dog subject to control conditions.

Councils may specify the amount payable under the fixed penalty notice, provided the amount specified is within the range of £50 to £80. This allows Councils to set fixed penalties at a level to suit local conditions. If the Council does not specify a level in the fixed penalty notice the Order sets the level at £75. Recipients of a fixed penalty notice have a maximum of 28 days to discharge any liability to conviction of the offence.

Councils may also make provision for a discount for early payment of a fixed penalty in order to improve payment rates. If provision is made for early payment the fixed penalty amount must not be less than £50.

***IT IS RECOMMENDED*** that Council sets the amount payable under the fixed penalty notice at £80, with a discount of £30 applicable for early payment made no later than 14 days from the date of the notice.

### 9.11 CONSULTATION ON FIXED PENALTY GUIDANCE AND REGULATIONS

The Department of Environment (NI) issued the above consultation on the 29<sup>th</sup> June 2011 inviting replies by 23<sup>rd</sup> September 2011. The Clean Neighbourhoods and Environment Act

(NI) 2011 makes greater use of fixed penalties as an alternative to prosecution for offences such as those related to nuisance and abandoned vehicles, litter control, dog control, noise control, graffiti and fly posting. The consultation document may be downloaded at [www.doeni.gov.uk/cleanneighbourhoods.htm](http://www.doeni.gov.uk/cleanneighbourhoods.htm).

The draft guidance has been prepared to ensure consistency of approach in the use of fixed penalties, and the Regulations prescribe the range within which the amounts of certain fixed penalties are required to fall.

The following response has been prepared for members consideration.

#### **Fixed Penalty Amounts**

Q1: Do you have any views on the ranges proposed?

**Response: The proposed ranges set out in the draft Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations (NI) 2012 are in line with that of the Dogs (Fixed Penalty) Regulations 2011 and are to be welcomed. No objection is raised to the higher range £75 -£110 in relation to Street Litter Control Notices and Litter Cleaning Notices and noise from domestic premises.**

Q2: Do you have any views on minimum amounts for early payment of fixed penalties?

**Response: No objection is raised to the proposed minimum amounts.**

Q3: Are there any other sources other than DVA which councils use for the purpose of information gathering?

**Response: Access to the following organisations databases would be useful to enable effective implementation of this legislation:**

**Northern Ireland Housing Executive, Rate Collection Agency, Electoral Office and Land Registry.**

#### **General**

***IT IS RECOMMENDED*** that the above response be adopted by Ballymoney Borough Council and returned by 23<sup>rd</sup> September 2011.

### **9.12 CONSULTATION ON THE DRAFT WELFARE OF ANIMALS (PERMITTED PROCEDURES BY LAY PERSONS) REGULATIONS**

The Department of Agriculture and Rural Development issued the above consultation on the 1<sup>st</sup> July 2011 and has invited comments by 23<sup>rd</sup> September 2011. The purpose of the consultation is to determine whether the list of permitted procedures in the draft Regulations covers all acceptable procedures that may be carried out on an animal by a lay person (not a veterinarian). The draft Regulations set out for the first time all procedures that may be undertaken by a lay person with no changes being introduced except a proposed ban on the hot branding of horses. Copies of the consultation may be accessed at [www.dardni.gov.uk/consultations](http://www.dardni.gov.uk/consultations).

A response below has been prepared to the consultation in respect to dogs only for members to consider.

Question 1(a): Do you agree with the definitions in draft regulation 2?

**Response: Yes**

Question 2: Do you agree that it should be a general requirement that all exempted procedures should be carried out in such a way as to minimise the pain and suffering it causes to an animal, in hygienic conditions, in accordance with good practice and by a person with suitable training or experience?

**Response: Yes. It is suggested that guidance should be provided as to what may be regarded as suitable hygienic conditions and the determination of suitable training or experience.**

Question 3: Do you agree that it is necessary to include a general requirement that a person possesses suitable training or experience as part of the exemption to the prohibited procedures?

**Response: Yes. As above guidance should be produced as to what in the Department's view constitutes suitable training or experience.**

Question 4(a): Do you agree that it should be a general requirement that all exempted procedures should only be performed in accordance with good practice?

**Response: Yes. It is recommended that the Department consider the issue guidance on what would constitute good practice.**

Question 4(b) Are there any other general requirements which you think the draft Regulations should contain?

**Response: No**

Question 5(a): Do you agree that there should be a general exemption from the prohibited procedures ban where intervention is performed for the purpose of saving life or relieving pain of an animal?

**Response: Yes**

Question 5(b) Do you agree that when a person carries out a prohibited procedure in an emergency, they should only have to minimise pain and suffering, ensure hygienic conditions, and perform the procedure in accordance with good practice, to the extent that it is practicable in the circumstances?

**Response: Yes. However it should be a requirement that they record the circumstances and reasons as to why it was necessary to carry out the procedure and the precautions taken to minimize pain and suffering and ensuring hygienic conditions.**

Question 6(a): Do you agree that the identification procedures should not change?

**Response: Yes**

Question 7(a): Would you agree that hot branding of horses should be banned?

**Response; Yes**

Questions 8 – 21 relate to cattle, pigs, sheep, goats, horses, deer and birds

**Response: No response offered.**

Question 22(a): Do you agree with all the permitted procedures for cats and dogs set out in Schedule 1?

**Response: Yes**

Question 22(c) Are there any permitted procedures for cats and dogs not included in Schedule 1?

**Response: No**

Question 23(a): Do you agree with all the requirements for cats and dogs set out in Schedule 2 Part VIII?

**Response: Yes**

Questions 24 – 28 relate fish, reptiles and any other animals.

**Response: No response offered.**

Question 29(a): Are there any associated requirements for any other kind of animal to be inserted in Schedule 2 Part XI?

**Response: No**

Question 30(a): Do you agree that the draft Regulations do not impact on the promotion of equality of opportunity or good relations?

**Response: Yes**

***IT IS RECOMMENDED*** that Ballymoney Borough Council adopts the above consultation response and return comments to the Department of Agriculture and Rural Development by the 23<sup>rd</sup> October 2011.

### **9.13 CONSULTATION ON THE DRAFT DOCKING OF WORKING DOGS TAILS (CERTIFICATION AND IDENTIFICATION) REGULATIONS**

The Department of Agriculture and Rural Development issued the above consultation on the 1<sup>st</sup> July 2011 with a closing date 23<sup>rd</sup> September 2011. The proposed Regulations are being made under the Welfare of Animals Act 2011. This Act contains powers to ban the tail docking of dogs with certain exemptions, for certified working dogs involved in law enforcement, lawful pest control or the lawful shooting of animals. The breeds of dogs eligible for exemption are set out in Schedule 1 of the 2011 Act.

The purpose of the consultation is to seek views of stakeholders on how the breeds of working dogs listed in the Act will be certified for the

- docking of its tail and
- insertion of a microchip into the dog (prior to 8 weeks old).

The questions in the consultation document and proposed responses are set out below -



Question 1(a): Do you agree with the definitions in draft Regulation 2?

**Response: Yes**

Question 2: (a). Do you agree that the dam of the dog must be seen?

**Response: Yes**

2(c) (i) Do you agree that the list of evidence provides a reasonable assurance to show a dog is likely to work?

**Response: Yes**

Question 3 (a): Do you agree micro chipping is the best way of ensuring the unique identification of the certified dogs?

**Response: Yes. However 8 weeks may be too young for some breeds and veterinary guidance should be sought.**

Question 4 (a): Does the proposed certificate provide all necessary information?

**Response: Yes**

Question 5(a): Do you think the breeder should be responsible for microchipping the pup?

**Response: Yes**

5(c): Should the micro chipping procedure be carried out at the same practice?

**Response: Yes**

Question 6(a): Do you agree that information, on whether the dog is a working dog and if its tail has been docked, should be provided at the time of licensing?

**Response: Yes, however, this is not a current licensing requirement and will require the amendment of the Dogs (Licensing and Identification) Regulations (NI) 2011. Such documentation should also be provided in the case of transfer of ownership.**

6(c): Do you agree that a copy of the docking certificate or information on the importation of the dog should also be provided?

**Response: Yes, however, this is not a current licensing requirement and will require the amendment of the Dogs (Licensing and Identification) Regulations (NI) 2011.**

***IT IS RECOMMENDED*** that Ballymoney Borough Council adopts the above consultation response and return to the Department of Agriculture by the 23<sup>rd</sup> September 2011.

#### **9.14 DOG LICENSING & IDENTIFICATION – REVIEW OF COLOURED IDENTIFICATION TAG FOR DOGS**

The Department of Agriculture and Rural Development has, by letter dated 2<sup>nd</sup> August 2011, requested the views of Council on the above following direction from the Agricultural and Rural Development Committee. Members are asked to assess whether

there is a future need for a dual identification system of microchipping and the coloured tag of licensed dogs past 2012.

The current requirements are that an identification disc or collar inscribed with the name and address of the keeper be worn by the dog, together with a licence identification (coloured tag) issued by Councils along with a licence. Microchipping will become compulsory in April 2012.

The Department have identified 3 options in considering the future of coloured identification tags –

- (a) Retain the dual identification system of coloured tag and microchipping from April 2012. (no change)
- (b) Review the need for coloured tags in January 2014 (the licensing and identification Regulations provides for a new coloured tag for the full 2014 calendar year.
- (c) Abolish the need for coloured tags on the introduction of microchipping. (April 2012)

The provision of a coloured tag is useful in confirming at a distance if a dog is licensed. It is also easy to read and retain the 4 digit number as opposed to scan and retain a microchip number. However there are cost implications in the purchase and distribution of tags.

***IT IS RECOMMENDED*** that Option 2 be adopted (Review by 2014) and that the Department be advised by the response date.

## **DRAFT LEGISLATION**

### **9.15 CONSULTATION OF DRAFT HIGH HEDGES FEE LEGISLATION**

The Department of Environment NI issued the above consultation on the 28<sup>th</sup> June and has invited response by 20<sup>th</sup> September 2011. The full consultation paper may be viewed at [www.doeni.gov.uk/highhedges2htm](http://www.doeni.gov.uk/highhedges2htm).

The purpose of the consultation is to seek views on two sets of draft High Hedges Regulations.

- (a) The draft High Hedges (Fee) Regulations (Northern Ireland) 2011 (prescribe maximum fee councils may charge for complaint investigation).
- (b) The draft High Hedges (Fee Transfer) Regulations (Northern Ireland) 2011 (prescribe the mechanism of the fee transfer from complainant to hedge owner).

The following response has been prepared for members consideration.

Q1: What should be the maximum level of fee and why?

**Response: £350 – Consideration should be given to a reduction for those in receipt of benefits. Payment of a fee will encourage people to try and resolve disputes amicably so that council involvement is a last resort. A fee will help deter frivolous or vexatious complaints. It is common practice in England for a charge to be made where an individual is likely to benefit rather than the public at large.**

Q2: Do you agree that the fee should transfer to the 'hedge owner' when the remedial notice takes effect. Please give reasons.

**Response: Yes. This follows the polluter pays principle where the person found to be causing the problem will bear the cost of its resolution. It is of particular importance in this situation where the opportunity had been given to find resolution prior to a formal complaint being made to the council.**

Q3: What circumstances should the Department prescribe for a refund of the transferred fee?

**Response: Although it is recognised that section 4(5)(C) of the Act allows the Department to prescribe circumstances in which a hedge owners fees may be refunded, this Council cannot envisage any reason for so doing.**

***IT IS RECOMMENDED*** that Council adopts the above response and forward to the Department by the 20<sup>th</sup> September 2011.

## **COMMUNITY SAFETY**

### **9.16 CONSULTATION ON THE IMPLEMENTATION OF POLICING AND COMMUNITY SAFETY PARTNERSHIPS (PCSP'S)**

The Department of Justice issued the above consultation on the 28<sup>th</sup> June 2011 and has invited comments by the 13<sup>th</sup> September 2011. The consultation has been divided into three areas as follows:-

- The practical operation of PCSP's including the Policing Committee
- The issue of designation (whereby bodies which have a contribution to the work of PCSP's are granted membership) and
- A draft code of practice for the appointment of independent members to PCSP's

The response below has been prepared for members' consideration. CSP members have also be contacted for their news. The full consultation document may be accessed at [www.dojni.gov.uk](http://www.dojni.gov.uk)

#### **2.2 Practical Operation of PCSPs**

##### **2.2.1 How prescriptive should the code of practice on the functions be?**

Ballymoney Borough Council believes that the code of practice should clearly state the functions of both the PCSP as a whole and the Policing Committee.

We feel that in order to ensure the whole partnership is working as 'one' the functions of the Policing Committee should be clearly laid out, focusing on the monitoring of the police.

Consulting with the public and obtaining the cooperation of the public with the police to reduce crime and enhance community safety should be the remit of the PCSP. The Policing Committee should monitor the local policing plan but the Area Commander should consult with the whole PCSP on the development of the local policing plan as this may allow for better planning between agencies in developing their own plans.

The lines of reporting should be clearly stated within the code of practice, with all reporting lines going through the PCSP. This will ensure the partnership is not disjointed and has a single set of targets.

### **2.2.2 Which of the issues listed definitely needs to be included within the code?**

- The PCSP needs coherent targets in order to reduce duplication or conflict.
- For public meetings questions should be allowed from the floor, however if a member of the public requires a detailed answer they should submit the question in writing at least 7 days in advance.
- Private meetings of the whole PCSP should be held at least quarterly.
- Monitoring meetings of the Policing Committee should be held quarterly in line with the release of PSNI quarterly statistics.

### **2.2.3 Which elements of the code of practice previously available for DPPs could be omitted?**

No Comment offered

### **2.2.4 What could be adjusted or amended?**

- The wording on the Delivery function should be amended to the following: *"(PCSPs) deliver to reduce crime and enhance community safety in their district, directly through their own interventions, through the work of the delivery groups or through support for the work of others; the PCSP will also engage with the public to obtain cooperation with the police in preventing crime and enhancing community safety."*

The above statement would relate better to the Justice Bill 2010 where the whole PCSP has a duty to obtain the views of the public and enhance community safety, as the Policing Committee is a subgroup of the PCSP this will also cover the engagement with the public to obtain cooperation with the police.

- On examining the current meeting structure of CSPs and DPPs Ballymoney Borough Council would recommend that the public themed meetings of the Policing Committee be changed to public themed meetings of the PCSP. This is to reflect that the themed meetings deal with issues that are the remit of the whole PCSP not just the PSNI, for example antisocial behaviour or violent crime. Members of the PCSP should be in attendance at these meetings to outline the work of the PCSP in dealing with these issues and also to consult with the public on their needs.
- We would recommend that the need to produce a strategic and operational plan should be written into the code of practice.
- Utilise existing standing orders and equality schemes within Council.

### **2.2.5 Which aspects should be left to the discretion of councils?**

As this is a single partnership need should dictate the allocation of money and there should be no ring-fenced budgets. Consulting with and obtaining the views of the public is a requirement of the whole PCSP.

### **2.2.6 How can this code of practice help partnerships to focus on delivery of outcomes, whether in relation to the operation of the Policing Committee or the overall PCSP?**

Ballymoney Borough Council is concerned that the document appears to focus heavily on the role of the Policing Committee and not on the work of the whole PCSP. This should be rectified with the remit for the whole PCSP and its committees and subgroups outlined in order to remove the “perceived duplication and overlap” that was outlined in the initial proposal paper for PCSPs

Overall the functions reflect that in the current Police Act and do not highlight the work carried out by the CSPs. The functions are unbalanced in terms of monitoring, consultation and delivery. This needs to be rectified.

## **3.0 Designation**

### **3.2.1 Which bodies should be compulsorily designated to all PCSPs?**

- Council
- NIHE
- NEELB
- Health Board
- DRD Roads
- PSNI

- NIFRS
- Youth Justice Agency
- DOJ CSU
- Policing Board
- PBNI

### **3.1.1 How can designated organisations be best represented on PCSPs**

Those designated to sit on PCSPs should be in a position to integrate their strategies and actions plans with other members based on the PCSP strategy in order to deliver coherent actions and reduce duplication. Collaborative working and the pooling of expertise, knowledge and resources will promote effective partnership working which addresses community needs.

### **3.2.3 What guidance might be given on the appropriate level of representation or on the consistency of representation?**

In order to make the partnership efficient and effective representatives should be in a position to feed into the partnership, make decisions on behalf of their organisation and contribute towards the work of the PCSP. We feel it should be a representative from the senior management team.

## **4.2 Draft Code of Practice for the appointment of independent members to PCSPs**

### **4.2.1 How can individuals be encouraged to apply for independent membership?**

- Provision of a clear description of role and responsibility for independent members.
- Clear outline on what the PCSP wants to deliver and what role the independent members will undertake.
- Encouraged to apply on a competency basis with a clearly defined competency based criteria.
- Advertise around community/voluntary organisations.
- Open recruitment process in line with current equality legislation for Local Government and Staff Commission guidelines.
- Clear guidance on expenses that may be claimed in respect of attendance.

### **4.2.2 What should the 'default' mechanism be if not enough applications are received for a PCSP (Paragraph 66 in the draft code)?**

- Advertise for recruitment of independent members.
- Second advertisement for independent members.
- Dispensation to operate with fewer numbers of independent members on exhaustion of the above process.

#### 4.2.3 How could the appointment process be improved further and made more cost effective?

Ballymoney Borough Council suggests the following for the appointment of independent members:

- Accurate criteria should be clearly defined in order to ensure quality applicants are putting themselves forward.
- Criteria should include:
  - ability to meaningfully engage with community
  - declare membership of all groups, including community/voluntary
  - recent/ongoing experience of increasing the quality of life for communities
  - experience of monitoring and evaluation (desirable)
- competency based interviews
- Communication is essential – need to make people aware of structure of PCSP.
- The process appears to be very bureaucratic.
- Should be cost effective and efficient.
- Should follow Local Government and Staff Commission guidelines used by council.

***IT IS RECOMMENDED*** that Ballymoney Borough Council adopts the above response and forward to the Department of Justice by the closing date.

#### OFFICER AUTHORISATIONS

##### 9.17 DOGS (NORTHERN IRELAND) ORDER 1983 AS AMENDED

As a result of the introduction of the Dogs (Amendment) Act (Northern Ireland) 2011 it is necessary to review officer authorisations under the Dogs (Northern Ireland) Order 1983.

***IT IS RECOMMENDED*** that the undernoted officers be appointed to exercise all the powers of an authorised officer in respect of the Dogs (Northern Ireland) Order 1983 as amended and in particular

Article 21 (1)	Power to require the production of licences for examination
Article 23	Seizure of stray dogs
Article 25C	Seizure of dangerous dogs
Article 30A (2)	Service of control condition notice
Article 36 (1)	Issue of fixed penalty
Article 41	Powers of officers
Article 42 (1)	Entry on to land for certain purposes
Article 43	Inspection of certain kennels and breeding establishments

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

The officers named in this paragraph shall be duly authorised under section 124 of the Local Government Act (Northern Ireland) 1972 to authenticate notices orders or other documents arising from the above powers and duties and indemnified as provided by Section 48 of the said 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 hereby delegates to the undernoted officers being proper and competent persons to exercise the delegated powers of duties all the duties of council under the Dogs (Northern Ireland) Order 1983 and in particular

Article 6(1)	Issue of dog licences
Article 8(1)	Issue of Block licences
Article 10(3)	Registration in respect of guard dog kennels
Article 13(3)	Registration in respect of breeding establishments
Article 30D	Review of control conditions
Article 30E	Transfer of dogs subject to control conditions.

John Campbell Michael  
 Bryan Edgar  
 William Nigel McKeown

The officers named in this paragraph shall be duly authorised under Section 124 of the Local Government Act (Northern Ireland) 1972 to authenticate notices orders or other documents arising from the above powers and duties and indemnified as provided by Section 48 of the said Act. ***IT IS FURTHER RECOMMENDED*** that all previous officer authorisations in relation to the Dogs (Northern Ireland) Order 1983 be revoked.

## **FUEL POVERTY**

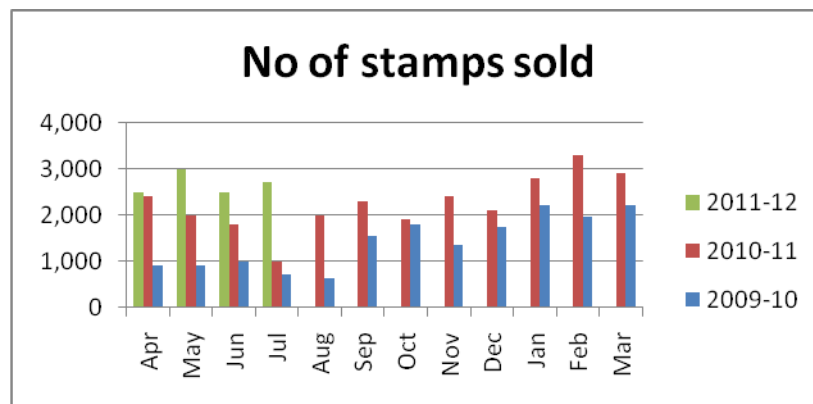
### **9.18 BALLYMONEY AFFORDABLE FUEL SCHEME**

Ballymoney Affordable Fuel Scheme was launched in September 2006 to help residents budget for their oil payments. £5 oil savings stamps and stamp cards are available from 12 retail outlets across the Borough Council area and accepted by approximately 20 local oil distributors.



While oil stamp schemes had been running for some years through the Society of St Vincent de Paul, the Ballymoney scheme was the first of its kind to be administered by a local Council. Ballymoney Borough Council’s experience has been shared with other local authorities including Belfast City Council. There is now an oil stamp scheme in all ten of the Councils in the Northern Group area; six of which are Council run.

The table below shows stamp sales from the financial year 2009/10 to present. At 31 March 2011, the Ballymoney Stamp Scheme had sold over £289,440 worth of stamps with £134,500 worth sold between April 2010 and March 2011; this was a 56% increase on the previous year.



The Scheme has strengthened existing links with statutory organizations, health professionals as well as community and voluntary organizations which sell the stamps or promote the Scheme. The energy efficiency adviser has built up a rapport with the retailers selling the stamps.

A local community association which sells the stamps from their community house is pleased at the support from local residents:

*“The Association feels that the Scheme is very good for the local community. It ensures that people do not have to pay out a lump sum when they need oil. In this age when saving is proving more and more difficult, the oil stamp scheme is very welcome”.*

Members of local community groups have also expressed their delight at the scheme:

*“The stamps are great. It saves me paying out £300 in one go when I need oil”.*  
*“I’ve got into the habit now of buying a few stamps every week and it’s a lot easier to save”.*

Costs

Borough Services has an annual budget of £2,500 to tackle fuel poverty. Most of this is now being put towards the Stamp Scheme as the table below shows. Council has been fortunate to have received £4,000 from the Public Health Agency over the last two years

to put towards the Scheme. However, there has been a 42% increase in sales of stamps between April and August this year, which will necessitate the purchase of additional stamps. Given the increasing popularity of the scheme, it will be necessary, for the second year running, to purchase additional stamps during the year.

	<b>Budget</b>	<b>Outlay</b>	<b>Shortfall</b>
2009/10	£2,500 B Council	£2,114 stamps £1,500 tooling	-£1,114
2010/11	£2,500 B Council £1,000 PHA	£3,855 stamps £170 cards	-£525
2011/12	£2,500 B Council £3,000 PHA £1,000 oil companies	£4,695 stamps £420 cards  Estimated cost of additional stamps required to March 2012 (based on current growth in sales): £2,839	-£1,454

The Scheme has led to the establishment of links with the local businesses involved in it. The oil stamps savings cards have been redesigned this year to allow oil companies the opportunity to advertise their business; 12 companies are participating in this initiative which will provide £1,000 towards the cost of this year's cards and stamps. It should also be noted that without the voluntary support of the retailers, in particular, the scheme could not be operated so successfully.

#### Recommendations

***IT IS RECOMMENDED THAT*** the Council's present budget of £2,500 in respect of Fuel Poverty be increased to £4,000 in 2012/13.

At the request of the Mayor, the Director of Borough Services clarified the need to increase the budget in order to continue production of stamps for the scheme.

***IT IS FURTHER RECOMMENDED*** that in order to mark the fifth anniversary of the Stamp Scheme in September that Council hosts a reception for both retailers and oil suppliers in recognition of their valuable contribution to tackling fuel poverty within the Borough.

#### **9.19 ADOPTION OF REPORT**

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

***that Council adopt items 9.1 – 9.18 of the Health & Environmental Services report and the recommendations made therein.***

**947.10 CORPORATE & CENTRAL SERVICES REPORT – 5<sup>TH</sup> SEPTEMBER 2011****CORPORATE****10.1 CONFERENCES**

THE National Association of Councillors' AGM will be held on 28<sup>th</sup> September at Clandyboye Lodge Hotel, Bangor, Co. Down. Fee £20. Council has three nominees on the Association. Councillor Robinson and Alderman Cousley have both made applications to attend.

Council is invited to approve the members' attendance at the AGM, for which budget provision is available.

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

*that Council approves the attendance of Alderman Cousley and Councillor Robinson at the NAC AGM on 28<sup>th</sup> September 2011 at a cost of £20.00 per person.*

**CENTRAL SERVICES****10.2 TRADE WASTE VAT CLAIM**

The Council, at a meeting of the Consultation Committee on 18<sup>th</sup> April 2011, agreed to stop accounting for VAT on Trade Waste Services and to submit a claim for overpaid VAT. At that meeting Committee was advised that Her Majesties Revenue and Customs (HMRC) were likely to resist payment of the claim and would mount a challenge on the grounds of Unjust Enrichment.

A claim was submitted to HMRC by end June 2011, assisted by VAT Support & Solutions Limited.

HMRC, by letter dated 14<sup>th</sup> July 2011, is requesting information in respect of an assertion of Unjust Enrichment in respect of that claim.

The amount of information requested is substantial and will necessitate a considerable amount of officer time both in Borough Services and Finance to produce.

Expert VAT advice would be required to advise the Council on the information to be provided to HMRC to defend and negotiate with HMRC in respect of the claim for overpaid VAT.

The Corporate Management Team **RECOMMEND** that the services of VAT Support & Solutions are engaged to advise the Council on the information to be provided to HMRC to defend against an assertion of Unjust Enrichment and to correspond and negotiate with HMRC in respect of the claim for VAT overpaid on Trade Waste Services, at a cost of no more than £1,000.00.

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

*that the services of VAT Support & Solutions are engaged to advise the Council on the information to be provided to HMRC to defend against an assertion of Unjust Enrichment and to correspond and negotiate with HMRC in respect of the claim for VAT overpaid on Trade Waste Services, at a cost of no more than £1,000.00.*

- \* The Director of Borough Services and the Director of Central & Leisure Services left the meeting at 7.30 pm.
- \* Councillor Atkinson left the meeting at 7.30 pm.

#### **947.11 ROADS SERVICE – SPEED LIMIT – FROSSES ROAD AT DUNLOY CROSSROADS**

Roads Service is proposing to introduce a short section of 50 mph speed limit to a section of A26 Frosses Road, near Dunloy.

The stretch of road in question is the ‘single lane dual’ at Dunloy Crossroads (Station Road/Ballinaloob Road) where the road has a central reservation separating one lane of traffic in either direction. There have been increasing concerns about this stretch of road from various parties regarding road safety and clarification into what the speed limit actually is and Roads Service have concluded that the most appropriate course of action is to introduce a short section of 50 mph speed limit through the single lane dual part of the road. This would indicate to drivers that they are approaching a major junction, where there have been a number of traffic collisions involving right turning movements. It would also remove any doubt as to the nature of the speed limit through the junction.

A plan detailing the section of road in question and the extent of the proposed speed restriction is available from the Office of the Chief Executive. **Comments are invited.**

A discussion ensued with members agreeing that whilst every effort should be made to enhance road safety, the merits and rationale in reducing the speed limit over such a short distance requires clarity from Roads Service. Members also questioned if the reduction in speed limit would create a bottleneck and whether the camera had any effect on road safety at this location.

It was **AGREED:**

*that Roads Service be requested to defer their proposal to reduce the speed limit at Frosses Road, Dunloy Crossroads pending presentation of their report to the Consultation Committee on 21<sup>st</sup> November in order to provide members with an opportunity to further clarify the proposal with Roads Service.*

- \* Councillor Atkinson returned to the meeting at 7.40 pm.

#### **947.12 COMMUNITY PHARMACY NI – COMMUNITY PHARMACY**

Northern Ireland’s Community Pharmacists, Community Pharmacy NI (formerly the Pharmaceutical Contractors’ Committee) has written to express deep concern at proposed £38m

cuts to funding for community pharmacy provision and the effect this will have on patient services.

The representative body points out that every day, more than 123,000 people visit their local community pharmacy. If the proposed cuts are implemented, the network will be seriously weakened. The most vulnerable in our society – older people, mothers with young children, people with chronic and terminal illnesses, and those without access to transport will be the most adversely affected.

Community Pharmacy NI comment on the impact of the cuts on community pharmacies and potential job losses in closure of pharmacies.

Community Pharmacy also point to their belief that there is a unique opportunity to use the negotiations for the new Community Pharmacy contract to deliver a modern community pharmacy service which will also contribute to the more efficient working of the health service.

Expressing opposition to the unprecedented magnitude of the cuts which they state could decimate services to patients and close pharmacies across Northern Ireland, and which they believe are being implemented without a proper assessment of need, Community Pharmacy NI request an opportunity to explain to Council, the possible implications the cuts might have in the local area.

The Store Manager of Boots Pharmacy, Harryville has also written on the subject of the future provision of community pharmacy services in North Antrim and across Northern Ireland as a whole. He is seeking support for the community pharmacy campaign to urge the Government to work with community pharmacy to find an appropriate solution to the challenges they are facing.

**Council is invited to consider extending an invitation to Community Pharmacy NI to present to Council on the subject.**

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

***that Council extends an invitation to Community Pharmacy NI to present to Council on community pharmacy provision.***

#### **947.13 PRESENTATION**

A request has been received from the Causeway Volunteer Centre to address Council. This Volunteer Centre covers Coleraine, Ballymoney and Moyle and provides a high quality service to volunteers and community and voluntary organisations.

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

***that Council extends an initiation to Causeway Volunteer Centre to present to Leisure & Amenities Committee.***

**947.14 AUTISTIC SPECTRUM DISORDER (ASD) FAMILY SUPPORT SERVICE**

Autism NI has submitted further correspondence (following on from that tabled at Council's meeting on 4<sup>th</sup> July – CM945) around the decision taken to terminate the community development ASD Family Support Service in June 2011 and to correct some information previously provided in response to queries received over recent months. This correction relates to the issue of the level of consultation undertaken by WHSCT prior to their decision to terminate.

In previous correspondence, Autism NI stated that the only consultation undertaken had been with parent members of the Regional ASD Reference Group (Western Forum). This was further informed by correspondence from WHSCT to MLA's that stated *that "The underpinning philosophy and direction of travel embodied in the redesign was developed in partnership with the Autistic Spectrum Disorder Reference Group to ensure that we took cognizance of user and carer perspectives"*.

Autism NI has now reliably informed that this was *not* the case and that no such discussions took place with the ASD Reference Group. In addition, no assessment of need or evaluation has been carried out by WHSCT. The only evidence that exists remains the evaluation carried out by

Autism NI which supported the need for the original service and which has already been provided to Council by Autism NI.

This all leads to the obvious conclusion that WHSCT engaged in no consultation at all and that its decision was unilateral and founded upon no verifiable evidence.

The organisation thanks Council for its interest and for joining in their concern that families in the West will now be left with a serious service gap in the community of in excess of six months because of this short sighted decision by WHSCT.

**947.15 DEPARTMENT OF THE ENVIRONMENT – REVIEW OF PASSPORTED BENEFITS IN CONTEXT OF WELFARE REFORM – EARLY WARNING**

The DoE has written to give early warning of a review on behalf of the Department of Environment which may have little impact on Council.

Fundamental reform of the benefits system is expected to lead to the introduction of a single Universal Credit before the end of October 2013. The main purpose of the review is to take stock of any and all existing 'passport' benefits allowed by the department, its satellite bodies and the 26 councils.

Anyone in receipt of welfare benefit such as Housing Benefit or Income Support qualifies, that is has a passport for, discounts on certain charges or fees or benefits in kind of leisure centre charges and free school meals for children.

The review must be comprehensive and will therefore go beyond the simple question of establishing what passport benefits exist in Northern Ireland. It is expected to deal with rationale, origin of policy, delivery arrangements etc.

A parallel review of Aspects of Disability Living Allowance is also very likely. Council will be asked to complete a proforma response by 16<sup>th</sup> September.

At the request of Councillor Storey, the Chief Executive agreed to look into the best way to inform the citizens of Ballymoney of the changes in the benefits system coming as they have at a difficult economic time.

\* **Alderman Connolly left the meeting at 7.50 pm.**

#### **947.16 PUBLIC APPOINTMENTS – INVEST NI**

The Department of Finance & Personnel has given advance notification of the forthcoming DETI Public Appointment competition for the role of Invest NI Chairperson, with effect from 1<sup>st</sup> January 2012 for a three year period. Details of the appointment are available from the Office of the Chief Executive.

The closing date is 16<sup>th</sup> September 2011.

#### **947.17 DEPARTMENT OF THE ENVIRONMENT – 36<sup>TH</sup> LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST IN THE BOROUGH OF BALLYMONEY**

The DoE has published the 36<sup>th</sup> list of Buildings of Special Architectural or Historic Interest in the Borough of Ballymoney.

Balamore Mill (including Chimney)  
8 Drumahisky Road  
Balamore

Erected 1860-1879, it has been included on the list as a Grade B2 building.

This is a mid-to-late Victorian linen mill, originally built in 1866 and then extended in 1887 and apparently further altered subsequent to that. It retains much of its original character and most of its original features and, together with the adjacent contemporary mill chimney forms a distinctive local landmark. Its setting has been affected by the loss of a number of associated buildings, including the adjacent workers' houses. However, it is a good example of the type in fairly original condition and of note

#### **947.18 DEPARTMENT OF ENVIRONMENT – LOCALISM BILL – EUROPEAN UNION FINES**

DoE has written to advise that the Minister has recently agreed to some proposed UK government amendments to the draft Localism Bill.

The UK Localism Bill contains provisions to devolve more powers to English councils and neighbourhoods. The Bill includes a provision to pass on to local authorities in England part or all of any EU infraction fines.

The proposed amendments would extend this principle to local authorities in the devolved administrations. For Northern Ireland this would be in respect of any reserved function that is not funded by the Executive. Following research with a number of councils and other Central Government Departments, DoE were unable to identify any reserved functions not funded by the Executive's devolved budget. It is therefore envisaged that this provision will have little impact.

It should be noted that the power in the bill is only intended to be used where a breach results from an authority's action or inaction. In the unlikely event that the situation does develop, any fine imposed would be limited and proportionate to the non-developed funding for that specific reserved function.

The attached link provides access to the most recent Bill documents; this is updated as the Bill progresses through Parliament.

<http://services.parliament.uk/bills/2010-11/localism/documents.html>

#### **947.19 PEOPLE AND ORGANISATION DEVELOPMENT STRATEGIC FRAMEWORK FOR LOCAL GOVERNMENT IN NI (DRAFT)**

The Local Government Staff Commission (LGSC) has issued this document, dated July 2011 to stakeholders for consultation. LGSC initiated development of the strategic framework in partnership with senior officers and HR professionals working throughout the sector. It is designed to provide a strategic approach to the development of human resources to assist in the delivery of sustainable organisations, capable of supporting the ongoing reform of local government. **Council's views are sought** in respect of the strategic direction of the framework, the supporting pillars and the related goals and activities as detailed in the draft document, circulated.

As this document has been drafted by LGSC with input from SOLACE and Public Sector People Managers Association (PMPA) and there are no adverse comments, the Chief Executive **recommends** that the strategic framework be endorsed.

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

***that Council endorses the Local Government Staff Commission strategic framework for Local Government in NI.***

#### **947.20 SOUTHERN CROSS HEALTHCARE - UPDATE ON FINANCIAL RESTRUCTURING**

The Chief Executive of Southern Cross Healthcare has written to update Council on its financial restructuring following the decision to effect a solvent wind down of Southern Cross and to manage, on behalf of landlords, the transfer of our 752 care homes to new operators.

Significant progress has been made in developing the transfer arrangements and the following key points reflect this progress:

1. Southern Cross is progressing agreements which it anticipates will lead to the transfer of all care homes to new operators and to the sale of its back offices.



2. Staff consultation under TUPE regulations will commence immediately and elected employee/GMB representatives, together with new operators, will be invited to attend a series of meetings in this regard, commencing on 1<sup>st</sup> September.
3. Regulatory approval for the registration of the new operators is being sought.

The expectation is that homes will transfer to new operators in two waves - at, or around, the end of September and at the end of October, subject to the necessary regulatory approvals being obtained and certain legal conditions satisfied. It is recognised that the transition timescales are very challenging indeed and the Chief Executive of Southern Cross Healthcare respectfully asks for Council's continued support in this regard.

A schedule of new operator details and the expected transfer dates for each home where these are available has been provided. Details in respect of homes in Ballymoney area are as follows:

The Court (Ballymoney)	1A Queens Avenue, Ballymoney, Co Antrim, BT53 6DF
The Model (Megaw Park)	1 Portrush Road, Ballymoney, Co antrim BT53 6BX

The Chief Executive responded to a question from the Mayor relating to safeguarding of jobs and confirmed that staff consultation will take place and that in accordance with current legislation, TUPE will apply at the point of transfer.

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

***that Council extends an invitation to Four Seasons to give a presentation to Council on the transition arrangements following the transfer.***

#### **947.21 APPOINTMENTS TO THE BOARD OF THE NORTHERN IRELAND TOURIST BOARD**

DETI invites applications for membership of the Board of the Northern Ireland Tourist Board (NITB). The Department is seeking to appoint two new members with effect from 1 February 2012. Details are available from the Office of the Chief Executive.

The vacancy is being advertised in the Irish News and News Letter on Thursday, 8 September 2011 and in the Belfast Telegraph on Friday, 9 September 2011. **The closing date for applications is noon on Friday, 30 September 2011.**

#### **947.22 REPORTS**

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

**The meeting closed at 8.55 pm.**