

Ballymoney Borough Council
Council Meeting No 948 – 3rd October 2011

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BALLYMONEY BOROUGH COUNCIL

Minutes of Council Meeting No 948 held in the Council Chamber, Riada House, Ballymoney on Monday 3rd October 2011 at 7.00 pm.

IN THE CHAIR: Councillor I Stevenson, Mayor

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

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

APOLOGIES: **Alderman**
B Kennedy

IN ATTENDANCE: Chief Executive
Head of Corporate and Development Services
Head of Finance & IT
Head of Environmental Services
Committee Clerk

Members of the Press

948.1 CONGRATULATIONS**1.1 Loughgiel Shamrocks**

Alderman Connolly expressed congratulations to Loughgiel Shamrocks Hurling Club and Camogie Team who both won the County Championships at the weekend; a result not seen since 1989. Alderman Connolly stated this was a great achievement for the Club and Parish.

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

that the Mayor writes a letter of congratulations to the Clubs and that a reception is held to acknowledge the achievement of both teams winning the County Championships.

The Mayor agreed to host a reception in honour of the two sporting clubs.

1.2 Translink Ulster in Bloom

The Mayor extended congratulations to everyone involved in Ballymoney's entry to the Translink Ulster in Bloom 2011 competition. Ballymoney was runner up in the competition's small town category which is a commendable achievement.

948.2 APPOINTMENT OF OLDER PEOPLES COMMISSIONER

The Mayor welcomed the announcement by the First Minister of the First Commissioner for Older People. He said older people have a valued role to play in our society and, in this borough of Northern Ireland where people live longer, he was particularly pleased that this section of the electorate now have a champion to represent their interests.

The Mayor wished the new Commissioner, Claire Keatinge, a former Director of the Alzheimer's Society, every success in this challenging new post.

948.3 MINUTES OF COUNCIL MEETING NO 947 – 5TH SEPTEMBER 2011

Matters Arising

3.1 Development Committee Report DC 227 – 12th September 2011

7.1 Village Regeneration Programme (RDP)

Councillor Robinson requested that the motion be amended to read:

that Council approves a contribution of up to £10,000 towards the Dervock Olympics Festival, subject to match funding.

3.2 Adoption of Minutes

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

that the minutes of meeting No 947 – 5th September 2011, as circulated, be confirmed as a correct record, subject to the amendment outlined in 3.1.

948.4 MINUTES OF CONSULTATION COMMITTEE MEETING NO 65 – 19TH SEPTEMBER 2011

The report was presented by Councillor Cavlan.

The minutes of Consultation Committee Meeting No 65 – 19th September 2011, as circulated were received.

948.5 DEVELOPMENT COMMITTEE MEETING NO 227 – 12TH SEPTEMBER 2011

Councillor Finlay presented the report.

Matters Arising:**5.1 Causeway Coast & Glens Heritage Trust (227.5)**

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

that a representative from Causeway Coast & Glens Heritage Trust be invited to present to Council's Development Committee on its 'Heart of the Glens' Project. to provide further clarification and to address issues of concern raised by members.

5.2 dNAP (227.18)

Councillor Storey referred to the Independent Examination and welcomed the withdrawal of MIN1 which was designed to prohibit development in the lignite area. He requested clarification from the Chief Executive on how Council might address policy MIN5 under dNAP as he was concerned it would be used to refuse development in the lignite area despite written assurances from both environment and DETI Ministers that Policy PPS21 would be given significant weight when determining applications. He stated that the Department is also considering that CTY3 in relation to replacement dwellings would not apply within the Lignite area and if this is the case, this would cause particular concern to the local farming area since PAC would not likely respond for at least two years. The Chief Executive advised that he will shortly be meeting with Council's Consultant who has provided him with the Department's latest papers and he would clarify the issues raised by the member.

5.3 Altnarichard Car Park, Picnic Site and Viewpoint and the Croaghan Way

Alderman Connolly welcomed the proposal to enhance this facility but expressed concern at the expense that might be incurred in maintaining it free from vandalism. The Head of Corporate & Development Services advised that a revised layout to bring the site forward towards the road had been developed to help alleviate the issue of vandalism.

5.4 Adoption of Minutes

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

that the minutes of Development Committee Meeting No 227 – 12th September 2011, as circulated, be adopted and the recommendations therein approved.

948.6 LEISURE & AMENITIES COMMITTEE MEETING NO 386 – 20TH SEPTEMBER 2011

Alderman Campbell presented a report together with addendum as set out at 6.1

6.1 Application for Inclusion on Select List – Shortlisting Report

(1) 5 No. applications were received and examined to determine suitability for the project.

- 1 RHK Davidson & Co, 35 Bushmills Rd Coleraine BT52 2BP
- 2 HM Electrics Ltd, 95 Glen Road Maghera BT46 5JG
- 3 Braid Electrical Services Ltd, Unit2, Braidriver Business Pk, Railway St, Ballymena BT42 2AF
- 4 MFE Ltd 50 Drumduff Rd Beragh, Sixmilecross Co. Tyrone BT79 OSD
- 5 Alba Pools Ltd Unit 10 Brechin Business park West Road Brechin DD9 6RJ

(2) Criteria for inclusion on the select list were as defined within the Notice to Contractors and agreed with the Project Team.

The Notice to Contractors specified “...applications from competent Electrical Contractors”. Alba Pools were not considered to be Electrical Contractors and thus they were not considered for selection.

The remaining applications were examined and scores allotted under the appropriate criteria and the applicants ranked in score order.

(3) It is considered that all 4 applicants would have the necessary skills and resources to carry out the project and all are recommended for inclusion in the Select List.

- 1 RHK Davidson & Co, 35 Bushmills Rd Coleraine BT52 2BP
- 2 HM Electrics Ltd, 95 Glen Road Maghera BT46 5JG
- 3 Braid Electrical Services Ltd, Unit2, Braidriver Business Pk, Railway St, Ballymena BT42 2AF
- 4 MFE Ltd 50 Drumduff Rd Beragh, Sixmilecross Co. Tyrone BT79 OSD

6.2 Synthetic Pitch Carpet Replacement and Car Park Resurfacing (386.22)

At the request of Councillor Finlay, the Head of Finance & IT agreed to clarify with the Director of Central & Leisure Services that the cost for the work undertaken had not exceeded its budget as he was anxious to ensure that ratepayers are made aware that this work had been completed within its financial constraint. Councillor Finlay commended the pitch and facilities and paid tribute to Councillors who had foresight to develop the centre and the facilities on the 40 acre site.

Other members concurred with the member’s remarks.

6.3 War Memorial Garden, Dervock (386.7)

Councillor Storey requested clarification on the timescale for completion of the work at the Memorial Garden that they would be completed before this year's annual remembrance service.

6.4 Dervock Community Facility (386.10)

Alderman Campbell responded to a question from Councillor Storey relating to the proposals to develop the facility. He indicated that two pitches, a car park and changing rooms are being considered and that a community hall would be considered at a later date. Plans for the proposal are on display in the members' room.

6.5 Good Relations Grants (386.25)

Councillor Storey advised members of his and the Mayor's attendance at the 55th anniversary of the Evergreen Club. He commended the Club on their work within the community over such a long period of time.

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

that Council writes to the Evergreen Club to congratulate them on their long service and express appreciation for their work.

6.2 Adoption of Minutes

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

that the minutes of Leisure & Amenities Meeting No 386 – 20th September 2011, as circulated, be adopted and the recommendations therein approved including addendum as set out at 6.1

948.7 HEALTH & ENVIRONMENT SERVICES COMMITTEE MEETING NO 373 – 27TH SEPTEMBER 2011

Councillor Robinson presented the report.

Matters Arising:**7.1 Policing & Community Safety Partnerships – Appointment of Political Members (373.17)****1.1 Identification of Party Members**

The Chief Executive requested that all party nominations to sit on the PCSP should be made known to him as soon as possible.

1.2 Designation of PCSP Chair & Term of Office

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

that the current Chair of the DPP remains in place as Chair of the new PCSP until 1st June 2012, following which the Office of Chair would move to the next largest party under the d'Hondt formula.

7.2 Good Morning Causeway (373.35)

At the request of Councillor Storey, the Chief Executive confirmed that the scheme continues to be operated from Coleraine but has been extended to include Ballymoney.

7.3 Disposal of Tyres (373.20)

Councillor McGuigan asked if Committee had given any indication as to how the possible malpractice for the disposal of tyres might be tackled. Councillor Robinson advised that a delegation from NILGA attended the Environment Committee at Stormont and this was an issue that was raised. It was also taken to a meeting of the Waste Board when a suggestion included the traceability of tyres. This issue will be considered further by the Minister.

7.4 Fly tipping Protocol (373.7)

Councillor Robinson advised members that Council's rejection of the proposed protocol to increase its limits in respect of non-hazardous waste is being considered.

7.5 Municipal Waste Returns (373.19)

Councillor Storey requested clarification on Council's projections in meeting the required NILAS targets in 2013. Councillor Robinson stressed the importance in provision of information to ensure that the public is informed as to the importance of recycling. Responding to Councillor Storey's query, the Head of Environment Services advised that in the last financial year, Council used only 68% of its allocation and that it is on track to meet its target in the next allocation. Targets will however become more difficult to achieve and he concurred with Councillor Robinson that every effort should be made to encourage recycling throughout the Borough. It is anticipated that the items which can be placed in the blue bin will be extended and information about any changes will be made available to the public as soon as this is available.

7.6 Adoption of Minutes

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

that the minutes of Health & Environmental Services Meeting No 373 -27th September, as circulated, be adopted and the recommendations therein approved.

948.8 CORPORATE & CENTRAL SERVICES COMMITTEE MEETING NO 397 – 26TH SEPTEMBER 2011

8.1 NAC Conference (947.10.1)

Councillor Robinson indicated that she would provide a written report on the National Association of Councillor's conference.

8.2 Adoption of Minutes

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

that the minutes of Corporate & Central Services Meeting No 397 – 26th September 2011, as circulated, be adopted and the recommendations therein approved.

948.9 RESOURCES TASK GROUP MEETING NO 37 – 26TH SEPTEMBER 2011

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

that the minutes of Resources Task Group Meeting No 37 – 26th September 2011, as circulated, be adopted and the recommendations therein approved.

948.10 AUDIT COMMITTEE MEETING NO 22 – 25TH JULY 2011

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

that the minutes of Audit Committee Meeting No 22 – 25th July as circulated, be adopted and the recommendations therein approved.

* The Head of Finance & IT and the Head of Environmental Services left the meeting at 8.00 pm.

948.11 SEAL DOCUMENTS

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

that the Seal of Council be affixed to Grave registration certificate numbers 1256, 1257, 1258, 1260, 1261, 1262,

948.12 CASUAL VACANCY

The Chief Executive advised that a casual vacancy has arisen due to the resignation of Councillor Iain McAfee, effective from 16:28 on 26 September 2011 when a letter signed by the councillor

was received. The relevant regulation is the Local Government Act (Northern Ireland) 1972 which states:

8 Resignation.

- (1) *A councillor may at any time resign his office as such by notice signed by him and served on the clerk of the council.*
- (2) *A resignation shall take effect upon the receipt by the clerk of the notice of resignation.*

This report sets out the legislative provisions for dealing with such a casual vacancy and gives an estimate of the budgetary implications.

In accordance with the provisions of The Electoral Law Act (Northern Ireland) 1962 (Amendment) Order 2010, the Chief Executive is required to inform the Chief Electoral Officer (CEO) that a vacancy has occurred. The relevant regulations are: -

- (4AB) The clerk of a district council must as soon as practicable after a casual vacancy arises notify the Chief Electoral Officer—
 - (a) that a casual vacancy has arisen in the council, and
 - (b) of the name of the member of the council whose seat has become vacant (in this Act referred to as the “previous member”).
- (4AC) The clerk of a district council must, within 7 days from any other matter concerning a casual vacancy coming to the clerk’s knowledge, report it to the Chief Electoral Officer.”.

The 1962 Electoral Law Act, as amended by the 2010 Order, provides that a person who is elected as an independent member of council may supply to the CEO a list setting out the names, addresses and dates of birth of not more than six persons for the purpose of filling any casual vacancy in the member’s seat and indicate, where more than one person is named, an order of preference.

The CEO has been informed of the vacancy as required by the legislation and has written to the Chief Executive stating that he has not received a list of names from the previous member.

Where no list of substitutes has been supplied, the 1962 Act states: -

11D.—(10) If—

- (a) a casual vacancy arises in the seat of a member of a district council,
- (b) the Chief Electoral Officer determines the previous member stood as an independent when elected, and
- (c) the previous member has not given the Chief Electoral Officer a list of substitutes, an election must be held to fill the vacancy.

The CEO has confirmed that a by-election must be held to fill the vacancy and the period within which it may be held. The Chief Executive advised that if a poll is required, the date will be Thursday 17th November with polling stations open from 07:00 a.m. to 10:00 p.m. Formal Notice will be given next week.

Members should note that no provision has been made in the rate estimates for the cost of an election. In 2009 council received a report that the estimated cost of a contested election in Bann Valley DEA was between £20,000 and £25,000. That is the best estimate of a contested election in Ballymoney Town DEA. The cost would be considerably less if a poll is not required i.e. if at the close of the time for nominations and objections only one nomination to which there has not been a valid objection has been received.

It is recommended that the cost of the by-election be met from reserves.

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

that the cost of the by-election be met from reserves.

948.13 CAUSEWAY OLDER PEOPLE'S ACTIVE STRATEGIC TEAM (COAST) – NOMINATION

Causeway Older People's Active Strategic Team has invited Council to nominate an older persons champion to serve on the COAST network.

In 2009, Age NI undertook an age sector relationship profile survey in Limavady, Coleraine, Ballymoney and Moyle in a bid to identify the opportunities for strengthening and modernising the age sector in these areas.

Subsequently, a steering group was set up to guide the process of building a sub regional network for older people in the area. The group was made up of 18 intersectoral representatives supported by Elaine Simpson (Age NI) who worked to develop a four year strategic plan 2010-2014.

Over a period of 7 months the Steering group met four times to gather ideas and determine action for the sub regional network, addressing the name of the sub regional network, model and structures, action plan, mission, vision and values.

The network has now formed. It is Causeway Older people's Active Strategic Team, or COAST. COAST intends to:

- Help older people access services
- Develop strong networking amongst older people's groups
- Represent the views of older people
- Conduct research into older people's needs
- Provide information and advice to member groups

The COAST AGM will be held on 17th November in the Loughgiel Millennium Centre. Council is also invited to exhibit at the meeting.

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

that Alderman Cousley be nominated as Council's representative on Causeway Older People's Active Strategic Team

- * **Members of the Press left the meeting at 8.35 pm.**

948.14 SERVICES OF REMEMBRANCE – 13TH NOVEMBER 2011

Council is invited to Services of Remembrance at:

- a) Ballymoney War Memorial at 10.30 am
- b) Dervock War Memorial at 10.30 am
- b) Remembrance Service, First Ballymoney Presbyterian Church at 3.00 pm

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

that members attend and robe for the Remembrance Service at First Ballymoney Presbyterian Church at 3.00 pm and that wreaths be laid at Ballymoney and Dervock Cenotaphs on behalf of the citizens.

948.15 APPLICATIONS – RENEWAL OF ROADS SERVICE LICENCE

DoE Driver & Vehicle Agency has given notice of receipt of applications from the following operators to renew Roads Service Licences. Any representations should be submitted by 29th September 2011.

- B562 - John McMillan, T/A McMillan Travel, 12 Mullan Road, Ballymoney, Co Antrim BT53 7ED
- B622 – Trevor Pratt, T/A TP Minibus Hire, 17 Magheracoltan Road, Newtownstewart, Omagh, Co Tyrone BT78 4LF
- B396 – Slo-Coaches Limited, 51C Killowen Old Road, Rostrevor, Newry, Co Down BT34 3AE
- B935 – Thomas Barry McGuigan, T/A Goldline/Golf Travel NI, 14 Garvagh Road, Swatragh, Co Londonderry BT46 5QE
- B895 – Colum Carlin, 34 Clanna Rury, Glenshane Road, Claudy, Co Londonderry BT47 4FB

948.16 PROTOCOL/GUIDELINES – SEVERE WEATHER

NILGA has written to advise that following negotiations between NILGA, SOLACE and DRD Roads Service, a 'General Protocol/Guidelines' document has been drafted, which provides guidelines for local agreements between local councils and Roads Service Section Offices during severe winter weather. This is presently with Roads Service to agree (or otherwise) with the details provided by local government by 26th September 2011. The Guidelines highlight:

- 1) Who is the responsible authority (DRD Roads Service).
- 2) What level and type of indemnity, consistent with Roads Service's indemnity, is available to councils and designated bodies volunteering to do such work in local areas.
- 3) That Roads Service shall lead the determination of where scheduled work should be carried out and trigger when a salting operation should begin, with the rationale supporting this decision-making process being finalised locally with councils.

- 4) Roads Service and Councils advertising/promoting self help from frontagers through the Department's Winter Maintenance leaflet.

The determination of what is to be done by who will be at the discretion of each council as a corporate body, in partnership (if agreed) with DRD Roads Service.

In the longer term, NILGA aim to develop a campaign for a culture change and a push for legislating for self help and providing adequate resources, rather than a year by year clamour for short term fixes.

A discussion ensued during which Councillor Storey and Councillor Robinson expressed the view that this is a DRD issue. NILGA is looking at a Service Level Agreement. Councillor Finlay concurred and expressed the view that this matter needs urgent resolution.

948.17 LIBRARIES – REVIEW OF OPENING HOURS

Libraries NI has written to advise that as a result of the Comprehensive Spending Review, Libraries NI has to make cumulative savings of £10.285 million by 2015. Since it was established in April 2009, Libraries NI has already made efficiencies totalling £2.7 million, mainly through reductions in the number of posts at managerial and administrative level and by streamlining stock services. Work will carry on to ensure efficiencies continue to be made in back office functions, but unfortunately, the scale of the savings that now have to be made means that consideration needs to be given to service reduction.

There are 101 libraries in Northern Ireland and in each library skilled and committed staff deliver a range of valued and valuable services to the public. The Board of Libraries NI believes that it is important to maintain a network of sustainable libraries across Northern Ireland, but in order to do so it has no option but to consider reducing opening hours. While it regrets very much having to consider this course of action, the board is of the view that, in the current climate of tight financial constraints, reducing opening hours is preferable to closing more libraries. The proposed changes to opening hours need to be implemented by April 2012 in order to achieve the level in savings required.

The hours of opening at Ballymoney Library is reduced from 57 – 40.

Public consultation on the proposals will take place from 12th September 2011 – 2nd December 2011. As part of the consultation process, questionnaires have been made available in every library and online via the Libraries NI website (www.librariesni.org.uk). A draft Equality Impact Assessment and draft Rural Impact Assessment have been published for consultation and are available also on the website.

Summary information is included at Appendix A to this report. Members were requested to comment.

A discussion followed during which Councillor Storey expressed the view that Council should request feedback in terms of what implications there would be in reducing from Band 1 (libraries open 57 hours per week) and Band 2 (libraries open 40 hours per week). He also referred to the

impact on the mobile library service which affects rural areas. Once this information is received, an informed response can then be made to the consultation. The Chief Executive undertook to obtain information.

948.18 SOUTHERN CROSS HEALTHCARE

Following on from previous correspondence, Southern Cross Healthcare (SCH) advise that it is anticipated that the 752 care homes will transition in two waves, 30th September (288) and 31st October, for balance.

Details of homes that transition in wave one and their expected operator who will take over responsibility for all operations and financial obligations and date of transition has been provided.

Southern Cross Healthcare confirms that any contractual arrangements between Southern Cross and Council in respect of the homes in Wave 1 list, will cease on 30th September 2011. Current contractual arrangements will remain in place for the remainder of the Southern Cross homes until further advice is received.

Up to the date of transfer, Southern Cross' priority remains to uphold the continuity of care for their 31,000 residents and to this end, they require that services continue to be provided. On and following the stated date of transfer (30th September) Southern Cross will cease to be the operator of these homes and will not be responsible for any requests for work made to Council after this time. Up to this date, Southern Cross may continue to place orders for work with Council through the normal procedure ie eMaintenance. Southern Cross will remain liable for settling accounts for these works only where the work has been satisfactorily completed prior to 30th September. Southern Cross will not accept any liability for any works done after this time. Nothing has changed with regard to how accounts are administered or invoices settled.

Southern Cross Healthcare is not able to provide any insight regarding the intentions of the new operators and their supply chains following the date of transfer. It will however be providing the new operators with the contact details of all eMaintenance sub contractors as part of the information provided to them during the transfer of each home. Any decisions made by the new operators regarding their supply chain strategies will not be the responsibility of Southern Cross Healthcare. It is anticipated that the remaining homes will transfer to their new operators during October. This will be confirmed in a separate communication once the plans are finalised.

948.19 FIRMUS ENERGY PRICES

Firmus Energy has written on 15.9.11 to advise that it has reviewed its natural gas prices for homes and businesses in Council's area.

They advise that despite having to increase domestic natural gas prices by 28.4% from 1st October, prices are still on average 27% cheaper than current home heating oil prices. In terms of our small business tariffs, these will increase on 1st October by 30.2%. Businesses can be reassured that the new tariff will still be 31% cheaper than current gas oil prices. On that basis

an average sized business could still save around £2,460 per year on fuel costs by choosing natural gas versus gas oil.

Finally in terms of Council's area, Firmus confirm that despite these increases, Firmus energy gas prices in the 10 towns are still the lowest of any supplier in Northern Ireland. From October 1st, Firmus energy domestic customers in council's area will be paying around 17% less for their natural gas than domestic customers supplied by Phoenix Supply in greater Belfast.

A copy of the company's press release was circulated.

948.20 PUBLIC APPOINTMENTS

Notice seeking appointments to the following bodies has been received.

- 1) Patient and Client Council – one local government representative – closing date 12 noon on 6th October 2011.
- 2) Board of Sport NI – four places – closing date for receipt of applications is 5.00pm on Friday 7th October. Visit www.dcalni.gov.uk/public_appointments for further information.
- 3) Drainage Council for Northern Ireland – one nomination is invited from Council for a four-year term commencing on 1st October 2011. Closing date for applications is 4th October 2011.

948.21 RECRUITMENT OF COUNCILLORS TO THE BOARD OF LIBRARIES NI

The Department of Culture Arts & Leisure has written to Council advising of their proposed recruitment competition, closing date for which is 21 October 2011. They advise that at present, there are two Councillor vacancies on the Library Board NI and they would welcome nominations from Councils who are not represented. Although Council is represented on the Board (Councillor Robinson), they advise that further nominations are still welcome. Application forms and further details are available from the Chief Executive's office.

948.22 REPORTS

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

948.23 NILGA REPORTS & UPDATES

The Chief Executive referred to the schedule of reports received which was circulated for Members' information. Councillor Robinson updated members on NILGA's recent AGM which had been held in the Millennium Centre, Loughgiel. A copy of NILGA's Annual Report 2010-2011 was circulated to members for their information.

The meeting closed at 8.40 pm.