

**Ballymoney Borough Council
Council Meeting No 980 – 3rd June 2013**

Table of Contents

980.1	Declarations of Interest	<i>None</i>
980.2	Minutes of Council Meeting No 979 – 7 th May 2013	<i>Adopted</i>
980.3	Minutes of Development Committee Meeting No 247 – 17 th May 2013	<i>Adopted</i>
980.4	Consultation Committee No 85 – 20 th May 2013	<i>Received</i>
980.5	Minutes of Leisure & Amenities Meeting No 406 – 21 st May 2013	<i>Adopted</i>
980.6	Minutes of Health and Environmental Services Meeting No 392 – 28 th May 2013	<i>Adopted</i>
980.7	Minutes of Audit Meeting No 27 – 28 th May 2013	<i>Adopted</i>
980.8	Minutes of Corporate and Central Services Committee Meeting No 415 – 29 th May 2013	<i>Adopted</i>
980.9	Minutes of Resources Task Group Meeting No 49 – 29 th May 2013	<i>Adopted</i>
980.10	Seal Documents	<i>Affix Seal of Council</i>
980.11	Mayor's Business	
980.12	Notice of Motion	<i>Deferred to June CRCS</i>
980.13	Local Government Reform	<i>For information</i>
980.14	Transforming your Care	<i>Update</i>
980.15	Proposal for the Future Statutory Residential Care for Older People	<i>Write to Minister</i>
980.16	Post Office	<i>Temporary closure</i>
980.17	Notice of Motion: Devolution of Responsibility for Local Roads	<i>Noted</i>
980.18	DETI Appointments	<i>Notice</i>
980.19	Reports/NILGA Report/Road Service Licence Report	<i>For information</i>

BALLYMONEY BOROUGH COUNCIL

Minutes of Council Meeting No 980 held in the Council Chamber, Riada House, Ballymoney on Monday 3rd June 2013 at 7.00 pm.

IN THE CHAIR: Councillor E Robinson, Mayor

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

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

APOLOGIES: **Alderman**
B Kennedy

Councillors
M Storey, MLA

IN ATTENDANCE: Chief Executive
Director of Central and Leisure Services
Head of Environmental Services
Head of Corporate & Development Services
Committee Clerk

Press x 2

980.1 DECLARATIONS OF INTEREST

The Director of Borough Services declared an interest in Leisure & Amenities Committee meeting minutes Number 406 recorded at 406.14, as a member of the Golf Society.

The Chief Executive declared an interest in item Leisure & Amenities Committee meeting minutes Number 406 recorded at 406.15 xii, as a member of the Rotary Club of Ballymoney.

980.2 MINUTES OF COUNCIL MEETING NO 979 – 7TH MAY 2013

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

that the minutes of Meeting No 979 – 7th May 2013, as circulated, be confirmed as a correct record.

980.3 MINUTES OF DEVELOPMENT COMMITTEE MEETING NO 247 – 17TH MAY 2013

Councillor Blair presented the report.

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

that the minutes of Development Committee Meeting No 247 – 17th May 2013 be adopted and the recommendations therein approved.

980.4 CONSULTATION COMMITTEE MEETING NO 85 – 20TH MAY 2013

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

that the minutes of Consultation Committee Meeting No 85 – 20th May 2013, as circulated be received.

980.5 MINUTES OF LEISURE & AMENITIES COMMITTEE MEETING NO 406 – 21ST MAY 2013**Note Declarations of Interest (980.1)**

Alderman Campbell presented the report.

Matters Arising:**5.1 Bus Shelter Update – Magherahoney (406.10.2)**

Alderman Connolly expressed concern at the re-siting of the bus shelter at Magherahoney which has been in situ for many years and would pursue a suitable site. The Director of Borough Services advised that representations relating to anti-social behavior have been received from PSNI who have indicated that this bus shelter is not in a satisfactory place. He stated that a potential site had been identified for a new shelter and a further report will

be brought to Committee. Alderman Connolly said that he is not aware of any anti-social behavior. Councillor Cavlan concurred with Alderman Connolly and will pursue the matter further with PSNI.

5.2 Adoption of Minutes

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

that the minutes of Leisure & Amenities Committee Meeting No 406 – 21st May 2013 be adopted and the recommendations therein approved.

980.6 MINUTES OF HEALTH & ENVIRONMENTAL SERVICES COMMITTEE MEETING NO 392 – 28TH MAY 2013

Alderman Connolly presented the report.

Matters Arising:

6.1 Balnamore PS (392.1)

Alderman Connolly congratulated the children from Balnamore PS on the excellent presentation given to members. The Mayor concurred with his remarks and also extended congratulations to the teachers involved in the project.

6.2 MARA Project (392.10)

The Mayor advised that a MARA representative had visited her to discuss the project. MARA would welcome any input from members on constituents that may benefit from the project.

6.3 Quarries Accident

At the request of Councillor McGuigan for clarification relating to quarries in the Borough and the concerns expressed recently by the Minister, the Director of Borough Services advised that he has now received information regarding this matter. There are eight sites in the Borough that fit within the definition, but none of the type that led to the recent tragic incident. He advised that this will be progressed via Health & Environmental Services Committee

6.4 Community Bulk Buying Oil Scheme (392.13)

Councillor McGuigan commended this initiative and encouraged members to promote the scheme as widely as possible. The Director of Borough Services explained that the scheme is operated by Ballymena Borough Council, the Principal authority in respect of the scheme.

6.5 Adoption of Minutes

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

that the minutes of Health & Environmental Services Committee Meeting No 392 – 28th May 2013 be adopted and the recommendations therein approved.

980.7 MINUTES OF AUDIT COMMITTEE NO 27 – 28TH MAY 2013

Councillor Stevenson presented the report.

Matters Arising

7.1 Independent Member (27.4)

Alderman Campbell advised that he disagreed with the recommendation to appoint a non-government representative to the Committee, thus forming a 'quango'. The Mayor referred to an addendum, circulated, setting out the provisions under the 1972 Local Government Act, Section 18 & 19A, regarding the appointment of non-council members to Council Committees (attached as Appendix A).

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

that the minutes of Audit Committee Meeting No 27 – 28th May 2013 be adopted and the recommendations therein approved.

980.8 MINUTES OF CORPORATE AND CENTRAL SERVICES COMMITTEE MEETING NO 415 – 29TH MAY 2013

Councillor Stevenson presented the report.

Matters Arising:

8.1 Annual Accounts 2012/13 & General Fund Balance as at 31.3.13 (415.7)

A special meeting to consider the reserves position before financial statements are presented for signing off has been arranged for 17th June at 6.00 pm prior to the Consultation Committee meeting. However, as the Committee meeting is commencing at 6.30 pm, members discussed an alternative date for the meeting to take place to enable members to fully consider the issue.

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

that the special meeting be re-arranged to take place on Tuesday 18th June at 6.00 pm prior to the Leisure & Amenities Committee meeting.

8.2 Armed Forces Day – Demonstration of Support (415.18)

Councillor McGuigan recorded his party's opposition to the event.

8.3 Adoption of Minutes

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

that the minutes of Corporate & Central Services Committee Meeting No 415 – 29th May 2013 be adopted and the recommendations therein approved.

980.9 MINUTES OF RESOURCES TASK GROUP MEETING NO 49 – 29TH MAY 2013

Councillor Stevenson presented the report.

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

that the minutes of Resources Task Group Meeting No 49 – 29th May 2013 be adopted and the recommendations therein approved.

- * The Director of Central & Leisure Services and the Head of Environmental Services left the meeting at 7.50 pm.
- * Press left the meeting at 7.50 pm.

980.10 SEAL DOCUMENTS

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

that the Seal of the Council be affixed to Grave Registration Certificate number 1327.

980.11 MAYOR'S BUSINESS

11.1 Congratulations

The Mayor extended congratulations to Michael Dunlop on his three wins at the 2013 IOM TT races this week bringing his total victories in the Island to six ahead of his father Robert's five victories.

Michael's victories included:

1. The Dainese Superbike Race
2. The Monster Energy Supersport 1 race (with William finishing in 3rd position).
3. Royal London Superstock race, breaking the lap record

She wished William and Michael well for the rest of their races later in the week. Councillor McKeown concurred with the Mayor's remarks.

11.2 Condolences

11.2.1 Drummer Lee Rigby

The Mayor expressed condolences to the family of Drummer Lee Rigby from Middleton, Greater Manchester who was brutally murdered in Woolwich, SE London. A book of condolence has been opened by the Mayor of the Royal Borough of Greenwich at Woolwich Town Hall. The Mayor will write conveying condolences on behalf of Council and its citizens to Drummer Rigby's family and colleagues.

11.2.2 Father of Reverend Ian McNie

The Mayor extended condolences to the family of Reverend Ian McNie, Mayor's Chaplain, whose father passed away suddenly at the weekend. The Mayor will write extending personal condolences to Mr McNie's family. Alderman Campbell, Councillor Atkinson and Councillor McKeown concurred with the Mayor's remarks.

The Mayor advised members that she had recently attended an awards ceremony for the junior football school at the Joey Dunlop Centre. She complimented the boys taking part on their immaculate turn out and behaviour and stated that they are a credit to their parents, families and team managers.

The Mayor said that she had recently attended a very interesting and worthwhile conference organised by the Institute of Revenues and Valuation in conjunction with NILGA. The purpose of the conference was to discuss the challenges facing public services across Northern Ireland, the impacts of local government reform and the likely impacts on Northern Ireland Housing, welfare reform and rates revaluation. She encouraged businesses to complete the forms for reassessment of rates.

980.12 NOTICE OF MOTION

Consider the following motion, in accordance with the notice given by Councillor Robinson:

“That this Council appoints an independent consultant to examine all staffing and resourcing measures with a view to save money on behalf of the ratepayers”.

The motion was proposed by the Mayor, seconded by Councillor Stevenson.

Councillor McGuigan questioned the timing, cost and timescales involved in undertaking a review in view of impending RPA and expressed the view that further information should be sought relating to cost implications and timescales involved, prior to a decision being taken to carry out the examination. Alderman Campbell also expressed the view that the timing was not right to embark on such an exercise given RPA.

In response, Councillor Robinson said that as there are two years to go, Council should consider the matter with a view to saving money and satisfying ourselves we are acting in an appropriate manner. She was aware of a consultant who would undertake work on basis of sharing percentage of any saving. She requested a recorded vote.

Councillor McGuigan pointed to the fact that staff in Councils in the cluster were being asked to do additional work in preparation for RPA and as the process continues, who knows the extent of work required. He said more clarification and information on the basis of review was necessary before Council would be in a position to make a judgement.

Councillor McKeown said that Council Officers had skill and experience in delivery of services and he would wish to seek their viewpoint before moving on such a course of action.

The Chief Executive said if it was Council's desire, he did not have difficulty in principle with a review to consider if services were under resourced or over resourced but with one year and ten months until RPA is due to be introduced, there is a considerable workload to be done and this would fall on the Chief Executive, Directors, Heads of Service and tier below and he was concerned how cost cutting exercise would be portrayed. Some posts had already been declared "at risk" under RPA and if Council is desirous of going down the route proposed, he would suggest a two-stage approach commencing with a high level look at structures and activities to consider if there are savings to be had or not before getting into detailed work. At this stage, he had not done any costings of such an exercise. Until it was clear what Council was asking a consultant to do, it was difficult to get accurate estimate of costs.

An amendment to the motion was proposed by Councillor Atkinson, seconded by Councillor McKeown:

that the motion be referred to the Corporate & Central Services Committee for consideration.

Councillor Robinson referred to budget allocation and spend in Directorates and said she wanted to ensure these were adequate and fair and in no way prejudiced how any Head of Service, Director or the Chief Executive is treated.

She put the amendment to the vote with 10 members voting in favour and 4 members voting against.

The amendment was carried.

- * **Councillor Finlay joined the meeting at 8.20 pm during discussion of the motion and before the vote.**

980.13 LOCAL GOVERNMENT REFORM

Councillor Robinson said she understood some Councils were getting report on work of the Transition Committees. Councillor McGuigan, as Chair of Causeway Transition Committee, said work was on-going between all four councils in the cluster with reports by working groups of staff presented to the Transition Committee. The Chief Executive advised that the minutes of Causeway Transition Committee and Regional Transition Committee are tabled at Corporate & Central Services meeting and minutes of the last meeting will be before the next meeting of Committee. A file of minutes is also maintained in the members' room and copies made available to members.

There was also discussion on services to transfer to Local Government and when information received would be circulated to members

980.14 TRANSFORMING YOUR CARE

Update on the Health and Social Care Board's work on Transforming Your Care was circulated. The issue included:

- The *Transforming Your Care: Vision to Action* public consultation and looking ahead to implementation
- Update on some of the areas of implementation happening now
 - Statutory Residential Care Homes
 - Integrated Care Partnerships
 - Health and Care Centres
- What's happening next?

980.15 PROPOSAL FOR THE FUTURE OF STATUTORY RESIDENTIAL CARE FOR OLDER PEOPLE

In a statement to the Northern Ireland Assembly on Tuesday 7 May the Health Minister Edwin Poots stated that he had "called a halt to individual Trusts consulting on proposed closures within their area". As a result the Northern Health and Social Care Trust consultation on its proposals for the future of statutory residential care for older people has been withdrawn.

The Minister has asked the Health and Social Care Board to lead on a new process for consulting and implementing change and the Board will work closely with the Trusts to co-ordinate a regional approach.

Arising from discussion on the Assembly Statement Councillor Finlay voiced concerns raised at a meeting organized by the local branch of the Health Union UNISON, which he had attended earlier in the evening. He said he was particularly concerned where the embargo on admissions is taking us and expressed his strong opposition to the policy introduced by the Minister to ban admissions which he asserted is closure by stealth. He said The Roddens has served the community well and would be a sad loss if it were to close.

Referring the representations from Friends of the Roddens opposing any redefining of the status of the Roddens Residential Home in the Minister's overhaul of the Health Service, which Council had supported, Councillor Finlay proposed:

that Council calls on the Health Minister to lift the embargo on people being admitted to the Roddens Residential Home.

The motion was seconded by Councillor Philip McGuigan and passed unanimously.

980.16 POST OFFICE

The Post Office has advised that, for operational reasons Bendooragh Post Office has closed temporarily and they are working to resume Post Office services at this location and will keep Council advised as to developments.

980.17 NOTICE OF MOTION: DEVOLUTION OF RESPONSIBILITY FOR LOCAL ROADS

The following Notice of Motion was unanimously agreed by Newtownabbey Borough Council 29 April 2013. Council is invited to endorse the motion.

The motion has also been forwarded to: The First Minister, Rt Hon Peter Robinson; The Deputy First Minister, Martin McGuinness; DoE Minister Alex Attwood; Regional Development Minister Danny Kennedy.

“Newtownabbey Borough Council believes that local issues, where practical, are best dealt with at a local level. Under the original extra powers that were being proposed under the Review of Public Administration, there were two substantial new powers that could have made a tangible improvement to the service received by local ratepayers. The Transfer of Planning Powers are now proceeding but regrettably the plans to devolve local roads have not materialised.

Newtownabbey Borough Council believes that the original idea to devolve responsibility for local roads to local government under RPA, with the requisite transfer of people and budget, should be re-examined as a matter of priority by the Departments involved and the Stormont Executive in general. “

While there was some support, in principle, from some members, it was considered that the present level of budget, if transferred, would be wholly inadequate and that roads would need to be brought up to standard or add to resource provided to allow this to be done so that the transferring service was rates neutral at point of transfer.

980.18 DETI APPOINTMENTS

The Department of Enterprise, Trade & Investment has given notice of the forthcoming DETI Public Appointment competition for the role of Chair and Members of the Board of NI Cooperation Overseas (NI-CO) Ltd, a publicly owned company responsible for marketing, on a worldwide basis, the services, skills and

expertise of government departments and other public bodies and organizations in Northern Ireland. Information has been circulated and the closing date is 7th June.

980.19 REPORTS/NILGA REPORTS/ROAD SERVICE LICENCES

A schedule of reports was circulated for members' information.

This being all the business the meeting closed at 8.55 pm.

Appendices listed:

Appendix A Audit Committee – Addendum, 30th May 2013 - Appointment of Independent Member

APPENDIX A**AUDIT COMMITTEE – ADDENDUM, 30TH May 2013
AUDIT COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBER**

A question arose at the Audit Committee regarding whether council has the power to restrict the voting rights of a non-councillor appointed to an Audit Committee and the matter was deferred for clarification.

Sections 18 & 19A of the Local Government Act (Northern Ireland) 1972 (the '72 Act) provide that:

- a council may appoint a committee;
- a committee may include non councillors provided at least 2/3 of the members are councillors;
- a non-councillor member of committee enjoys the same exemption from personal liability as a councillor;
- a non-councillor member of a committee shall be treated as a non-voting member;
- such member shall not be entitled to vote on any matter before the committee;
- voting includes making use of casting vote.

If, therefore, council resolves to accept the recommendation of the Audit Committee to appoint a person who is not a member of Ballymoney Borough Council to be a member of the Audit Committee, by virtue of the provisions of the '72 Act that member will not be entitled to vote on any question to be decided at the committee by voting, including using a casting vote if in the Chair. **It is recommended that Council note this report.**

The relevant portions of the Act are reproduced below :-

Extract from Local government Act (Northern Ireland) 1972**18 Power to appoint committees and sub-committees.**

18(1) A council may appoint a committee...

18(3) A committee appointed under this section may include persons who are not councillors, but at least two-thirds of the members of every committee shall be councillors.

18(8) A member of a committee or sub-committee who is not a councillor shall have the same exemption from personal liability as if he were a councillor.

19A Voting rights of members of committees, sub-committees and joint committees.

19A(1) A person who –

(a) is a member of a committee appointed under section 18(1) by a council and is not a member of that council..... shall for all purposes be treated as a non-voting member of that committee.....

19A(2) Where a person is treated by virtue of this section as a non-voting member of any committee....he shall not be entitled to vote at any meeting of the committee.... on any question which falls to be decided at that meeting.

19A(3) In this section any reference to voting includes a reference to making use of a casting vote.