

## Ballymoney Borough Council

### Health & Environmental Services Committee Meeting No 376 – 22nd December 2011

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**BALLYMONEY BOROUGH COUNCIL**

Minutes of Health & Environmental Services Committee Meeting No 376, held in the Council Chamber, Riada House, Ballymoney on Thursday 22nd December 2011 at 10.08 am.

**IN THE CHAIR:** Councillor E Robinson

**PRESENT:**

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

**Councillors**  
W Blair  
P McGuigan  
C McLaughlin  
I Stevenson, Mayor

**APOLOGIES:**

Councillor J Atkinson  
Councillor A Cavlan  
Councillor J Finlay  
Councillor R Halliday  
Councillor M Storey, MLA

**IN ATTENDANCE:**

Ms Elaine O'Doherty, Public Health Agency  
Director of Borough Services  
Deputy Director of Borough Services  
Committee Clerk

**376.1 PRESENTATION – “A Guide for Political Representatives: Tackling Inequalities and Promoting Wellbeing”**

Ms Elaine O'Doherty presented “A Guide for Political Representatives: Tackling Inequalities and Promoting Wellbeing” (as attached as Appendix 1). Ms O'Doherty highlighted the aims of the guide, how the Public Health Agency work regionally and locally and gave an overview of the eight key areas.

Ms O'Doherty responded to members' questions on:

- the meaning of strengthen access to healthy food
- the number of and rational for sub/working groups
- what elected representatives are asked to do

Discussion followed on the need for preventative measures to improve the health and wellbeing of the population and resources to fund initiatives which have a positive impact. Examples were given of successful initiatives.

\* **Councillor McGuigan left the meeting at 10.40am during the questions.**

\* **Alderman Campbell joined the meeting at 10.58am.**

The Deputy Director of Borough Services thanked Ms O'Doherty for her presentation and acknowledged the funding provided by PHA which had enabled the pioneering and innovative work in areas such as fuel poverty and home safety to take place within the Borough.

\* **Councillor McGuigan rejoined the meeting at 10.59am.**

Ms Elaine O'Doherty thanked members and left the meeting at 11.00am.

### **376.2 MINUTES - Meeting No 375 – 22<sup>nd</sup> November 2011**

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

*to recommend that the minutes of Meeting Number 375 – 22<sup>nd</sup> November 2011, as circulated, be confirmed as a correct record.*

## **MATTERS FOR CONSIDERATION**

### **ENVIRONMENTAL SERVICES**

#### **376.3 CHRISTMAS / NEW YEAR HOLIDAY ARRANGEMENTS**

##### **Bin Collection**

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

<b>Public Holiday</b>	<b>Collection</b>
Monday 26 <sup>th</sup> December 2011	As normal
Tuesday 27 <sup>th</sup> December 2011	As normal
Monday 2 <sup>nd</sup> January 2012	As normal

The brown bin collection service is suspended to Monday 26<sup>th</sup> March 2012.

##### **Household Recycling Centres**

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

Boxing Day	Monday 26 <sup>th</sup> December 2011
New Year	Monday 2 <sup>nd</sup> January 2012

And will have limited opening times on the following dates:

Saturday 24 <sup>th</sup> December 2011	10.00am – 1.00pm
Tuesday 27 <sup>th</sup> December 2011	10.00am – 4.00pm

Household recycling centres will be open as normal at all other times.

### **Crosstagherty Waste Handling & Transfer Facility**

Facility will be closed to commercial customers on –

Boxing Day	Monday 26 <sup>th</sup> December 2011
Christmas Bank Holiday	Tuesday 27 <sup>th</sup> December 2011
New Year	Monday 2 <sup>nd</sup> January 2012

And will have limited opening time on the following date:

Friday 23 <sup>rd</sup> December 2011	8.45am – 1.00pm
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### **Street Cleansing**

No street cleansing will be undertaken on Monday 26<sup>th</sup> December 2011.

***IT IS RECOMMENDED*** that Committee/Council note this year's Christmas/New Year holiday arrangements as regards Council environmental services.

The Director responded to Councillor Stevenson's questions.

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

***to recommend that Committee/Council note this year's Christmas/New Year holiday arrangements as regards Council environmental services.***

### **376.4 NWRWMG TENDER EVALUATION REPORT**

At the December meeting of the NWRWMG Joint Committee held on 7<sup>th</sup> inst. the tender evaluation report in respect of the receipt, transfer and processing/brokerage to end markets of wheeled bin, kerbside collected comingled dry recyclables was received, discussed and accepted. Council agreed in November 2010 to participate in a number of joint procurements with the other six councils comprising the NWRWMG, with the MDR kerbside tender being one of seven separate procurement processes.

A copy of the tender contract documents, together with a copy of the successful bid and the tender evaluation report was furnished (by email) to each member.

***IT IS RECOMMENDED*** that Council approve the result of the tender evaluation and award the contract for the receipt, transfer and processing/brokerage to end markets of its wheeled bin, kerbside collected comingled dry recyclables to RecyCo.

Members were asked to note that it is hoped that this contract will be operational by 1<sup>st</sup> April 2012 and that it will be necessary to implement by that date additional measures to both maximize the Councils MDR and to ensure its quality.

The Chair referred to the tender process outcome and stressed the necessity that the blue bin contents must not be contaminated. The Director highlighted the change that was taking place in the NI marketplace with certain 'waste' streams now being viewed as a valued resource. Both made reference to the potential income to be obtained in the future and the Director explained how the pricing mechanism would work. He stated that prior to contract commencement publicity would be needed to encourage

more recyclable waste into blue bins and sufficient resources would be required to do this and re-emphasised the importance of good quality recyclates. The Director also explained the current position in respect of the tendering process. In response to Councillor Stevenson, he advised that the evaluation process had comprised two weighted elements and that it was the best priced tender that was being recommended.

\* **Councillor McGuigan left the meeting at 11.19am.**

The Director also advised that having received the tender evaluation report that the NWRWMG was recommending to constituent councils its acceptance. He added that it was also necessary that each Council decide to accept the outcome of the tendering process and then enter into a contract with the proposed contractor.

In response to Alderman Campbell, the Director explained the procedure for recyclate transfer from Crosstagherty to the processor's premises. He also advised that additional resources would be required to ensure that both the tonnage of mixed dry recyclates was maximized and its quality maintained. He drew attention that were this to be successful then Council would be better placed as regards compliance with its statutory NILAS targets.

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

***to recommend that Council approve the result of the tender evaluation and award the contract for the receipt, transfer and processing/brokerage to end markets of its wheeled bin, kerbside collected comingled dry recyclables to RecyCo.***

**376.5 LANDFILL ALLOWANCE SCHEME (NI) REGULATIONS 2004  
SCHEME YEAR 2010-2011: FINAL RECONCILIATION**

The NILAS Monitoring Team at NIEA advised on 8<sup>th</sup> December as follows:-

- Ballymoney Borough Council submitted quarterly returns (as required by statute) for the scheme year 2010-2011.
- From the returns submitted NIEA have calculated the amount of Biodegradable Municipal Waste (BMW) sent to landfill by each district council for the scheme year 2010-2011.
- **The total amount of BMW sent to landfill by Ballymoney Borough Council, for the scheme year 2010-2011, was 5,505 tonnes. Ballymoney Borough Council did not exceed its allowances available for the scheme year through 68.72% utilization of available allowances.**

***IT IS RECOMMENDED*** that Council note its compliance with statutory duty.

***IT IS FURTHER RECOMMENDED*** that Council note that its target for the total amount of BMW sent to landfill for 2012-2013 is 5,525t. This is a substantial reduction on the present years target and is only 20t more than what was achieved in 2010-2011. Should Council exceed its landfill allowance, Regulations allow the DoE to fine Council £150 per tonne for each tonne by which Council exceeds its target.

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

*to recommend that Council note its compliance with statutory duty and to further recommend that Council note that its target for the total amount of BMW sent to landfill for 2012-2013 is 5,525t.*

## **FOOD CONTROL**

### **376.6 WITHDRAWAL OF APPROVAL OF A STANDALONE COLD STORE UNDER REGULATION (EC) NOS. 852/2004, 853/2004 AND 882/2004 DUE TO PREMISES CLOSURE.**

**PREMISES: FASTPAK FROZEN FOODS, UNIT 11A BALLYBRAKES BUSINESS PARK, BALLYMONEY**

The above premises was granted approval as a Coldstore on 26<sup>th</sup> June 2007 (committee minute 330.8 refers), under the above legislation.

It has recently come to the Directorate's attention that the premises has ceased trading.

It is now necessary to withdraw the premises approval to operate as a stand alone cold store under the above regulations and to notify the Food Business Operator (FBO) and The Food Standards Agency NI (FSANI).

***IT IS RECOMMENDED*** that Ballymoney Borough Council withdraw the approval for a stand alone cold store granted to Fastpak Frozen Foods, 11A Ballybrakes Business Park, Ballymoney and to notify the FBO and FSANI accordingly.

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

*to recommend that Ballymoney Borough Council withdraw the approval for a stand alone cold store granted to Fastpak Frozen Foods, 11A Ballybrakes Business Park, Ballymoney and to notify the FBO and FSANI accordingly.*

## **HEALTH & SAFETY**

### **376.7 PETROLEUM (REGULATION) ACTS (NORTHERN IRELAND) 1929 AND 1937 PETROLEUM SPIRIT LICENCE (RENEWALS)**

Applications have been received for the renewal of petroleum spirit licence as follows: -

**Premises**

Stranocum Spar,  
2 Main Street,  
Stranocum,  
BALLYMONEY, BT53 8PE.

**Applicant**

Mr. J. McFadden

**Premises**

Moores,  
11 Main Street,  
Cloughmills,  
BALLYMENA, BT44 9LF.

**Applicant**

Mr. D. Moore

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

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

*to recommend the renewal of the licences as detailed above.*

## **ENVIRONMENTAL HEALTH GENERAL**

### **376.8 PUBLIC HEALTH (IRELAND) ACT 1878 AS AMENDED 130 DUNEANY ROAD, RASHARKIN, BALLYMENA.**

Further to a request from the landlord of the above property for an inspection under the Private Tenancies (NI) Order 2006 the following defects considered to be prejudicial to health were observed.

**Internal**

High levels of rising dampness throughout the two storey detached dwelling house.

***IT IS RECOMMENDED*** that an abatement notice be served on the landlord of the premises under Section 100 of the Public Health (Ireland) Act 1878 as amended with a time period of compliance of 90 days in order to remedy the condition thereat as described above.

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

***to recommend that an abatement notice be served on the landlord of the premises under Section 100 of the Public Health (Ireland) Act 1878 as amended with a time period of compliance of 90 days in order to remedy the condition thereat as described above.***

### **376.9 THE PRIVATE TENANCIES (NORTHERN IRELAND) ORDER 2006 ARTICLE 36 (4) CERTIFICATES OF FITNESS**

**Landlord**

Ms. J. Williamson

**Dwelling- House**

98 Gracehill Road,  
Stranocum,  
BALLYMONEY, BT53 8JB.



**Landlord**

Mr. A. Jamison

Ms. Audrey Blair

**Dwelling- House**63 Knockahollet Road,  
Dunloy,  
BALLYMENA, BT44 9BA.17 Henry Street,  
BALLYMONEY, BT53 6HX.

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 Article 36 (4) Certificate of Fitness in respect of the above dwelling houses.

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

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

**LICENSING****376.10 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATIONS (FULL) (RENEWAL)****Premises**The Royal British Legion Club,  
11 Townhead Street,  
BALLYMONEY, BT53 6BE.St. Patrick's Parish Centre,  
4A Queen Street,  
BALLYMONEY, BT53 6JA.**Applicant**

Ms. Amanda Louise Brennan

Mr. George Field

***IT IS RECOMMENDED*** that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the case of The Royal British Legion Club subject to the provision of an approved electrical test certificate. In addition to the Borough Council's "Conditions of Licence" adopted on 7<sup>th</sup> October 1985 the additional conditions detailed on the premise files also apply.

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

***to recommend that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the case of The Royal British Legion Club subject to the provision of an approved electrical test certificate. In addition to the Borough Council's "Conditions of Licence" adopted on 7<sup>th</sup> October 1985 the additional conditions detailed on the premise files also apply.***

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

**Premises**

**Applicant**

Cloughmills Memorial Orange Hall,  
6 Main Street,  
Cloughmills,  
BALLYMENA, BT44 9LG.

Mr. William J. Kirkpatrick

St. James's Presbyterian Church,  
Main and Minor Hall and Annexe,  
St. James's Road,  
BALLYMONEY, BT53 6BJ.

Mr. Sean Carey

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

It was proposed by Councillor Stevenson, seconded by Alderman Connolly 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 7<sup>th</sup> October 1985 the additional conditions detailed on the premise files also apply.**

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

**Applicant**

**Premises**

Mr. Antony Taylor  
(Tattooing)

11a Main Street,  
BALLYMONEY, BT53 6AN.

Ms. Lisa McAleese  
(Ear Piercing &  
Electrolysis)

5B Main Street,  
BALLYMONEY, BT53 6AN.

Ms. Jan Millen  
(Ear Piercing &  
Electrolysis)

49B Queen Street,  
BALLYMONEY, BT53 6JD.

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

At the request of Alderman Campbell, the Director of Borough Services advised the person's home address is noted when a person operates mobile service.

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

*to recommend that the above persons and premises be registered.*

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

**376.13** Applications have been received from the undernoted Societies for renewal of registration by the Borough Council (Article 136 of the 1985 Order refers):-

<u>Society</u>	<u>Lottery Promoter</u>	<u>Fee</u>
Ballymoney Borough Twinning Association	Mr. Warner Kirkpatrick, c/o Riada House, 14 Charles Street, BALLYMONEY, BT53 6DZ.	£17.50
Dunaghy Flute Band	Mr. David McAuley, 26 Parklands, BALLYMONEY, BT53 7QU.	£17.50
Friends of Armour	Mr. John Esler, 34 Cherry Gardens, BALLYMONEY, BT53 7AS.	£17.50
Cloughmills Vintage Club	Mr. Ryan McGarry, 78 Corkey Road, Loughguile, BALLYMENA, BT44 9JJ.	£17.50
Ballymoney Voluntary Welfare	Ms. Elizabeth Anderson, 8 Greenville Avenue, BALLYMONEY, BT53 7BJ	£17.50

***IT IS RECOMMENDED*** that the Borough Council renew the registrations of the above-mentioned Societies.

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

*to recommend that the Borough Council renew the registrations of the above-mentioned Societies.*

## **PHARMACY AND POISONS**

### **376.14 POISONS (N.I.) ORDER 1983**

Applications for renewal of registration in respect of the sale of poisons included in Part II of the Poisons List together with the appropriate fee have been received as follows:-

<u>Name</u>	<u>Address</u>	<u>Deputies</u>
Mr. Danny McIntyre	Taggart & Co. Ltd. 38-44 Main Street BALLYMONEY BT53 6AL	J. Hill C. Murphy B. McCulloch M. Moore A. McClean G. McClelland
Mr. George Pollock	James Pollock & Son, 53-61 Castle Street, BALLYMONEY, BT53 6JZ.	Mrs. D. Camp Mr. D. McLean Mrs. Ann Hughes Miss J. McClelland
Mr. James McFadden	Stranocum Post Office, 2 Main Street, Stranocum, BALLYMONEY, BT53 8PE.	Mr. T. McFadden Miss S. McFadden
Mr Ray Boyland	North Antrim Potatoes, 170 Ballinlea Road, Stranocum, BALLYMONEY, BT53 8PR.	Mr. J. Taggart Mrs. M. McDonald
Mr. Christopher Logan	Logans Hardware, 36 Drumadoon Road, Cloughmills, BALLYMENA, BT44 9LJ.	Mrs. V. Logan Mr. R. Logan
Mr James Shaw	Ashwood Garden Centre, 1 Greenhill Road, BALLYMONEY, BT53 6LZ.	Mr. Alan Neill Mr. Frank McAteer Mr. David Archibald Mr. Niall Johnston
Mr David Christie	David Christie & Son, 16 Greenhill Road, BALLYMONEY, BT53 6LZ.	Mr. A. Christie Mr. R. Wilson Mr. B. Lamont
Mr. Mark Alexander	John McElderry Ltd., 24-26 Market Street, BALLYMONEY, BT53 6EB.	Mr. W. Pearson Mr. R. McKay Mr. G. Boyd Mr. R. Matthews

**376.15** Application for new registration in respect of the sale of poisons included in part II of the Poisons List together with the appropriate fee has been received as follows:-

<u>Name</u>	<u>Address</u>	<u>Deputies</u>
Mr. John Steele	Steele Farm Supplies, Unit 4, 14 Market Street, BALLYMONEY, BT53 6EB.	Mr. J. Steele (Snr) Mrs. A. L. Steele Mrs. H. A. M. Steele Mr. R. McKeeman Mr. D. Anderson

***IT IS RECOMMENDED*** that the Borough Council give its approval to the above.

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

***to recommend that the Borough Council give its approval to the above.***

## **CONSULTATIONS**

### **376.16 COSTS IN COUNCIL CASES (MAGISTRATES COURTS)**

The Magistrates' Courts Rules Committee is consulting presently on proposals to –

1. Increase the maximum amount of costs that can be awarded by a magistrates court in respect of solicitors and counsel;
2. Update the scale of allowances payable to witnesses as part of an order for costs in a magistrates court; and
3. Establish a regular review of the above.

The Chief Environmental Health Officers Group has given consideration to this matter. CEHOG would also advocate that the current arrangements within the Magistrates Courts in Northern Ireland needs to change in order to allow for the recovery of costs by local authorities in the investigation of suspected or alleged offences.

***IT IS RECOMMENDED*** that Council endorse the comments (as circulated) and furnish same by the response deadline – 6<sup>th</sup> January 2012.

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

***to recommend that Council endorse the comments (as circulated) and furnish same by the response deadline – 6<sup>th</sup> January 2012.***

### **376.17 CONSULTATION ON THE DRAFT DOGS (LICENSING AND IDENTIFICATION) REGULATIONS 2012**

DARD has invited comments on the above draft legislation to be submitted by 7<sup>th</sup> February 2012. The Regulation will update and replace the Dogs (Licensing and Identification) Regulations NI 2011 which were made on 19<sup>th</sup> July 2011 and came into effect from 3<sup>rd</sup> October 2011. The consultation is only in respect of the additional requirements for microchipping and associated record keeping. Responses to the consultation questions have been prepared in association with NIDAG (Northern Ireland Dog Advisory Group) and were circulated to members.

***IT IS RECOMMENDED*** that Ballymoney Borough Council endorse the response as prepared and submit this to the Department of Agriculture prior to the consultation closing date.

The Deputy Director of Borough Services gave details of an amendment needed to this response since the committee report was produced and advised that the amended response would be circulated to members.

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

***to recommend that Ballymoney Borough Council endorse the amended response as prepared and submit this to the Department of Agriculture prior to the consultation closing date.***

### **376.18 CONSULTATION ON THE DRAFT WELFARE OF ANIMALS (DOG BREEDING ESTABLISHMENTS) REGULATIONS 2012**

DARD has invited comments on the above draft legislation to be submitted by 10<sup>th</sup> January 2012. The Regulations are to be made under the Welfare of Animals Act (Northern Ireland) 2011. The 2011 Act places a 'duty of care' on anyone responsible for a vertebrate animal whether on a permanent or temporary basis, to ensure the needs of that animal are met to the extent required by good practice. For the purposes of the 2011 Act an animals needs shall include:-

- (a) Its needs for a suitable environment;
- (b) Its needs for a suitable diet;
- (c) Its needs to be able to exhibit normal behavior patterns;
- (d) Any need it has to be housed with, or apart from, other animals; and
- (e) Its need to be protected from pain, suffering injury and disease.

The draft Regulations aim to compliment these needs referred to as the five freedoms, in respect of dogs in commercial dog breeding establishments. The main proposals are outlined below:-

- Refines the definition of a dog breeding establishment;
- Introduces an annual licensing system with an application fee;
- Provides an exemption for registered hunt clubs;
- Introduces microchipping of all dogs in the dog breeding establishment including the microchipping of all puppies before they leave the breeder;
- Specifies the minimum and maximum breeding age for a female dog including frequency of litters and the maximum number of litters in a lifetime;
- Introduces the spaying of breeding bitches and the neutering of stud dogs at the end of their breeding life before being rehomed;
- Introduces guidance for Councils, to which Councils must have regard;
- Introduces a written enrichment and enhancement programme for bitches and other dogs and a written socialization programme for puppies both of which must be approved by Council;
- Specifies the records that must be kept for all dogs, bitches and puppies; and
- Removes the requirement for a licensed dog breeding establishment also to hold a block licence.

Responses to the consultation questions (46) have been prepared in association with NIDAG (Northern Ireland Dog Advisory Group) and were circulated to members.

***IT IS RECOMMENDED*** that Ballymoney Borough Council endorse the response as prepared and submit this to the Department of Agriculture prior to the consultation closing date.

The Deputy Director of Borough Services gave details of an amendment needed to this response since the committee report was produced and advised that the amended response would be circulated to members.

In response to Councillor Stevenson, the Deputy Director advised that the regulations differentiate between commercial and hobby dog breeders. Changes to the legislation will require all dogs to have a valid microchip and owners will require a license for the dog before taking a puppy home.

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

***to recommend that Ballymoney Borough Council endorse the amended response as prepared and submit this to the Department of Agriculture prior to the consultation closing date.***

## **TOBACCO CONTROL**

### **376.19 THE HEALTH AND PERSONAL SOCIAL SERVICES (NI) ORDER 1978 THE CHILDREN AND YOUNG PERSONS (SALE OF TOBACCO ETC.) (NI) ORDER 1991 THE CHILDREN AND YOUNG PERSONS (SALE OF TOBACCO ETC.) REGULATIONS (NI) 2008**

On Saturday 29<sup>th</sup> October 2011 a survey of tobacco retailers in the form of a test purchase exercise for tobacco products was carried out in accordance with LACORS 'Code of Best Practice' on test purchasing as endorsed by the Home Office. The test purchase involved sending a person under 18 years of age into retail premises to ask for cigarettes. The young person concerned was 16 years old.

All tobacco retailers within the Borough had been advised of their legal responsibilities and guidance on how to prevent underage sales of tobacco products via correspondence dated 27<sup>th</sup> September 2011.

During the exercise 11 premises were tested, one of which sold tobacco to the child. This represents a 91% compliance.

The proprietor of the premises subsequently attended a formal recorded interview at the Council offices on Thursday 24<sup>th</sup> November 2011. The child was unchallenged as to their age and allowed by the shop assistant to purchase cigarettes to the value of £3.11.

In mitigation the proprietor provided details of measures taken to prevent underage sales including having appropriate warning signs displayed at the point of sale, records of staff training on age restricted products, and a register kept of sales that are refused.

The premises have passed several previous test purchase exercises in the past. Following the incident staff have been retrained on their responsibilities to verify age and a prompt in the form of a notice has been attached to the till.

***IT IS RECOMMENDED*** that in accordance with Ballymoney Borough Councils Enforcement Policy a written warning concerning this offence be issued to the

proprietor in this instance, and that this matter be considered should any similar offence be committed in the future.

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

***to recommend that in accordance with Ballymoney Borough Councils Enforcement Policy a written warning concerning this offence be issued to the proprietor in this instance, and that this matter be considered should any similar offence be committed in the future.***

## **EMERGENCY PLAN**

### **376.20 EMERGENCY PLAN IMPLEMENTATION**

Members recalled that the issue of the amendment of the Councils Emergency Plan as regards its implementation was brought to Committee at its November meeting. It was agreed then that the matter be further considered by all Members with the issue brought again to Committee in December.

***IT IS RECOMMENDED*** that Council determine its position as to the contact arrangements it wishes to make in respect of the implementation of its Emergency Plan.

The Director of Borough Services summarized the two options available regarding possible contact in an emergency situation; either via the Council's switchboard answer service or via an officer provided out of hours service. In response to Alderman Campbell he explained the current service provided by the Borough Service Directorate as part of its statutory responsibility. Discussion followed on the options available with members expressing their personal views and further information being given as to cost and budgetary considerations.

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

***to recommend that Council provide an immediate response to emergency situations by resourcing an officer provided out-of-hours service.***

\* **Alderman Connolly left the meeting at 12.34pm**

The Chair requested that she be recorded as not being in agreement with the recommendation.

## **BUILDING CONTROL**

### **376.21 REJECTION OF BUILDING PLANS NOVEMBER 2011**

***IT IS RECOMMENDED*** that Council note that during the report period, its Building Control Service rejected 2 applications, which contravened the requirements of the Building Regulations (Northern Ireland) 2000, for the reasons stated:-



Application Ref.	Regulation:	Reason for Rejection:
B/2007/0024	A10 & Schedule 2 D1 E2 2 F3 H3 H7 L2-7 R2	Failure to provide sufficient information Insufficient information to assess structural stability Inadequate means of escape Insufficient information to assess conservation of fuel and power Failure to submit Target carbon dioxide Emissions Rate Stairs do not afford reasonable safety Inadequate protection from collision with open windows Insufficient information to assess combustion appliances Inadequate provisions for access to and use of buildings
B/2007/0025	A10 & Schedule 2 D1 E2 F2 H7 R2	Failure to provide sufficient information Insufficient information to assess structural stability Inadequate means of escape Insufficient information to assess conservation of fuel and power Inadequate protection from collision with open windows Inadequate provisions for access to and use of buildings

The applicants and their agents in all cases have been issued with Notices of Rejection of Plans, setting out the reasons for rejection, as required under Article 13 of the Building Regulations (Northern Ireland) Order 1979.

The applicants and their agents have also been notified of their right to appeal, within 56 days, to the Department of Finance and Personnel, as required under Article 17 of the Building Regulations (Northern Ireland) Order 1979.

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

***to recommend that Council note that during the report period, its Building Control Service rejected 2 applications, which contravened the requirements of the Building Regulations (Northern Ireland) 2000, for the reasons stated.***

### 376.22 POLICING AND COMMUNITY SAFETY PARTNERSHIP

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 to be involved in the interviewing process of independent members to PCSPs and to identify these members by 5<sup>th</sup> January 2012.

The Director intimated that the d'hondt formula used by Council before would satisfy the requirements as to community and gender balance given the Council's previous decision as to the PCSP Chair designate. He further advised that in the four member option the make-up would be DUP 3 and SF 1.

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

*to recommend that d'hondt be used to ensure that PCSP membership reflects the balance of parties and that four representatives be involved in the interviewing process of independent members.*

and it was further **AGREED:**

*that the political members to sit on the interviewing panel for independent PCSP members would be identified at the Council meeting on 3<sup>rd</sup> January 2012 and that these members would be advised then regarding details of the dates for training.*

## **MATTERS FOR INFORMATION**

### **ENVIRONMENTAL SERVICES**

#### **376.23 MUNICIPAL WASTE RETURNS**

<b><u>Waste Type</u></b>	<b><u>Nov 2010</u></b>	<b><u>Nov 2011</u></b>	<b><u>Apr 10 – Nov 10</u></b>	<b><u>Apr 11 – Nov 11</u></b>
Mixed Residual Waste (waste direct to landfill)	796.18t	782.98t -1.66%	6,204.14t	6,073.70t -2.10%
Mixed Dry Recyclables (blue bin recycling)	132.26t	134.32t +1.56%	1,078.05t	1,119.13t +3.81%
Garden Waste (brown bin recycling)	n/a	n/a	1,201.52t	1,199.96t -0.13%
Waste Recovery (segregated HRC waste)	55.48t	65.96t +18.89%	679.48t	543.22t -20.05%
Cardboard	5.18t	3.28t -36.68%	51.68t	45.17t -12.60%
Timber*	22.24t	26.32t +18.35%	n/a	233.82t

\* Timber recycling commenced 1<sup>st</sup> November 2010.

#### **376.24 EUROPEAN WEEK FOR WASTE REDUCTION**

Ballymoney Borough Council participated in European Week for Waste Reduction for the first time this year. The 'One Bag' challenge set out to investigate if it would be possible to condense the amount of residual waste generated in a household in one week down to a single plastic carrier bag. The challenge was promoted through the local media, on the Council website and an email to all Councillors and staff. A

number of staff took up the challenge with great success. These staff reported interesting results such as how difficult it can be to minimize waste when shopping in larger supermarkets, issues with plastic film type packaging and the benefits of supporting smaller local shops. Ballymoney Brownies also took up the challenge under the enthusiastic guidance of leader Maggie Crawford. The 17 brownies and 3 leaders all kept a food diary for a week, recording how much food was 'wasted', either ending up in a bin or used to feed pets. The brownies also benefited from an information session with the Recycling and Education Officer, exploring how waste can be a resource and receiving a reusable shopping bag to help with the challenge. A journalist with the Ballymoney Chronicle also participated and outlined her largely positive experiences in the paper.

These activities demonstrate that waste reduction or minimization is a viable concept and one which will continue to be promoted throughout the Borough. This simple challenge encouraged participants to consider their shopping habits and did result in less waste being generated.

In a related venture, Cloughmills Community Action Team took the first step in establishing a 'Knit and Natter' group. This will encourage people with an interest in knitting, sewing and associated crafts to come together, sharing skills and experiences. The group will also look at 'upcycling' unused clothing, investigate textile recycling with All Tex and explore the world of ethical and fair-trade fashion. This is appealing to people of all ages and again encourages people to consider waste materials as a resource.

### **376.25 ENVIRONMENTAL SERVICES 2011-2012**

Given the financial information received on 2<sup>nd</sup> December relating to both expenditure and income for the first six months (that is up to 30<sup>th</sup> September) of the present financial year (2011-2012), it is necessary to point out that, as regards environmental services both vehicle running costs and trade waste income are performing as was predicted would be the case when Council determined its budget for 2011-2012. On the basis of present information it is probable that budgets relating to essential services such as waste collection, street cleansing and possibly waste disposal will be exceeded at year end.

The Director specifically drew attention to this item.

## **BIODIVERSITY**

### **376.26 BIODIVERSITY UPDATE (September to November 2011)**

Rachel Bain, Biodiversity Officer, for Ballymoney Borough Council, Coleraine Borough Council and Limavady Borough Council has undertaken the following work on behalf of Ballymoney between September and November 2011.

#### General

- Represented Ballymoney at the Biodiversity Forum, feeding into the Northern Ireland Biodiversity Group.
- Prepared and submitted funding claims.
- Preparation of draft biodiversity audit.

### Projects

- Funding confirmed by Heritage & Lottery Fund for 'Hedgerow Grows West' project. This project, involving joint working with four other Biodiversity Officers, will deliver new native hedging in the Borough and training on hedge creation and maintenance. Funding of £10,000 towards project, with no additional cost to Council.
- Funding received from Heritage & Lottery Fund towards Biodiversity Olympics recording project. This is a partnership with eight Biodiversity Officers and will provide a series of public events focused on species identification and recording. Funding of approximately £6,000 towards project, with no additional cost to Council.
- Liaising with Head of Amenities, Rivers Agency, DCAL and River Restoration Centre regarding potential works at Riverside Park.

### Community Engagement

- Bat talk and walk in Ballymoney town centre.
- Talk on local biodiversity to Ballymoney Probus Club.
- Talk on wildlife gardening to Co. Antrim Horticultural Society.
- Joint 'Fungal Foray' with neighbouring Biodiversity Officer.
- Tree planting in Riverside Park with Dalriada School.
- Autumn moth event.

### Media & Promotion

- Articles to local newspapers and Council website to promote biodiversity events in areas. Schools and community groups emailed about events.
- Interview with 'Your Place and Mine' on Radio Ulster to promote autumn moth event.

Moyle District Council joined the Ballymoney, Coleraine and Limavady cluster week commencing Monday 5<sup>th</sup> December 2011.

## **ENVIRONMENTAL PROTECTION**

### **376.27 DOE NOISE COMPLAINT STATISTICS FOR NORTHERN IRELAND 2010/2011**

This report is intended to inform central government, local authorities, the general public and any other interested parties of the number and nature of noise complaints that are received by district councils in Northern Ireland each year. This report analyses noise complaints received by all 26 councils from 1 April 2010 to 31 March 2011. There has been a 0.87% decrease in the total number of complaints received compared to the previous year, yet the number of prosecutions has increased three fold. In 2009/10 there were 8 prosecutions. This year there were 24. Since 2003/04, when numbers of complaints were first compiled, there has been a 38% increase in complaints. In total 11,585 complaints were made to councils about noise in 2010/2011 compared to 11,687 in 2009/2010, representing a 0.87% decrease.

The councils experiencing the greatest drop in the total number of complaints were Ballymoney (24.4%), Larne (19.3%), Omagh (18.9%) and Castlereagh (10.8%). The

largest increases of 15.3%, 14.2%, 13.0% and 12.8% occurred in Armagh, Lisburn, Fermanagh and North Down respectively. Ballymoney experienced a 39% decline in animal noise complaints this year which is attributed to improved awareness of responsible dog ownership. Although complaints with regard to noise reported to Ballymoney Borough Council decreased significantly in 2010-2011 analysis of the trend of the number of complaints reported since 2004 shows the total number of complaints received to have risen slightly. This is similar to Moyle District Council, whereas Coleraine and Limavady have experienced a more significant increase in noise complaints.

A copy of the report has been placed in The Members Room, Riada House.

### **376.28 AIR POLLUTION IN NORTHERN IRELAND 2010**

The Air Pollution in Northern Ireland 2010 report has recently been received from Air & Environmental Quality Unit of Environmental Policy Division at DoE NI. A copy has been placed in the Members Room at Riada House.

### **376.29 WASTE MANAGEMENT LICENSING REGULATIONS (NI) 2008 – APPLICATION FOR A WASTE MANAGEMENT LICENCE**

NIEA advised on 9<sup>th</sup> December that it had received an application from Liam Quigg, t/a Quigg Brothers for an authorized treatment facility for the de-pollution and dismantling of End of Life Vehicles at 52 Gortahar Road, Rasharkin.

## **ENVIRONMENTAL HEALTH GENERAL**

### **376.30 BALLYMONEY BOROUGH COUNCIL -V- GAINSBOROUGH PROPERTY SALES IRELAND LTD.**

#### **14 QUEEN STREET, BALLYMONEY.**

Further to committee minute 357.6 (23<sup>rd</sup> February 2010) Members may recall that Council carried out work in default to secure the property when the owners failed to comply with the requirement of a notice served under Article 6B of the Pollution Control and Local Government Order 1978. Councils solicitors were asked to recover this outstanding debt. A total of £2,181.03 was the sum due under the certificate of conviction with interest thereon and outlays on obtaining the caution and inhibition. Following a deduction for Councils legal costs the expenses recovered amounted to £1,310.63. The costs incurred in completing the work in default was £1,641.03. The net cost of enforcement in this instance was £330.40.

## **CONSULTATIONS**

### **376.31 CONSULTATION ON DEFACEMENT REMOVAL NOTICES GUIDANCE**

The DoE has published a consultation document seeking views on draft guidance which has been written for district councils on the defacement removal notice provisions in sections 31 to 35 of the Clean Neighbourhoods and Environmental Act (NI) 2011. These provisions allow councils to serve a 'Defacement Removal Notice' on

statutory undertakers educational institutions and other owners, occupiers, operators (such as telecommunication companies and outdoor advertising companies) of 'relevant surfaces' (including street furniture) whose property is defaced with graffiti and/or fly posting. If such a notice is not complied with within a specified period, the district council can remove the defacement itself and reclaim the cost of doing so. Comments in relation to the consultation paper are invited by 16<sup>th</sup> February 2012.

### **376.32 DRAFT FLUORINATED GREENHOUSE GASES (AMENDMENT) REGULATIONS (NI) 2012**

The DoE has issued a consultation document in respect of the amendment of the Fluorinated Greenhouse Gases Regulations (NI) 2009 principally to remove the powers to serve prohibition notices. This step is being taken as the consultation document states because "on consideration, the Department now believes that prohibition notices are unenforceable when applied to F-gases, given the long-term nature of the adverse environmental impacts associated with these pollutants".

Comments on the Departments proposals have been invited by 23<sup>rd</sup> February 2012.

## **EMERGENCY PLANNING**

### **376.33 LOCAL GOVERNMENT EMERGENCY MANAGEMENT GROUP**

A copy of the First Report of the Local Government Emergency Management Group (October 2009 – March 2011) has been placed in the Members Room at the Borough Offices.

The Chair extended seasonal greetings to members and officers.

**This being all the business the meeting closed at 12.50pm.**

**Appendices attached:**

**Appendix 1: Public Health Agency presentation**

**APPENDIX 1**



Tackling Inequalities  
and Promoting Wellbe