

**Ballymoney Borough Council
Council Meeting No 973 – 14th January 2013**

Table of Contents

973.1	Declarations of Interest	<i>None.</i>
973.2	Waste Infrastructure Project (NWRWMG)Article 65 –	<i>For information</i>
973.3	Pollution Control And Local Government (Ni) Order 1978 – Spillage Of Domestic Home Heating Oil	<i>Service of notice on owner</i>
973.4	Rate Estimate 2013/14	<i>Next meeting agreed for 5.2.13</i>

BALLYMONEY BOROUGH COUNCIL

Minutes of Council Meeting No 973 held in the Council Chamber, Riada House, Ballymoney on Monday 14th January 2013 at 6.30 pm.

IN THE CHAIR: Councillor E Robinson, Mayor

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

Councillors
J Atkinson W Blair
J Finlay R Halliday
R McAfee P McGuigan
C McLaughlin I Stevenson

APOLOGIES: **Councillors**
A Cavlan M Storey, MLA

IN ATTENDANCE: Chief Executive
Director of Borough Services
Director of Central and Leisure Services
Head of Corporate & Development Services

973.1 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

973.2 WASTE INFRASTRUCTURE PROJECT (NWRWMG)

The Chief Executive drew members' attention to documents circulated:

- Waste Infrastructure Project – Appointment Business Case (December 2012) Report.
- Waste Infrastructure Project – ISFT Evaluation Report (December 2012) – Report.
- Both above documents also supplied in CD format.
- Chief Executive covering letter 14.1.13.

He explained that the Joint Committee of the North West Region Waste Management Group has been delegated to carry out the procurement of the Residual Waste Infrastructure Project on behalf of Member Councils utilising the

Competitive Dialogue process, up to and including the recommendation of the award of preferred bidder status and contract award.

Member Councils remain the investment decision makers and as such retain the authority to consider the recommendation and any subsequent conferral of preferred bidder status and contract award.

In compliance with the above a special meeting of the North West Region Waste Management Group Joint committee was held on Wednesday 19th December 2012 in the offices of Coleraine Borough Council, at which members received a presentation.

Following consideration of the matter, the NWRWVG Joint Committee made a recommendation which is to be presented to each member Council of the NWRWVG. As determined by Council at its meeting on 4th January, the Joint Committee's recommendation will be considered by the Council's Health & Environmental Services Committee at its meeting on 22nd January 2013. Members should bring the documents to the meeting.

973.3 POLLUTION CONTROL AND LOCAL GOVERNMENT (NI) ORDER 1978 – SPILLAGE OF DOMESTIC HOME HEATING OIL (Article 65)

Further to a complaint received by Borough Services Directorate it has been ascertained that there has been a spillage of domestic home heating oil at a vacant property at XX Millfields Crescent, Balnamore that has resulted in fumes entering a neighbouring property and created conditions amounting to a public health nuisance. The owner of the property has been contacted both verbally and in writing to inform them of their responsibilities with regard to remediating the spillage, however, no action has been taken to date.

If it appears to a district council that

- (a) Any premises are in such a state (in this Article referred to as a "defective state") as to be prejudicial to health or a nuisance, and
- (b) Unreasonable delay in remedying the defective state would be occasioned by following the procedure prescribed by Part 7 of the Clean Neighbourhoods and Environment Act (NI) 2011

the district council may serve a notice on the appropriate person on whom it would have been served under Part 7 (if the district council had proceeded under that section) stating council's intention to remedy the defective state and specifying the defects which it intends to remedy.

The council may after the expiration of nine days after the service of a notice execute such necessary works to remedy the defective state and may recover any reasonable costs incurred. If within seven days after service of the notice the person on whom the notice was served serves a counter-notice that he intends to remedy the defects, the district council shall take no action unless the person:

- (a) Fails within a reasonable time to begin to execute works to remedy the defects

- (b) Having begun such works fails to make reasonable progress towards their completion

It is **RECOMMENDED** that Council serve a notice under Article 65 of the Pollution Control and Local Government (NI) Order 1978 on the owner of the property that is the source of the spillage and, if necessary that affected, and if after the expiration of the period the notice is not complied with, execute works to remedy the defective state and recover any reasonable costs incurred.

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

that Council serve a notice under Article 65 of the Pollution Control and Local Government (NI) Order 1978 on the owner of the property that is the source of the spillage and, if necessary that affected, and if after the expiration of the period, the notice is not complied with, execute works to remedy the defective state and recover any reasonable costs incurred.

973.4 RATE ESTIMATE 2013/14

The following documents were circulated to members:

- Rate Estimate 2013-14 (V3)
- Summary of analysis of increases/decreases
- Capital programme 2012/13 – 2015/16

The Director of Central & Leisure Services presented the revised rate estimate (V3) and explanatory notes on penny product, rate support and de-rating grants, Minimum Revenue Provision (MRP), RPA costs and wages budget. She drew attention to analysis of increases and advised that the rate increase was now sitting at 2.69% following application of enhanced penny product and increased grants – rates support and de-rating. It was noted that the regional rate would increase by 2.7% in 2013/14.

Commenting on the capital programme 2013/14 – 2015/16, circulated, she advised that V1 of the draft estimate did not take account of capital spend, recalculation of MRP and interest. V3 took account of matters relating to the capital programme, resulting in a budgetary requirement of £1.3M (0.09% on rates). Council would require to set the prudential indicators and agree ratio and borrowing limit.

Members discussed schemes included in the 2012/13 and 2013/14 capital programme. There was particular discussion on the schemes at Riverside Park and Megaw Park and advantages of additional staffing resource at Riverside Park. The Chief Executive requested guidance on the schemes to be advanced.

The Chief Executive updated members on additional information from Voluntary Transition Committee and the bid for funding on which no decision had been made. He tabled report and recommendations, as follows, from the Voluntary Transition Committee, on Financing the Reform Programme.

Financing the Reform Programme

Introduction

The purpose of this report is to present a recommendation from the Voluntary Transition Committee to each of the Cluster Councils regarding the financing of the reform programme for the 2013/2014 financial year.

Background

In 2012, as part of the June Monitoring Round, Minister for the Environment, Alex Attwood MLA presented a case to the NI Executive for £2m of funding towards the Reform Programme. The initial bid was unsuccessful and there followed a further bid in September 2012 for an enhanced package of funding estimated at £40m to address a range of reform elements up to formation of the new Councils in 2015. These include Change Management costs, IT and other Systems integration, Pilot Projects, Capacity Building, Elected Member Allowances and Elected Member Severance. Despite a number of attempts by the Minister, the funding proposal has not been included on the NI Executive meeting agenda for discussion and therefore Local Government remains uncertain as to how the Reform Programme will be financed. In recent months the issue of funding has been raised with DOE officials at the Regional Transition Operating Board and Regional Transition Committee. In those discussions DOE Officials indicated that it would be prudent for each Council Cluster to make an allowance for £1m towards the Reform Programme for the 2013/2014 financial year in case no funding is forthcoming from the NI Executive. Minister Attwood MLA has indicated that he hopes to have a decision on funding from the NI Executive by the end of January but there is no guarantee of an outcome given previous attempts to have the issue discussed.

At a meeting of the Causeway Coast and Glens Voluntary Transition Committee held on the 3rd January 2013, Members received a briefing on the work being undertaken by the Cluster towards reform including the formulation of a high level local project plan, Working Group Structure and meeting schedule. Final details will be confirmed and presented at the February meeting of the Committee. It was the view of Committee Members that the reform work should continue. However there was also the view that any funding provided by the Causeway Coast and Glens Cluster Councils, in the absence of Central Government support, should be based on a minimal approach as opposed to the level of financing being proposed by DOE Officials.

A paper was presented to Members on potential funding options towards Reform in the 2013/2014 financial year and on options regarding the allocation of any costs across the Cluster Councils.

Detail

The uncertainty regarding Central Government funding towards the Reform Programme has created a dilemma for Councils as there is on one hand the need for Council Clusters to move ahead with Transition work, yet on the other the issue of financing the reform programme has not been resolved. The Minister has re-affirmed on a number of occasions that RPA is happening and that the point of no return has now passed. It is therefore of increasing concern that such a key element as funding still remains to be resolved. In an attempt to assess options for the Causeway Coast and Glens Cluster a paper was presented to Transition

Committee Members illustrating the three most likely scenarios, described as follows:

1. Central Government may provide funding as requested by The Minister. This is for Change Management, IT/Systems convergence, Pilot Projects, Capacity Building, Member Severance and Member Allowances. This funding is limited to the above and falls well short of the financial requirements of the overall reform programme.
2. No Central Government funding is forthcoming and a minimal financing approach is taken by the Councils
3. A mixture of Central Government funding and funding from Councils is agreed

Members were presented with a potential budget to reflect a minimal approach, one that will allow basic transition work to continue at the Local Level and maintain the momentum of work currently planned. The budget is set out below.

Proposed Minimal Budget approach

Budget Area	Allocation	Purpose
Transition Manager	58k	To project manage the process
Consultancy	25k	Work such as developing a new Council Structure, developing the Corporate Plan, developing new Council Committee structure
Other Support	20k	Work such as securing a Web Site Domain address, administration support, developing a new web site
Member Allowances	60k	These allowances will become mandatory within the Re Organisation Bill Legislation once the Voluntary Transition Committee becomes Statutory.
Total	163k	

The Causeway Coast and Glens Voluntary Transition Committee discussed the issue of apportionment of costs across the Cluster Councils should there be a decision to allocate any level of funding towards reform. Members discussed apportionment by Penny Product, population size and equal allocation as options, noting that allocation by Penny Product is the established method used in Environmental Health and other Council services for re allocation of shared cost. As an illustration the approach of minimal funding was taken as the example and the three calculations detailed as follows:

Allocation by Penny Product

Council	Allocation	Member Allowances	Total
Ballymoney	16,476	15,000	31,476
Coleraine	55,056	15,000	70,056
Limavady	20,237	15,000	35,237
Moyle	11,231	15,000	26,231
		Total	163,000

Allocation on basis of population

Council	Allocation	Member Allowances	Total
Ballymoney	22,808	15,000	37,808
Coleraine	43,203	15,000	58,203
Limavady	24,489	15,000	39,489
Moyle	12,500	15,000	27,500
		Total	163,000

Equal Allocation

Council	Allocation	Member Allowances	Total
Ballymoney	25,750	15,000	40,750
Coleraine	25,750	15,000	40,750
Limavady	25,750	15,000	40,750
Moyle	25,750	15,000	40,750
		Total	163,000

Members of the Causeway Coast and Glens Voluntary Transition Committee discussed the issues of funding and allocation of funding across the Cluster Councils at length. The outcomes of these discussions are as follows

1. It was recognised that funding may yet become available from the NI Executive towards reform and therefore it is not prudent at this time to raise money within the rates process
2. It is important that the current momentum of work within the Cluster is maintained and funding from Councils, if required, should be focused in delivering the local project plan
3. In the absence of Central Government financial support, a minimal funding only approach should be taken
4. As in the potential scenario of point 3 above, minimal funding, if required should come via Council reserves and not be raised through the rates process
5. The Cluster Councils should agree a cost apportionment mechanism to be applied in any funding arrangement

In the absence of clarity from Central Government regarding funding, the Causeway Coast and Glens Voluntary Transition Committee is proposing that the Cluster continue with the local area project plan and maintain the momentum of work that has been on-going at a local level. The Committee recognises that a minimal budget is required to enable this work to continue. It is hoped that funding from Central Government will be forthcoming for this work and wider aspects of the reform process. If this is not the situation the Committee is advocating that minimal funding is made available through Council reserves to enable work at the local level to continue. In such a circumstance the Councils would be required to agree a method of cost allocation.

Recommended

It is recommended by the Causeway Coast and Glens Voluntary Transition Committee that, if no Central Government funding is forthcoming for the Reform Programme in 2013/2014:

1. The Cluster Councils adopt a minimal funding approach similar to that detailed in this report to enable the local project plan to continue
2. The Cluster Councils agree to the allocation of this funding from Council reserves
3. Each Council consider their preference on the method of allocating costs although no decision is required at this stage

Referring to the major change exercise to be taken forward, the Chief Executive suggested that the earlier a Senior Management Team was in place the more likely the new Council is to succeed in driving change through the way it wanted to. It was suggested by DoE that Councils should be making provision of £1M per cluster in the event that the Minister will not succeed in the funding bid to the Executive.

Having considered the Causeway Coast & Glens Voluntary Transition Committee recommendations, it was proposed by Councillor Finlay, seconded by Alderman Campbell and **AGREED:**

that Council note the report and recommendations from the Voluntary Transition Committee and indicate that it favours the penny product as the most equitable method of allocating costs as this was a measure of ability to pay.

A discussion ensued on recycling and landfill facility issues. The Director of Borough Services advised that Health & Environmental Services Committee had discussed service changes over the next number of years to improve Council's performance ie getting more out of black bins and collected some other way. He also commented on what might be done in both revenue and capital terms and said that as Councils move forward, with an expressed intent to introduce statutory recycling rate, Councils will have to put in necessary infrastructure changes.

Councillor Finlay expressed the view that action on this issue should be considered in conjunction with other Councils and he undertook to raise it at the Transition Committee. In response to questions, the Director of Borough Services advised on the landfill directive monitoring 2012/13 and fines and that a report on options would be put forward if Council appears to be in danger of missing its targets.

Councillor Stevenson said he was of the view that there should be 0% increase and he had submitted a list of questions to the Chief Executive on service costs etc. He asked for an additional meeting to consider officer responses/recommendations and allow further questions to be answered. Councillor McGuigan said his party would be supportive of as low a rate as possible.

The Chief Executive pointed out that Council required to set its three year capital programme and that there were items not currently budgeted for which required budget provision.

- Footway clearance of snow and ice (which would have both capital and revenue implications)
- Corporate Health & Safety - Council had to provide support to smaller businesses and also update procedures throughout its own operations. While other Councils were addressing this, there was currently no resource provision in Ballymoney, estimated additional requirement £13K. This situation was placing Council at significant risk.
- Pensions costs likely to increase as more move into scheme.

It was **AGREED**:

- *that Council meet on 5th February 2013 at 6.30 pm to further consider the rate estimate and, if possible, determine the district rate for the year commencing 1st April 2013.*
- **Party groups should devise capital programmes and submit to Chief Executive.**

The meeting closed at 7.50 pm