

Ballymoney Borough Council
Health & Environmental Services Committee Meeting No 373 – 27th September 2011

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373.30	Food Hygiene Regulations (NI) 2006 Regulation 6, Hygiene Improvement Notices	<i>For information</i>
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373.34	Rural ASB & Theft	<i>For information</i>
373.35	Good Morning Causeway	<i>For information</i>
373.36	Application to Renew a Road Service Licence	<i>For information</i>

373.37	Housing (Amendment) Act (NI) 2011	<i>For information</i>
373.38	Drinking Water Quality Report 2012 – Ballymoney Borough	<i>For information</i>
373.39	Regularisation Applications for NIHE	<i>For information</i>

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Council Meeting No 946 – 25th July 2011 Health & Environmental Services Report

- 946.7** Health & Environmental Services Report, 25th July
- 7.1 Local government (Misc Provisions) (NI) Order 1995, Article 3, Schedule 1 *Grant licence*
 - 7.2 Local Government (Misc Provisions) (NI) Order 1985 – Licence Application (14 particular Days) (Renewal) *Grant licence*

Council Meeting No 947 – 5th September 2011 Health & Environmental Services Report

- 947.9** Health & Environmental Services Report, 5th September 2011
- 9.1 The Private Tenancies (NI) Order 2006 Article 36 (4) – Certificate of Fitness
 - 9.2 The Food Safety NI Order 1991 (as amended)
 - 9.3 Petroleum (Regulations) Acts (NI) 1929&1937 Petroleum Spirit Licence (Renewal)
 - 9.4 Approved Electrical Test Certificates
 - 9.5 Local Government (Misc Provisions) (NI) Order 1985 – Licence Applications (14 Unspecified Days (Renewal)
 - 9.6 Local Government (Misc Provisions) (NI) Order 1985 – Licence Applications (14 Particular Days (Grant)
 - 9.7 Article 115 – Application for Renewal of an Amusement Permit
 - 9.8 Street Trading Act (NI) 2001 Mobile Street Trading Licence – Renewal
 - 9.9 Street Trading Act (NI) Temporary Street Trading Licence
 - 9.10 The Dogs(Fixed Penalty)Regulations(NI) 2011
 - 9.11 Consultation on Fixed Penalty Guidance & Regulations
 - 9.12 Consultation on Draft Welfare of animals (Permitted Procedures by lay Persons) Regulations
 - 9.13 Consultation on Draft Docking of Working Dogs Tails (Certification & Identification Regulations)
 - 9.14 Dog Licensing & Identification – Review of Coloured Identification Tag for Dogs
 - 9.15 Consultation of Draft High Hedges Fee Legislation
 - 9.16 Consultation on the Implementation of Policing & Community Safety Partnership (PCSP's)
 - 9.17 Dogs (NI) Order 1983 as amended
 - 9.18 Ballymoney Affordable Fuel Scheme *Items 9.1-9.18 adopted*
 - 9.19 Adoption of Report

BALLYMONEY BOROUGH COUNCIL

Minutes of Health & Environmental Services Committee Meeting No 373, held in the McKinley Room, Riada House, Ballymoney on Tuesday 27th September 2011 at 7.00 pm.

IN THE CHAIR: Councillor E Robinson

PRESENT:

Aldermen
F Campbell
C Cousley, MBE

Councillors
W Blair
J Finlay
R Halliday
C McLaughlin
I Stevenson, Mayor

APOLOGIES: Alderman H Connolly
Councillor J Atkinson
Councillor A Cavlan

IN ATTENDANCE: Director of Borough Services
Committee Clerk

373.1 MINUTES - Meeting No 372– 23rd June 2011

It was proposed by Alderman Cousley, MBE, seconded by Councillor Halliday and
AGREED:

that the minutes of Meeting Number 372 – 23rd June 2011, as circulated, by confirmed as a correct record.

MATTERS ARISING**373.2 HAULAGE & WASTE DISPOSAL**

Councillor Stevenson requested that consideration be given to retendering the Council's current arrangements for both the haulage and the disposal of waste. At the request of the Chair, the Director explained that the Council's waste haulage was revised annually and gave the timeline for this. He advised that no budgetary provision had been made for retendering this year the Council's waste disposal contract and drew attention to a number of factors to be taken into account.

373.3 CROSSTAGHERTY HRC

Councillor Stevenson raised the issue of opening times of Crosstagherty HRC. The Director gave the background to the item and reminded members that whilst both HRCs did have similar opening hours at one time, a Council decision to make savings had led to a reduction in opening hours at Crosstagherty HRC.

ENVIRONMENTAL SERVICES

373.4 NWRWMG INFRASTRUCTURAL PROJECT

At the meeting of the NWRWM Group Joint Committee held on 7th September it was decided that a visit should be arranged to study reference sites that would allow members and officers the opportunity to see firsthand the facilities similar in type to those contained in the final bid of the infrastructure project. Members were of the opinion that the visit ought to take place before a final recommendation is made by the Joint Committee to member Councils. It is envisaged that the visit to plants in both Norway and Germany would need to take place late October/early November 2011, with the cost per participant likely to be in the region of £1,000.

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

In response to Alderman Campbell, the Chair advised that some member Councils are proposing that one member and one officer to undertake the visit.

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

to recommend that Councillor Robinson participate in this visit in addition to the Director of Borough Services or his nominee.

In response to Councillor Stevenson, the Director advised that no provision had been made for such expenditure when the Council's budget for the current year had been agreed.

* Councillor Finlay and Councillor Stevenson left the meeting at 7.30pm. Councillor Stevenson returned at 7.36pm.

373.5 NWRWMG JOINT COMMITTEE – TENDER REPORTS

On 6th July 2011 the North West Region Waste Management Group Joint Committee approved the recommendations in the undernoted tender reports –

1. Waste Related Consultancy Services Agreement

.... that a framework agreement be awarded to: RPS, Atkins, SKM Enviros, Golder Associates, SLR Consulting Ltd. And WYG.

2. Supply of Wheeled Bins/Home Compost Units/Kitchen Caddies

preferred bidders recommended: SSI Schaefer, Sturdy, Straight, Heyn and Maltuissi.

3. Collection, Disposal & Treatment of Engine Oil, Vegetable Oil, Paints, Varnishes and Used Engine Oil Containers.

... that a contract be awarded to Enva Northern Ireland Limited.

4. Collection & Recycling of Tyres

... that a contract be awarded to R4.

The above procurements were undertaken jointly by the NWRWMG and SWaMP2008.

IT IS RECOMMENDED that Council adopt the recommendations of the NWRWMG Joint Committee in respect of the above procurements.

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

to recommend that Council adopt the recommendations of the NWRWMG Joint Committee in respect of the above procurements.

373.6 TIDY NI BOROUGH CLEANLINESS SURVEY

Correspondence from Tidy NI has been addressed to the Mayor in the above regard offering Council the opportunity to employ that organization at a cost of £2,490 plus vat to undertake a Borough Cleanliness Survey. As Council has made no budgetary provision for such a bought in service this year (2011-2012), it may be considered for 2012 – 2013.

The Director advised that officers carry out monitoring of the effectiveness of the Council's street cleansing operation as part of their normal duties. Alderman Campbell stated that given Ballymoney's performance the Ulster in Bloom competition the standards attained were good. It was **AGREED** to note the offer from Tidy NI.

373.7 FLY TIPPING PROTOCOL

It is understood that the DoE (following consultation with NILGA and others) has determined that under the "operational arrangements agreements" between NIEA and NI district councils, that local councils should deal with any instances of 1. Non-hazardous fly tipped waste under 20m³ and also 2. Hazardous fly tipped waste under 2m³.

Councils (including Ballymoney) had sought the limits to be 6m³ in respect of non-hazardous fly tipped waste and to have no involvement as regards hazardous fly tipped waste. The primary reason for adopting this position is cost.

IT IS RECOMMENDED that Council reject the proposed protocol and reaffirm its position that the document be revised so that Council would be responsible for the lesser threshold of 6m³ for non-hazardous waste and that NIEA take full responsibility for hazardous waste.

The Director advised as to the background to this matter and highlighted the potential substantial cost implications for Council of it agreeing to the proposed protocol. The Chair gave an update on NILGA's representation to the Environment Committee.

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

to recommend that Council reject the proposed protocol and reaffirm its position that the document be revised so that Council would be responsible for the lesser threshold of 6m³ for non-hazardous waste and that NIEA take full responsibility for hazardous waste.

373.8 LANDFILL CLOSURE

Following a meeting with the then DoE Minister on 16th December 2010 Council was informed that the Department would make a financial contribution [up to a maximum of 50% / £20,000 per site] for site assessment work, etc to be undertaken by affected Councils. Correspondence dated 26th September on behalf of the DoE has been received advising that this funding has only been secured by the Department for the current financial year ending March 2012.

IT IS RECOMMENDED that Council would continue to work with the other two Councils in a similar position taking such steps as may be required to protect the Council's interests and to procure necessary consultant and other support as regards site assessment and reports.

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

to recommend that Council would continue to work with the other Councils in a similar position taking such steps as may be required to protect the Council's interests and to procure necessary consultant and other support as regards site assessment and reports.

The Director of Borough Services gave the background to the closure of the Council's landfill at Crosstagherty. Concern was expressed on the difference between financial provisions made by Council and the possible cost of the final closure of the site.

ENVIRONMENTAL PROTECTION

373.9 AN INVASIVE ALIEN SPECIES STRATEGY FOR NI: DoE CONSULTATION DOCUMENT

The DoE is presently consulting on the draft Invasive Alien Species Strategy for Northern Ireland. Comments have been invited by 30th September 2011. The Council's shared Bio-diversity Officer prepared a response which was circulated to members.

IT IS RECOMMENDED that Council endorse the response made on its behalf.

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

to recommend that Council endorse the response made on its behalf.

ENVIRONMENTAL HEALTH GENERAL

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

Landlord

Mrs. J. Carey

Dwelling- House

30 Union Street
BALLYMONEY BT53 6HT

A fitness inspection of the above dwelling has been conducted and the dwelling house meets the fitness standard for human habitation as set out in Article 46 of the Housing (NI) Order 1981.

IT IS RECOMMENDED that the Borough Council grant an Article 36 (4) Certificate of Fitness in respect of the above dwelling house.

It was proposed by Councillor Halliday, seconded by Alderman Cousley, MBE and
AGREED:

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

LICENSING

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

Premises

Lissanoure Castle,
11 Knockahollet Road,
Loughguile,
BALLYMENA, BT44 9JP.

Lissanoure Concourse,
11 Knockahollet Road,
Loughguile,
BALLYMENA, BT44 9JP.

Magherahoney Parochial Hall,
60 Coolkeeran Road,
Armoy,
BALLYMONEY, BT53 8XN.

Applicant

Mr. Peter Mackie

Mr. Peter Mackie

Rev. Robert Butler

Premises

Patton's Bar,
18 Ballycregagh Road,
Cloughmills,
BALLYMENA, BT44 9LB.

Applicant

Mr. Robert Dennis Moore

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licences as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise files also apply.

It was proposed by Councillor Halliday, seconded by Councillor McLaughlin and
AGREED:

to recommend that the Borough Council renew the Indoor Entertainment's Licences as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise files also apply.

**373.12 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND)
ORDER 1985 - LICENCE APPLICATION (FOURTEEN UNSPECIFIED DAYS)
(RENEWAL)**

Premises

Ballyweaney Presbyterian Church Hall,
128 Ballyveely Road,
Ballyweaney,
Cloughmills,
BALLYMENA, BT44 9BL.

Applicant

Mr. William J. Logan

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licence as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also applies.

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

to recommend that the Borough Council renew the Indoor Entertainment's Licence as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also applies.

**373.13 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND)
ORDER 1985 - LICENCE APPLICATION (FULL) (GRANT)**

Premises

St. Olcan's Parish Centre,
Gortahar Road,
Rasharkin,
BALLYMENA, BT44 8SB.

Applicant

Rev. John Murray

IT IS RECOMMENDED that the Borough Council grant the Indoor Entertainment's Licence as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also applies.

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

to recommend that the Borough Council grant the Indoor Entertainment's Licence as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also applies.

**373.14 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND)
ORDER 1985 - LICENCE APPLICATION (FOURTEEN UNSPECIFIED DAYS)
(GRANT)**

Premises

Cheers Youth Centre,
21 Church Street,
BALLYMONEY, BT53 6HS.

Applicant

Mr. Mervyn Dunlop

IT IS RECOMMENDED that the Borough Council grant the Indoor Entertainment's Licence as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also applies.

It was proposed by Alderman Cousley, MBE, seconded by Alderman Campbell and AGREED:

to recommend that the Borough Council grant the Indoor Entertainment's Licence as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also applies.

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

373.15 ARTICLE 18(1), SCHEDULE 4 – APPLICATION FOR THE RENEWAL OF A BOOKMAKING OFFICE LICENCE

The requisite notices have been received, concerning the renewal of bookmaking office licences:

<u>Applicant</u>	<u>Address of Premises</u>	<u>Date</u>
Willstan Limited	14 High Street, BALLYMONEY, BT53 6AG.	8/8/10
Willstan Limited	24A Main Street, BALLYMONEY, BT53 6AL.	8/8/10

IT IS RECOMMENDED that the Borough Council note the above applications.

It was proposed by Councillor McLaughlin, seconded by Councillor Halliday and AGREED:

to recommend that the Borough Council note the above applications.

STREET TRADING

373.16 STREET TRADING ACT (NI) 2001 MOBILE STREET TRADING LICENCE - RENEWAL

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

<u>Purpose</u>	<u>Applicant</u>
Ice Cream Van	Mr. Samuel Ross Stewart, 44 Margaret Avenue, BALLYMONEY, BT53 6BY.

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

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

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

COMMUNITY SAFETY

373.17 POLICING & COMMUNITY SAFETY PARTNERSHIPS – APPOINTMENT OF POLITICAL MEMBERS

The Department of Justice is progressing implementation work to establish the new Policing & Community Safety Partnerships (PCSPs) by April 2012. DoJ in recent correspondence has asked that Council agree the number of political members in the partnership and also that these members are identified as soon as possible. This step is necessary as the Policing Board and district councils are responsible for taking forward the appointment of independent members to PCSPs.

As was the case in respect of the DPP, there are options as regards the number of political members – 8, 9 or 10. Previously, Council opted for 10 political members. It is also the case that in appointing political members Council ought to ensure that membership reflects the balance of parties prevailing immediately after the last local general election. In determining PCSP use may be made of d'hondt or some other 'proportionality' formula. Having looked at other 'proportionality' formula none readily lends itself to the present task. Utilizing d'hondt (which Council has used previously) would give the following results:-

1. PCSP with 8 political members

DUP	SF	UUP	SDLP	TUV	IND	TOTAL
5	2	1	0	0	0	8

2. PCSP with 9 political members

DUP	SF	UUP	SDLP	TUV	IND	TOTAL
6	2	1	0	0	0	9

3. PCSP with 10 political members

DUP	SF	UUP	SDLP	TUV	IND	TOTAL
7	2	1	0	0	0	10

Decisions required:-

1. How many political members ought to sit on the new PCSP?
8, 9 or 10 members.
2. Ought d'hondt to be used to ensure that PCSP membership reflects the balance of parties prevailing immediately after the last local general election?
YES/NO
3. How are party members to sit on the PCSP to be identified?
4. Designate the PCSP Chair and confirm term of office.

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

to recommend that 10 political members sit on the new PCSP.

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

to recommend that D'hondt be used to ensure that PCSP membership reflects the balance of parties prevailing immediately after the last local general election.

It was **AGREED:**

that party leaders would identify party members to sit on the PCSP at the Council meeting on 3rd October 2011

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

that the designation of PCSP Chair and confirmation of term of office be addressed at the Council meeting on 3rd October 2011, following party discussions

BUILDING CONTROL

373.18 MoU BETWEEN BUILDING CONTROL AND NI FIRE & RESCUE SERVICE

The Memorandum of Understanding (MoU) between Building Control and NI Fire and Rescue Service, as circulated, is designed to further develop the close working relationship which exists as regards fire safety within buildings. It is hoped that through the application of the MoU a more cohesive and joined-up approach to the fire safety enforcement system in Northern Ireland will be achieved.

Prior to the MoU there existed a voluntary 'procedural guidance' document between the respective enforcing authorities. The voluntary document has been withdrawn due to the introduction of the Fire Safety Regulations in 2010.

The MoU has been endorsed by the Chief Fire Officer and ***IT IS RECOMMENDED*** that Council now also would endorse the Memorandum of Understanding (MoU) between Building Control and NI Fire & Rescue Service in relation to fire safety.

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

to recommend that Council endorse the Memorandum of Understanding (MoU) between Building Control and NI Fire & Rescue Service in relation to fire safety.

MATTERS FOR INFORMATION**ENVIRONMENTAL SERVICES****373.19 MUNICIPAL WASTE RETURNS**

<u>Waste Type</u>	<u>Jun 2010</u>	<u>Jun 2011</u>	<u>Apr 10 – June 10</u>	<u>Apr 11 – Jun 11</u>
Mixed Residual Waste (waste direct to landfill)	799.60t	783.98t -1.95%	2,410.10t	2,293.76t -4.83%
Mixed Dry Recyclables (blue bin recycling)	135.80t	139.76t +2.92%	400.24t	417.18t +4.23%
Garden Waste (brown bin recycling)	221.48t	200.20t -9.61%	516.32t	557.86t +8.05%
Waste Recovery (segregated HRC waste)	84.96t	81.56t -4.00%	278.10t	211.02t -24.12%
Cardboard	6.27t	5.18t -17.38%	24.23t	18.71t -22.78%
Timber*	n/a	36.94t	n/a	91.92t

* Timber recycling commenced November 2010.

<u>Waste Type</u>	<u>Jul 2010</u>	<u>Jul 2011</u>	<u>Apr 10 – Jul 10</u>	<u>Apr 11 – Jul 11</u>
Mixed Residual Waste (waste direct to landfill)	763.76t	703.28t -7.92%	3,173.86t	2,997.04t -5.57%
Mixed Dry Recyclables (blue bin recycling)	133.52t	135.88t +1.77%	533.76t	553.06t +3.62%
Garden Waste (brown bin recycling)	181.02t	189.92t +4.92%	697.34t	747.78t +7.23%
Waste Recovery (segregated HRC waste)	90.36t	73.92t -18.19%	368.46t	284.96t -22.67%
Cardboard	5.22t	8.22t +57.47%	29.45t	26.93t -8.56%
Timber*	n/a	26.12t	n/a	118.04t

* Timber recycling commenced 1st November 2010.

<u>Waste Type</u>	<u>Aug 2010</u>	<u>Aug 2011</u>	<u>Apr 10 – Aug 10</u>	<u>Apr 11 – Aug 11</u>
Mixed Residual Waste (waste direct to landfill)	745.04t	769.82t +3.33%	3,918.90t	3,766.86t -3.88%
Mixed Dry Recyclables (blue bin recycling)	139.05t	154.83t +11.35%	672.81t	707.89t +5.21%
Garden Waste (brown bin recycling)	213.78t	187.54t -12.27%	911.12t	945.04t +3.72%
Waste Recovery (segregated HRC waste)	103.36t	88.10t -14.76%	471.82t	373.04t -20.94%
Cardboard	4.45t	5.06t +13.71%	33.90t	31.99t -5.63%
Timber*	n/a	31.04t	n/a	149.08t

* Timber recycling commenced 1st November 2010.

During the ensuing discussion the Chair highlighted the positive trends in the above figures. Concern was raised that residents may be placing garden waste into their black bin when the brown bin service is suspended during the winter months or indeed when their brown bin is full. The Chair suggested that this practice should be discouraged and the legitimate disposal alternatives available publicized. Alderman Campbell asked for consideration as to whether the brown bin service should be commenced one month earlier i.e. March and cease one month later i.e. November. It was recognized that this would require additional budget and the Director agreed to provide relevant information to a future meeting to facilitate the reconsideration of the issue.

373.20 DISPOSAL OF TYRES

With the agreement of the Chair, the issue of the proper disposal of tyres was raised. It was reported that a NILGA led review into this issue had highlighted possible malpractice and members were informed that NILGA had lobbied the Environment Committee given the seriousness of the matter.

373.21 NWRWMG JOINT COMMITTEE MINUTES

The minutes of the NWRWMG Joint Committee meetings held on 6th April and 27th June 2011 are reproduced for the benefit of members.

373.22 LANDFILL ALLOWANCE SCHEME (NI) REGULATIONS 2004 6TH SCHEME YEAR (2010-2011) – DRAFT RECONCILIATION

Following the submission by Council of quarterly returns via WasteDataFlow the NILA Monitoring Team has advised that –

the total amount of BMW sent to landfill by Ballymoney Borough Council, for scheme year 2010/11, was **5,505 tonnes** equating to **68.72% utilization** of the allocated allowances available for the scheme year.

373.23 SUSPENSION OF BROWN BIN COLLECTION SERVICE – WINTER 2011/2012

Brown bin collections will be suspended from Monday 31st October 2011 to Friday 23rd March 2012 inclusive. The service will resume the week commencing Monday 26th March 2012.

All households in receipt of a brown bin collection will receive a letter detailing the week of their last collection in 2011 and the week their service resumes in 2012. Letters will be issued to households prior to them receiving their last brown bin collection in 2011.

Householders are reminded that green waste can continue to be deposited at Knock Road and Crosstagherty Household Recycling Centres.

373.24 HOUSEHOLD RECYCLING CENTRES – WINTER 2011/2012 OPENING TIMES

From Monday 3rd October 2011 to Sunday 1st April 2012 inclusive, Knock Road Household Recycling Centre will revert to 'winter' opening times. Opening times are as follows:-

Monday to Friday	8.30am – 4.00pm
Saturday	10.00am – 4.30pm
Sunday	CLOSED

Opening times at Crosstagherty Household Recycling Centre remain unchanged and are as follows:-

Monday to Thursday	8.30am – 4.15pm
Friday	8.30am – 3.45pm
Saturday	10.00am – 4.30pm
Sunday	CLOSED

Customers will be admitted to both recycling centres up to 10 minutes before specified closing time.

ENVIRONMENTAL PROTECTION

373.25 THE CONTROLS ON OZONE-DEPLETING SUBSTANCES REGULATIONS (NI) 2011

These Regulations, which came into operation on 31st July 2011, enforce Regulation (EC) No. 1005/2009, as amended – a provision which controls the production, placing on the market and use of "controlled substances" which are substances that deplete the ozone layer.

373.26 THE OZONE-DEPLETING SUBSTANCES (QUALIFICATIONS) REGULATIONS (NI) 2011

These Regulations, which again came into operation on 31st July 2011 relate to minimum qualifications for those working on the recovery, recycling, reclamation or destruction of controlled substances and the prevention and minimising of leakages of controlled substances.

373.27 POLLUTION PREVENTION AND CONTROL REGULATIONS (NI) 2003 REGISTER OF PUBLIC INFORMATION – O’KANE POULTRY – KILMOYLE SITE

NIEA in correspondence dated 19th July 2011, have provided a copy of a PPC Permit Variation Application No. PO171/07A for inclusion in the public register.

373.28 DUTY TO CONSERVE BIODIVERSITY

By virtue of Section 1 of the Wildlife and Natural Environment Act (Northern Ireland) 2011 Council (as a public body) is under the following statutory obligation -

“It is the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions”.

In complying with this duty Council “must in particular have regard to any strategy designated under section 2(1)” of the Act. Also the Department (DoE NI) must issue guidance containing recommendations, advice and information for the assistance of public bodies in complying with the duty.

Conserving biodiversity includes –

- in relation to any species of flora or fauna, restoring or enhancing a population of that species;
- in relation to any type of habitat, restoring or enhancing the habitat.

The duty to conserve biodiversity came into effect on 17th August 2011.

In response to Councillor Stevenson, the Director advised that if he gave notice to Planning Service prior to a Consultation Committee meeting it would be likely that the Planning Officer attending could advise as to how that organisation would view how the new duty might impact on planning matters.

FOOD CONTROL

373.29 THE EXTRACTION SOLVENTS IN FOOD (AMENDMENT) REGULATIONS (NI) 2011

This statutory rule, which came into operation on 15th September 2011, provides for the implementation of Commission Directive 2010/59/EU. This Directive permits the use of a newly approved extraction solvent and clarifies the limits of two existing extraction solvents in the preparation of flavourings.

**373.30 FOOD HYGIENE REGULATIONS (NI) 2006
REGULATION 6, HYGIENE IMPROVEMENT NOTICES**

On 14th December 2010 it was recommended to Council that the owners of The Vintage Café, Unit 9a Ballybrakes Business Park, Ballymoney be prosecuted for failing to comply with five Hygiene Improvement Notices each, served on 4th October 2010 (CM 932.8 refers).

On Friday 5th August 2011 at North Antrim Magistrates Court the owners of The Vintage Café pleaded guilty to failing to comply with the notices, thereby breaching food hygiene legislation.

The Magistrate imposed a fine totalling £250 and awarded costs of £458 against the defendants.

**373.31 FOOD HYGIENE REGULATIONS (NI) 2006
REGULATION 6, HYGIENE IMPROVEMENT NOTICES**

The following Hygiene Improvement Notices served on food businesses within the Borough have now been complied with:

Date Notice Served	Reason for Notice	Report Reference Number and Date of Meeting
18 th February 2011	Floor and skirting	22 nd March 2011 HES 370.18
5 th January 2011	HACCP	25 th January 2011 HES 368.17
5 th January 2011	Training	25 th January 2011 HES 368.17
23 rd March 2011	Wash hand basin	18 th April 2011 CC 61.11.17

LICENSING

373.32 LICENSING (NORTHERN IRELAND) ORDER 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Pauline Mary Gallagher, Kelly's Bar, 21 Church Street, BALLYMONEY.	Transfer of a Licence	5/7/11
Sean McGinn, The Carrick-A-Rede Bar, Ballintoy, BALLYCASTLE.	Occasional Licence The Vintage Bistro 16/7/11	6/7/11
Bernard Lavery, Lavery's Bar, 12-16 Bradbury Place, BELFAST, BT7 1RS.	Occasional Licence Leslie Hill Open Farm (19&20/8/11)	15/7/11

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Daniel Stevenson and Bobbie Gray, Fullerton Arms, Main Street, Ballintoy, BALLYCASTLE.	Occasional Licence Stranocum Hall (6/8/11)	19/7/11
Robert Dennis Moore, Patton's Bar, 18-20 Ballycregagh Road, Cloughmills, BALLYMENA, BT44 9LB.	Occasional Licence Cloughmills Community Centre (26/8/11)	15/8/11

GENERAL CONSULTATION

373.33 FINE DEFAULT IN NI: A DoJ CONSULTATION

The Department of Justice has issued a consultation: Fine Default in Northern Ireland, inviting comments by 14th October 2011.

Background

- For the past number of years there has been an increasing number of people ending up in prison for the non-payment of a fine.
- Most of those going to prison do so for only 3 to 4 days and are being imprisoned for non-payment in respect of relatively minor offences. (Most are for motoring offences – typically driving without a licence or insurance and most (almost 60% are young males).
- Figures over a number of years show that over 50% of fines are paid in the first instance (including those subject to an instalment order) and a further 20% are paid as a result of follow up activity, 7% are remitted and 9% are cleared by imprisonment. Looked at over 3 years, the clearance level has been over 90%.
- In late 2010 the numbers of fine warrants to be served stood at almost 40,000 in respect of 21,000 debtors owing over £7.3m. With over 2,000 warrants being issued each month, follow-up activity itself comes at a cost and is an increasing drain on both police and court resources.

Consultation Key Issues

- What more can now be done to prevent default in the first instance?
- What can be done to encourage payment?
- How can the justice system deal with default; how can fines best be enforced; and by whom?
- What are the costs and benefits of system change and how might they be funded?

Targeting the Fine

- How might people being prosecuted be further encouraged to ensure that their means and outgoings are available to the court?
- In a context where many can opt to, or be fined in their absence, key information can be absent. How might the provision of information to the courts be improved?

- On a more strategic level, the Criminal Justice Inspection report proposed that some of the offences that currently contribute to the default problem could be better dealt with as a civil debt as opposed to a criminal matter – non-payment of a television licence was one example. Westminster is responsible in this area – so we in Northern Ireland could not go it alone – but would consultees support exploration of the potential here?

Encouraging Payment

- Other jurisdictions have developed methods to promote prompt payment – those being fined being actively encouraged to pay before leaving the court. Might such initiatives be appropriate for Northern Ireland?
- Currently the court may order immediate payment, time to pay (often 28 days), or payment by instalments. Might court staff or dedicated “fines officers” (described below) be given the power to arrange an extension for planned payment or payment by instalments.
- Powers to deduct fine monies from wages or social security benefits, or from savings, have been used elsewhere. Experience has been that the threat of an approach to an employer can itself be an incentive to pay. Such a power would need to be subject to safeguards, e.g. so that deduction from benefits was spread over a suitable period. Would consultees support these measures? What further safeguards would be required?
- Should there be incentives to pay early – for example a fine set at £60 could be cleared at a lesser amount if paid early? Or does this simply allow those who can pay to take advantage and those who cannot to miss out?

Dealing with Default

- Should there be an increased use of “distress warrants” – powers that allow possessions to be seized when a fine is unpaid? This has been considered previously and there can be shortcomings – e.g. identifying who owns property; property being sold at auction often realising low values at less than the cost of enforcement. Might increased use however help to demonstrate that the justice system is serious about enforcing outstanding fines?
- With so many unpaid fines arising from motor offences, should vehicle seizure or clamping be an option? Or endorsement or loss of driving licence?
- Roll-out of the Supervised Activity Order – a community based alternative to custody for default which has yet to be brought into effect. This will require to be resourced.
- Anecdotal evidence is that the current short periods of detention resulting from default – some 4 days on average – do not always provide a disincentive to pay. Would increasing the periods from those who do not pay, despite the measures detailed above, provide a better incentive? Would automatically requiring default periods to be served consecutively – at the moment multiple fines can be cleared by the same single period in custody – provide a better incentive?

Delivering the Service

- The Department is proposing that a specialised but civilianised fine collection and enforcement service be created with its own statutory powers. Once a fine has been set by a court, there would be “fines officers” with statutory powers for fines collection and management. These could embrace a reminder service; payment planning; and deduction and other enforcement powers. Such a specialised service could be delivered from within a justice agency – by courts or as a

civilianised arm of the police for example – or could potentially be delivered by the private sector with clear targets. There would still be a limited need for police support in certain cases but the emphasis would be on a civilianised service.

- How might such a service be sponsored? Might enforcement charges be reviewed?
- Are there particular points that would need to be taken into account in the terms of reference for a civilianised service?
- Are there other delivery options consultees could identify?

COMMUNITY SAFETY

373.34 RURAL ASB & THEFT

A free trailer marking scheme has been planned for Saturday 8th October in the Armoy Livestock Market, to address rural theft and ASB. Invites will be issued via text to 800 Farmer Union members and to 300 farmers through the rural text alert scheme. It is hoped that smaller localized events will be organized in the Ballymoney area following the main event in Armoy.

373.35 GOOD MORNING CAUSEWAY

Ballymoney Community Safety Partnership are funding a good morning service which is available to all vulnerable people in the Ballymoney area. This will be delivered through the existing good morning Coleraine scheme operating from the West Bann Development in Coleraine. To reflect the extension to cover the Ballymoney area the scheme will be rebranded as 'Good Morning Causeway'. Referrals can be made by contacting Joanne on 028 7055 8005 or emailing info@goodmorningcauseway.com

INFORMATION OTHER

373.36 APPLICATION TO RENEW A ROAD SERVICE LICENCE

The Driver & Vehicle Agency has advised that the Department has received an application to renew the Road Service Licence of the undernoted operators –

- B522 – Kenneth Brogan, T/A Brogans Prestige Travel, 14 Mountview Drive, Ballybogey, Ballymoney; and
- B596 – Gerald McCloskey, T/A GGs Taxis, 22 Church Street, Kilrea.

373.37 HOUSING (AMENDMENT) ACT (NORTHERN IRELAND) 2011

The Housing (Amendment) Act (NI) 2011 received Royal Assent on 3rd May 2011. Following the making of the Housing (Amendment) (2011 Act) (Commencement) Order (NI) 2011 on 24th June the majority of the provisions of the 2011 Act are now in force. As a number of the measures fall to NI district councils to enforce a “summary of provisions” was reproduced for the benefit of members.

HEALTH & WELLBEING INFORMATION

373.38 DRINKING WATER QUALITY REPORT 2010 – BALLYMONEY BOROUGH

NI Water has furnished in accordance with the Water Supply (Water Quality) Regulations (NI) 2010 a copy of its Water Quality Report for the Borough for 2010. The report shows that the drinking water supplied by NI Water complies to a high degree with regulatory standards.

BUILDING CONTROL

373.39 REGULARISATION APPLICATIONS FOR NORTHERN IRELAND HOUSING EXECUTIVE

In late 2010 and early 2011 the Housing Executive installed hard-wired smoke and heat alarms in a substantial number of its housing stock across Northern Ireland. Although this work would have required Building Control approval, no applications were submitted to any of the 26 district councils at the time.

The Housing Executive, through its agent, H & A Mechanical Services Ltd, has now applied in retrospect to have the work regularized, thus providing a (limited) assurance that the installations comply with the substantive parts of the Building Regulations (NI) 2000. In June a total of 106 regularisation applications were submitted to Building Control to cover the installations carried out within the Ballymoney Borough Council area, attracting Regularisation Fees of some £7,632.00 (legally each property requires a separate application).

The work of processing, inspecting and issuing Regularisation Certificates for these installations is currently ongoing.

This being all the business the meeting closed at 8.51pm.

Appendices attached:

Appendix 1 Health & Environmental Services REPORTS TO COUNCIL MEETING Nos 946 & 947

For the completeness of record, committee reports approved at Council Meetings during the committee's summer recess are appended.

APPENDIX 1

946.7 HEALTH AND ENVIRONMENTAL SERVICES REPORT, 25TH JULY 2011

The Director of Borough Services presented the report.

7.1 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATION (FOURTEEN PARTICULAR DAYS) (RENEWAL)

Premises

Stranocum Hall,
139 Fivey Road,
Stranocum,
BALLYMONEY BT53 8HY.

Applicant

Mary Eakin,
Stranocum & District Community
Association.

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licence as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also applies.

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

that Council renew the Indoor Entertainment's Licence as detailed above.

7.2 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1995, ARTICLE 3, SCHEDULE 1 APPLICATION FOR ENTERTAINMENTS LICENCE

Applicant

John Leslie
9 Leslie Hill
Ballymoney
BT53 6QL

Purpose

Outdoor film & music festival at
9 Leslie Hill
Ballymoney
BT53 6QL

Date

Friday 19th August
5pm to 11pm
Saturday 20th August
12pm to 12am

An application and supporting event management plan has been received for an outdoor entertainments licence as listed above. The application meets all the technical requirements for the issue of such a licence. A Safety Advisory Group has been convened comprising of the emergency services, the applicant and officers from the Directorate.

With regard to the timings of the event it should be noted that the relevant technical guidance issued by The Noise Council (Code of Practice on Environmental Noise Control at Concerts), used to assess noise levels from such events states that "For events continuing or held between the hours 2300 and 0900 the music noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation". Noise modelling has been completed for this event which shows that this standard will not be met between 2300 and 0000, in that music noise will be audible at the surrounding residential

dwellings. The applicant has agreed that the licence be conditioned in that the main music stage will be closed by 2300 and between 2300 and 0000 there will not be music noise audible at the nearest residential dwellings from acoustic performances.

No public objections have been received by the Directorate in respect of this application.

IT IS RECOMMENDED that Ballymoney Borough Council grant the issue of an outdoor entertainments licence for the above event, subject to the provision of a satisfactory electrical test certificate on the day of the event to a designated officer of the Council and compliance with the agreed event management plan.

IT IS FURTHER RECOMMENDED that delegated authority be given to the Deputy Director of Borough Services to issue the licence on behalf of the Borough Council.

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

that delegated authority be given to the Deputy Director of Borough Services to issue the licence on behalf of the Borough Council.

The Director of Borough Services advised of a request by the applicant for use of Council's Christmas lights which he was dealing with.

947.9 HEALTH & ENVIRONMENT SERVICES REPORT – 5TH 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 Ballycregagh 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.

Ref Number	Nature of Complaint	Outcome of investigations
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:

Premises**Applicant**

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**Applicant**

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

Fr. Francis O'Brien

Premises

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

Applicant

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 7th 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
August 2011
temporary location to the
rear of 34 Ballymena Road,
Ballymoney.

Applicant

Mr W Courtney

Dates

26-28

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 7th 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:-

Purpose**Applicant**

Ice Cream Van
BT53 6BY.

Mrs. Drina Stewart,
44 Margaret Avenue, BALLYMONEY

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:-

Purpose**Applicant**

Hot Food Catering Trailer/Burger Stall
in High Street (outside McKeefrys)
on 30th July 2011

Mr. Darryl Wilson

Hot food catering van on High Street
Event on 20th August 2011

Mr. Darryl Wilson

Sale of Xmas Novelties at Switch on Ceremony
for 24th 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 3rd 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 29th June 2011 inviting replies by 23rd 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.

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 23rd 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 1st July 2011 and has invited comments by 23rd 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.

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 23rd 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 1st July 2011 with a closing date 23rd 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 23rd 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 2nd 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 28th June and has invited response by 20th September 2011. The full consultation paper may be viewed at 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 20th 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 28th June 2011 and has invited comments by the 13th 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

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.

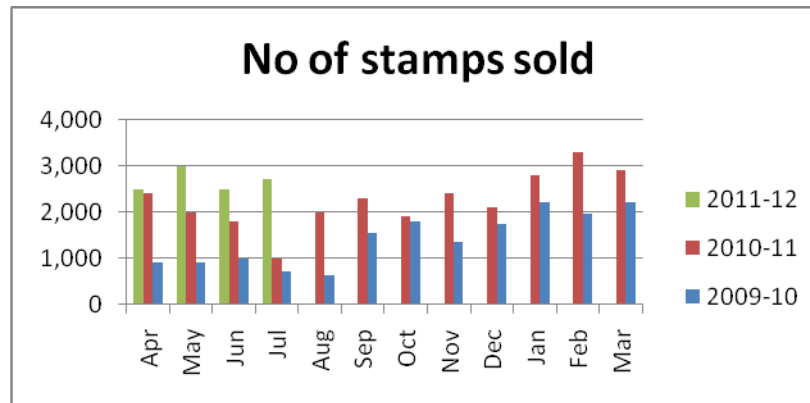
FUEL POVERTY

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.

	Budget	Outlay	Shortfall
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	£4,695 stamps £420 cards	-£1,454

	companies	Estimated cost of additional stamps required to March 2012 (based on current growth in sales): £2,839	
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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.