

Ballymoney Borough Council
Council Meeting No 984 – 2nd September 2013

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BALLYMONEY BOROUGH COUNCIL

Minutes of Council Meeting No 984 held in the Council Chamber, Riada House, Ballymoney on Monday 2nd September 2013 at 7.00 pm.

IN THE CHAIR: Councillor J Finlay, Mayor

PRESENT:**Aldermen**

F Campbell
H Connolly
C Cousley, MBE
B Kennedy

Councillors

J Atkinson
W Blair
A Cavlan
R Halliday
R McAfee
T McKeown
P McGuigan
C McLaughlin
E Robinson, MBE
I Stevenson, Deputy Mayor
M Storey, MLA

IN ATTENDANCE:

Chief Executive
Director of Borough Services
Director of Central & Leisure Services
Head of Corporate & Development Services
Business Support Officer
Press x 2

984.1 MAYOR'S REMARKS

The Mayor commented on a number of crimes that have taken place in the borough recently where elderly people have been targeted, with two homes burgled and one elderly resident being subjected to an intruder entering her premises whilst she was at home. The Mayor sympathised with the residents and stated that he hoped the perpetrators would soon be brought to justice. He has called with and written to the residents. Alderman Campbell concurred with the Mayor's remarks.

984.2 CONGRATULATIONS

- 2.1 Councillor McAfee expressed congratulations to the Causeway Judo and the Causeway Giant's Wrestling Clubs who won 12 gold medals, and in total 35 medals, at the City of Culture International and the Ulster Wrestling International Tournaments last month.
- 2.2 Councillor McGuigan congratulated Ballymoney Cycling Club who hosted and took part in the Ulster Cycling Championships recently. Councillor McGuigan stated that it was a well-run event with people from across Ulster taking part and he thanked the Club for their efforts in promoting this.

984.3 DECLARATIONS OF INTEREST

There were no declarations of interest.

984.4 MINUTES OF COUNCIL MEETING NO 983 – 5TH AUGUST 2013

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

that the minutes of Council Meeting No 983 – 5th August 2013, as circulated, be confirmed as a correct record.

984.5 MINUTES OF CONSULTATION COMMITTEE NO 88 – 19TH AUGUST 2013

Matters Arising:

5.1 The Future of Vehicle Registration & Licensing Services in NI

The Chief Executive drew attention to public meeting arranged by NIPSA on 5th September "Save Vehicle Licensing in NI, details circulated.

The minutes of Consultation Committee Meeting No 88 – 19th August 2013, as circulated, were received.

984.6 MINUTES OF RESOURCES TASK GROUP NO 51 – 27TH AUGUST 2013

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

that the Minutes of Resources Task Group No 51 – 27th August 2013 would be deferred to the last item on the agenda.

984.7 SEAL DOCUMENTS

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

that the Seal of the Council be affixed to Grave Certificate number 0020 (Rasharkin Cemetery) and Grave Certificate numbers 1337, 1338, 1339 (Ballymoney Cemetery).

984.8 STATUTORY TRANSITION COMMITTEE

A copy of letter, 23rd August, 2013, from the Environment Minister, Mark H Durkan, MLA, regarding the nominations made by Council to Causeway Coast & Glens STC, together with copy of press release issued by the Minister was circulated to members. The Minister has also written to Belfast, Castlereagh, Lisburn and Strabane Councils on this subject.

The Chief Executive advised that he is seeking clarification from the Minister in relation to the correspondence but that no response has been received to date. He indicated however that it is evident from the press release that the Minister does not have powers to direct Councils at this stage.

The Chief Executive asked members to consider the correspondence.

Councillor McKeown advised that following Council's decision, Coleraine Borough Council had rescinded its previous decision to nominate in accordance with the Minister's guidance and had nominated using the present composition of Council on the proviso if Ballymoney decides to use the 2011 figures, they (Coleraine Borough Council) would remain as they were.

Alderman Kennedy stated that his party (DUP) had decided not to make any changes to the decision made at August Council meeting (983.4).

It was proposed by Councillor McKeown, seconded by Councillor Blair

that Council adhere to the guidelines set out by the Minister, using D'Hondt to nominate its 5 members to the STC and reflecting the political composition of the Council immediately after the 2011 local government election.

The Mayor put the motion to the meeting with 7 members voting in favour and 9 members voting against.

The Mayor declared the motion lost.

984.9 LEISURE & AMENITIES REPORT

The Director of Borough Services presented the Amenities section of the report.

AMENITIES

9.1 Cloughmills Old Mill Buildings

Members will recall that with the aid of funding from RDP a feasibility study was completed recently as to what might be done with the former mill buildings adjacent to the newly created Cloughmills Bio Park. The Big Lottery Space & Place Programme, which recently opened, has been identified as a possible source of funding to return the principal building to a useable state which would complement both the neighbouring new facilities and the award winning Incredible Edible Project. In order to submit a funding application it is necessary to have the support of the Council's Consultants.

IT IS RECOMMENDED that Council approves the engagement of its consultants to provide necessary technical assistance to underpin an application to the Big Lottery Space & Place Programme.

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

that Council approves the engagement of its consultants to provide necessary technical assistance to underpin an application to the Big Lottery Space & Place Programme.

9.2 Drumaheglis Tourist Development Project

Tenders have been invited in respect of this project which is primarily to be funded under RDP Axis 3.3 – encouragement of tourist activities. It is hoped that the tender evaluation report will be available for consideration by Council at its meeting on 2nd September and to commence the scheme by the end of September.

IT IS RECOMMENDED that Council receives the tender evaluation report.

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

that LAC be granted Council powers to receive the tender evaluation report and reach a decision on same.

9.3 New Amenities Facilities Tour: 5th September 2013

IT IS RECOMMENDED that Council note that arrangements have been made for members to view the new facilities recently provided at Ballybogey, Drumaheglis Marina & Caravan Park, Drumbolcan Park, Rasharkin and Cloughmills on Thursday, 5th September. A detailed

itinerary for the tour, now commencing at 2.00 pm, was provided to members.

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

that Council note that arrangements have been made for members to view the new facilities recently provided at Ballybogey, Drumaheglis Marina & Caravan Park, Drumbolcan Park, Rasharkin and Cloughmills on Thursday, 5th September with the tour commencing at 2.00 pm.

LEISURE SERVICES

The Director of Central & Leisure Services presented the Leisure Services section of the Report.

9.4 Good Relations Grants

The following applications for grants have been received -

- (i) Lisnagaver Flute Band for assistance towards an Annual Community Day.
- (ii) Rasharkin Community Association for assistance towards a Hillsborough Trip.
- (iii) Dervock & District Community Association for a North Antrim Villages Forum event.

The three applications satisfy the criteria for funding under the Good Relations Small Grants Scheme.

IT IS RECOMMENDED that the above three groups are granted £350.00 each.

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

that the above three groups are granted £350.00 each.

9.5 Causeway Citizens Advice Bureau

The Annual General Meeting of the Causeway Citizens Advice Bureau is being held on Friday 27th September 2013 at 1.00pm in Portstewart Town Hall. An invitation has been extended to all councillors.

984.10 HEALTH & ENVIRONMENTAL SERVICES REPORT

The Director of Borough Services presented the report.

LICENSING**10.1 Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 - Licence Application (Fourteen Unspecified Days) (Renewal)****Premises****Applicant**

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

Rev. Francis O'Brien

IT IS RECOMMENDED that the Borough Council renews the Indoor Entertainment's Licence as detailed above subject to the provision of a satisfactory electrical test certificate. 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 Kennedy, seconded by Alderman Connolly and **AGREED:**

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

**BETTING, GAMING, LOTTERIES AND AMUSEMENTS
(NORTHERN IRELAND) ORDER 1985****10.2 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 Rafter's Snooker Club, 18 Seymour Street, Ballymoney, BT53 6JR.

IT IS RECOMMENDED that the Borough Council renews the said permit and that same be subject to the Council's "Amusement Permit Conditions".

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

that Council renews the permit and that same be subject to the Council's "Amusement Permit Conditions".

STREET TRADING**10.3 Street Trading Act (NI) 2001 Temporary Street Trading Licences**

Application for the grant of Temporary Street Trading Licences have been made to this Directorate as follows:-

| <u>Purpose</u> | <u>Applicant</u> |
|--|--|
| Hot Food Trailer in Corner of High Street/ Church Street on 31 st August 2013 (8.00am – 6.00pm) | Mr. Darrin Millar, 106 Rashee Road, BALLYCLARE BT39 9HT |
| Market Stall in High Street on 31 st August 2013 (9.00am – 5.00pm) | Mr Robert Alexander Clyde 63 Drumachose Park, LIMAVADY BT49 0NY. |
| Donut Trailer in High St 31 st August 2013 | Mr Carson Skelton 5 Springwell Court RANDALSTOWN BT41 3GL |

IT IS RECOMMENDED that the Borough Council grant the Temporary Street Trading Licences as detailed above retrospectively.

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

that Council grant the Temporary Street Trading Licences as detailed above retrospectively.

10.4 LICENSING (NORTHERN IRELAND) ORDER 1996

| <u>Applicant</u> | <u>Purpose</u> | <u>Date</u> |
|--|--------------------------------------|--------------------|
| Una Marie McLaughlin McLaughlin's Corner 60 Bann Road Rasharkin BALLYMENA BT44 8TE | Transfer and Renewal of a Licence | 15/8/13 |

IT IS RECOMMENDED that the above application be noted.

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

that Council note the application.

WELFARE OF ANIMALS

10.5 Welfare of Animals Act (Northern Ireland) 2011 Authorisation of Officers

Further to Committee item 379.22 it is necessary to authorise the following additional officers to discharge this function on behalf of Ballymoney Borough Council –

Fiona Caroline Cooper (Animal Welfare Officer)
Matthew James Kenrick (Animal Welfare Officer)

IT IS RECOMMENDED that in exercise of its powers under 47A of the Local Government Act 1972 as amended by Article 26 of the Local Government (Miscellaneous Provisions) (NI) Order 1985, Ballymoney Borough Council appoints the aforementioned officers as inspectors under Section 45(1)(b) of the Welfare of Animals Act (NI) 2011.

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

that in exercise of its powers under 47A of the Local Government Act 1972 as amended by Article 26 of the Local Government (Miscellaneous Provisions) (NI) Order 1985, Ballymoney Borough Council appoints the following officers as inspectors under Section 45(1)(b) of the Welfare of Animals Act (NI) 2011.

***Fiona Caroline Cooper (Animal Welfare Officer)
Matthew James Kenrick (Animal Welfare Officer)***

984.11 DEVELOPMENT REPORT

11.1 Intervention Funding

Council agreed at its meeting on 5th August 2013 (CM983) to invite tenders for delivery of the DoE intervention project in Ballymoney Town Centre.

Proposed works have now been determined and tenders invited for design, supply and fix of composite aluminium panels to facades of derelict buildings/gap sites in the Town Centre.

Quotations have been invited for minor building repairs to facades of derelict buildings/gap sites and painting. These will be dealt with, under our procurement procedure by management.

Tenders will be opened by the Chair of Committee and the Head of Corporate & Development Services. Estimated cost of works £43,700.

Funding has to be spent before the end of the financial year (31.3.2014).

IT IS RECOMMENDED that Committee is granted Council powers to accept a tender.

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

that Committee is granted Council powers to accept a tender for design, supply and fix of composite aluminium panels to facades of derelict buildings/gap sites in the Town Centre.

The Mayor expressed thanks to the officer for all her hard work in progressing this initiative.

* **The Director of Borough Services left the meeting at 7.25 pm**

984.12 LOCAL GOVERNMENT REFORM

The Chief Executive outlined the details of a consultation document issued by the Local Government Staff Commission on Procedures for the Recruitment and Selection of Clerk and Chief Executives in the eleven new Councils, a copy of which was circulated together with a consultation questionnaire.

Information seminars will take place in Antrim, Limavady and Lisburn on 11th, 16th and 18th September respectively and any member wishing to attend should contact the Office of the Chief Executive.

The closing date for comments in 27th September.

In view of the timescale of the closing date, ***IT IS RECOMMENDED*** that Corporate & Central Services Committee be empowered to respond for Council.

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

that Corporate & Central Services Committee be empowered to respond for Council on the consultation document.

984.13 ELECTORAL REGISTRATION CANVASS 2013

The Electoral Office for Northern Ireland will shortly be commencing a comprehensive canvass of electors in Northern Ireland. This is necessary to ensure that the electoral register is as accurate and comprehensive as possible in the advance of the elections planned for 2014 and beyond.

Electoral canvassers will visit every household in Northern Ireland between Saturday 24 August 2013 and Saturday 21 September 2013 to deliver the canvass forms. It is a legal requirement to complete the canvass form and it must be returned to the Electoral Office in the Freepost envelope provided by Friday 27 September 2013.

For further information, or additional copies of the form, please refer to the EONI website at www.eoni.org.uk or contact the EONI Helpline at 0800 4320 712.

984.14 DRAFT RESPONSE TO THE DEPARTMENT FOR SOCIAL DEVELOPMENT'S CONSULTATION ON BUSINESS IMPROVEMENT DISTRICTS REGULATIONS

This response has been drafted by the Northern Ireland Local Government Association (NILGA), in response to the Department for Social Development's consultation on Business Improvement Districts Regulations.

The NILGA Executive Committee will finalise at its meeting of 13th September 2013, after which a corporately approved response will be sent.

This consultation seeks views on the processes and level of prescription outlined in the Regulations, and all the details underpinning, the establishment of a Business Improvement District (BID).

The Department for Social Development is keen to hear from everyone who has an interest in BIDs, including business owners and traders, local councillors, business representative organisations, councils, other public, private and voluntary sector bodies and anyone else who wishes to submit a response.

Council is invited to consider endorsing the response, a copy of which was circulated.

No comments were offered.

984.15 DRAFT NILGA RESPONSE TO DOENI CONSULTATION ON POLICY OPTIONS FOR A BILL TO INTRODUCE RECYCLING TARGETS

This paper has been drafted in liaison with the Technical Advisors Group (TAG), the Local Authority Recycling Advisory Committee and officers from councils across the three sub-regional Waste Management Groups for NI. This document was considered by the NILGA Executive on 9th August 2013 and is now forwarded to councils for their information and use.

The final response incorporating council views received will be submitted to the Department on 2nd September 2013.

Caveat: It has come to the attention of NILGA that the Department is not weighting responses, and is basing policy decisions on number of responses alone. NILGA

is therefore encouraging councils, and individual members, to submit a response in relation to this consultation.

A copy of the draft response template has been circulated to members under Office of the Chief Executive memo 346/2013 dated 21st August 2013.

Council is invited to consider endorsing the response.

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

that Council endorse NILGA's response to DOENI consultation on policy options for a bill to introduce recycling targets.

984.16 HEALTH & SOCIAL CARE BOARD - STATUTORY RESIDENTIAL HOMES PROJECT: REGIONAL PLANNING GROUP PROJECT INITIATION DOCUMENT

On 3rd May 2013, the Health and Social Care Board (HSCB) was asked by the Minister for Health, Social Services and Public Safety, Edwin Poots to develop a regional process, working closely with Trusts, for consulting, engaging and implementing *Transforming Your Care* (TYC) in relation to Statutory Residential Care Homes.

This group has produced a "Project Initiation Document" which has been published on our website http://www.tycconsultation.hscni.net/wp-content/uploads/2013/08/HSCB_Statutory_Residential_Homes_Project_Initiation_Document-19082013.pdf together with further information, including Frequently Asked Questions. A copy was circulated.

984.17 A26 GLARRYFORD TO DRONES ROAD SCHEME

Correspondence from the Regional Development Minister in response to Council's letter of 10th July advises that A5 funding was reallocated in June 2013 monitoring round for the 2013-14 financial year. In addition, around £40million has been agreed to enable work to start on the Magherafelt Bypass the following year.

It is in the public domain that the Minister put a paper to the Executive on alternative schemes that could be commenced 2014-15 including the A26. Of those schemes, the Finance Minister announced funding for the A31 only.

The A26 Glarryford to Drones Road Dualling is a high priority scheme and is well advanced in terms of development. The Department is considering the Inspector's report from the public inquiry and will publish a Departmental Statement, on the A26 Scheme, later this year. Following publication of the Departmental Statement, it is intended the A26 Scheme will progress to a procurement ready position. However, procurement will not commence without a commitment of funding.

Councillor Storey urged the Minister to make a decision to proceed with the delivery of the A26 scheme.

984.18 MOY PARK STRATEGIC PROJECT

The Department of Environment has written to advise affected Councils that they will soon receive a significant number of planning applications as a result of the proposed extension plans for Moy Park. A Project Team has been set up within DoE Planning and Local Government Group to deal specifically with the applications for some 300 additional poultry houses.

In order to assist with the Executive commitment under the Agri-food Strategy the Department has created a dedicated project team, based in the South Antrim Area Local Planning Office to deal with the increase in demand in planning applications and reduce processing times. This dedicated team will deal strategically with all planning applications by Moy park across NI in the coming months. Most applications will be processed in line with the existing Streamlined consultation process which will assist with processing times. However in line with the agreed scheme all applications which are subject to an Environmental Impact Assessment, attract objection or are recommended for refusal will be presented to the Planning Committee. In addition the Department will be consulting the relevant Environmental Health Department and the priority of these applications may have resource implications.

Councillor Storey expressed the view that Council should do everything possible to encourage Planning Service not to delay in this issue. He said that many jobs currently depend upon Moy Park who had a turnover of £1.64B last year and who plan to expand further in Northern Ireland. Councillor Storey said he, with the MP for North Antrim would be meeting the senior management team of Moy Park next week with regard to help that could be given to the industry.

984.19 PUBLIC AWARENESS SESSION REGARDING THE CONSULTATION ON PROPOSAL TO INTRODUCE COMPULSORY TESTING OF BOVINES FOR BOVINE VIRAL DIARRHOEA (BVD)

The Department of Agriculture and Rural Development (DARD) launched a public consultation on 8 July 2013 (closing date 27 September) on a proposal to introduce compulsory testing of bovines for Bovine Viral Diarrhoea (BVD). The Department advised at the time that it would run a number of awareness sessions to give interested parties the opportunity to express their views on this proposal.

This is to advise you that awareness sessions will take place at various location across Northern Ireland on the following dates:-

Tuesday 3 September, Burrendale Hotel, 51 Castlewellan Road, Newcastle, Co Down. BT35 0JY at **7.00 pm**

Thursday 5 September, Clogher Livestock Market, 44 Station Road, Clogher, Co Tyrone. BT76 0AQ at **7.00 pm**

Tuesday 10 September, Enniskillen College (CAFRE), 2 Mullaghmeen Road, Levaghy, Enniskillen, Co Fermanagh. BT74 4GF at **7.00 pm**

Thursday 12 September, Ballymena Livestock Market, 1 Woodside Road, Ballymena, Co Antrim. BT42 4HX at **10.00 am**

Thursday 19 September, Roe Park Resort, 40 Drumrane Road, Limavady, Co Londonderry. BT49 9LB at **7.00 pm**

Tuesday 24 September, Armagh City Hotel, 2 Friary Road, Armagh, Co Armagh. BT60 4FR at **7.00 pm**

These awareness sessions offer an opportunity for interested parties, in particular farmers, to learn more about this disease, what the proposed legislation may be and provides an opportunity to have a say in the decision making process.

In addition, DARD has issued a press release announcing the planned public awareness sessions.

984.20 GRASS CUTTING IN PRIVATE HOUSING DEVELOPMENTS

The Chief Executive referred to OCE memo ref OCE333-2013 of 9 August inviting members to identify any specific locations in their area where problems exist. Roads Service will check the adoption status and responsibility for grass cutting in receipt of information.

984.21 WIND ENERGY SEMINAR 12.9.13

Details of free wind energy seminars and wind farm visits were circulated to members under OCE memo OCE351-2013 of 30 August. Any member wishing to attend should contact the Office of the Chief Executive.

984.22 REPORTS/NILGA REPORTS

A schedule of reports was circulated for members' information.

984.23 MINUTES OF RESOURCES TASK GROUP NO 51 – 27TH AUGUST 2013

Matters arising.

23.1 Update Report on Review of Management Structure in Joey Dunlop Leisure Centre.

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

that Council move 'into Committee' to receive the report.

* **Members of the press left the meeting at 7.40 pm.**

The Chief Executive said before members reach a decision on the recommendation outlined in the minutes of Resources Task Group Meeting No 51, item 4.1, he must point out two concerns and have them minuted.

“What is proposed by members in this case is different to what was decided in a similar case last year. Due to the creation of the PCSP and the loss of a manager post, council decided to “ensure that its employees whose salary is adversely impacted by a structural change will not suffer any financial detriment for a period of three years.”

The proposal in this case is different in that the period of protection is indefinite. My first concern is that, in what appears to be similar circumstances; different employees are to be treated differently without any objective justification. My second concern is that the Local Government Auditor may object to indefinite protection of pay as being unduly generous.” A concern the auditor had raised in the past was people having ‘freeze and catch up’ with no time limit.”

The Chief Executive responded to a number of questions relating to the existing policy and the criteria for changing this without consideration of the equality impact this may have. He referred members to the proposal 14 months ago to develop a policy on this matter and consider the equality impact of this, minute (CRCS405.8.2) circulated as appendix to Resources Task Group minutes under consideration. He said his concern was not that Council have powers but how they were exercising powers, with no time to consider the issues and impacts prior to setting in place a pay protection policy.

He also responded to questions on the similarity of the two posts, harmonizing anomalies and deliberations on TUPE required to be considered by the new cluster Councils.

Councillor Stevenson proposed an amendment which was seconded by Alderman Campbell:

[a] - that the salary, with enhancements, equating to PO3, of former Assistant Manager post, employee Ref 30111, be protected indefinitely and that he also benefit from any salary increases applying to salary grades, with average superannuable pay being also protected.

[b] - that the three year pay protection, at grade PO2, granted (CRCSC405.8.2) to employee 50094, whose salary was adversely impacted by a structural change arising from combining of DPP/CSP roles, be also extended indefinitely, therefore treating both employees equally.

A vote was taken with nine members voting in favour and no members voting against.

The Mayor declared the motion carried.

This being all the business the meeting closed at 7.55 pm.