

Ballymoney Borough Council

Health & Environmental Services Committee Meeting No 395 – 22nd October 2013

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395.1	Declarations of Interest	<i>Nil</i>
395.2	Meeting No 394 – 24 th September 2013	<i>Adopted</i>
395.3	Food Control New Legislation	<i>Noted</i>
395.4	Petroleum (Reg.) Acts (NI) 1929 and 1937 Petroleum Spirit Licence (Renewal)	<i>Renew licence</i>
395.5	Service Performance Indicators	<i>Noted</i>
395.6	The Private Tenancies (NI) Order 2006 Article 36 (4) Certificates of Fitness	<i>Grant certificates</i>
395.7	DoE Consultation on Repeal of ‘Further Assessment’ Provision in the Environment (NI) Order 2002	<i>Noted</i>
395.8	Bush Valley Primary School – Green Flag Award	<i>Noted</i> <i>Nominate Recycling</i> <i>Education Officer</i>
395.9	Crosstagherty Landfill Site Investigation	<i>Noted</i>
395.10	Operator’s Licence Vehicle Maintenance Agreement	<i>Noted</i>
395.11	DoE Consultation on the Waste Prevention Programme for NI	<i>Noted</i> <i>Prepare response</i>
395.12	Local Government (Misc. Prov.) (NI) Order 1985 – Licence Applications (Full) (Renewal)	<i>Renew licences</i>
395.13	Local Government (Misc. Prov.) (NI) Order 1985 – Licence Applications (Fourteen Unspecified Days) (Renewal)	<i>Renew licences</i>
395.14	Street Trading Act (NI) 2001 Temporary Street Trading Licences	<i>Grant licences</i>
395.15	Licensing (NI) Order 1996	<i>Noted</i>
395.16	The Health & Personal Social Services (NI) Order 1978 The Children & Young Persons (Sale of Tobacco etc.) (NI) Order 1991 The Children & Young Persons (Sale of Tobacco etc.) Regulations (NI) 2008	<i>Prosecution be taken</i> <i>against trading company</i> <i>Issue informal written</i> <i>warning to shop assistant</i>
395.17	Municipal Waste Returns	<i>Provide monthly statistics</i>

395.18 Disposal of Plaster Board

Determine cost of disposal

BALLYMONEY BOROUGH COUNCIL

Minutes of Health & Environmental Services Committee Meeting No 395, held in the Council Chamber, Riada House, Ballymoney on Tuesday 22nd October 2013 at 7.00 pm.

IN THE CHAIR: Councillor Atkinson

PRESENT: **Aldermen**
F Campbell
C Cousley, MBE

Councillors
W Blair
A Cavlan
J Finlay
R Halliday
R McAfee
T McKeown
E Robinson, MBE
I Stevenson

APOLOGIES: Alderman Connolly
Alderman Kennedy

IN ATTENDANCE: Deputy Director of Borough Services
Committee Clerk

395.1 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

395.2 MINUTES – MEETING NO 394 – 24th SEPTEMBER 2013

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

to recommend that the minutes of Meeting Number 394 – 24th September 2013, as circulated, be confirmed as a correct record.

MATTERS FOR CONSIDERATION

FOOD CONTROL

395.3 NEW LEGISLATION

IT IS RECOMMENDED that Council note the undernoted new statutory instruments-

1. The Fish Labelling Regulations (NI) 2013

These Regulations, which came into force on 7th October, provide for the enforcement of consumer information and traceability requirements of various EU measures regarding fishery and aquaculture products.

2. The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (NI) 2013

These Regulations, which will come into force on 31st October 2013, provide for the execution and enforcement of a number of EU Regulations.

3. The Contaminants in Food Regulations (NI) 2013

The purpose of these Regulations, which come into force on 31st October 2013, is to revoke the current Contaminants in Food Regulations (NI) 2010 and remake them with necessary amendments taking into account the provisions of Commission Regulation (EU) No. 1258/2011 and Regulation (EU) No. 610/2012.

The Deputy Director of Borough Services responded to members' questions regarding the new legislation.

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

to recommend that Council note the new statutory instruments as detailed above.

HEALTH & SAFETY

395.4 PETROLEUM (REGULATION) ACTS (NORTHERN IRELAND) 1929 AND 1937 PETROLEUM SPIRIT LICENCE (RENEWAL)

Application has been received for the renewal of petroleum spirit licence as follows: -

Premises

Golden Plough,
86-88 Drones Road,
BALLYMONEY, BT53 8XA.

Applicant

Mr. T. Coyle

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

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

to recommend that the renewal of the licence as detailed above.

395.5 SERVICE PERFORMANCE INDICATORS

IT IS RECOMMENDED that Council notes that the performance indicators attained for 2012-13 in respect of its food and health & safety services remain unchanged from the previous year.

<u>Service</u>	<u>Management</u>	<u>Performance</u>	<u>Review</u>
Food	A	A	A
Health & Safety	B	A	A

In response to Councillor Robinson, the Deputy Director of Borough Services explained that the Service Performance Indicators are based on a self-regulatory exercise completed by each Council. The Deputy Director then clarified the difference between the Service Performance Indicators and Food Hygiene Rating Scheme.

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

to recommend that Council notes that the performance indicators attained for 2012-13 in respect of its food and health & safety services remain unchanged from the previous year.

ENVIRONMENTAL HEALTH GENERAL

395.6 CERTIFICATES OF FITNESS

THE PRIVATE TENANCIES (NORTHERN IRELAND) ORDER 2006 ARTICLE 36 (4)

Landlord

Mr. J. Clyde

Mr. J. McAuley

Dwelling- House

15 Milltown Avenue,
BALLYMONEY, BT53 6RF.

230 Finvoy Road,
BALLYMONEY, BT53 7JT.

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 Robinson, seconded by Councillor Stevenson and **AGREED:**

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

ENVIRONMENTAL PROTECTION

395.7 DOE CONSULTATION ON REPEAL OF 'FURTHER ASSESSMENT' PROVISION IN THE ENVIRONMENT (NI) ORDER 2002

IT IS RECOMMENDED that Council note the above consultation which closed on 18th October. Same relates to the DoE proposal to repeal the requirement for NI district councils to carry out what is commonly known as a 'further assessment' of air quality in an Air Quality Management Area before preparing an action plan.

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

to recommend that Council note the above consultation which closed on 18th October.

ENVIRONMENTAL SERVICES

395.8 BUSH VALLEY PRIMARY SCHOOL – GREEN FLAG AWARD

Bushvalley Primary School is the latest Borough school to achieve a Green Flag as part of the Eco Schools programme. This European wide scheme is now recognised as an indicator of quality environmental and social education within schools. Pupils gain an insight into their role in ensuring that we minimise our impact on the world around us and Eco Schools complements much of the ongoing work in our schools in areas like waste, healthy eating and the world around us.

The pupils and staff of Bushvalley were determined to achieve this recognition for their efforts. Under the leadership of Mrs. Whyte and through the enthusiastic and intensive commitment of Mrs. Irwin, the assessors agreed that if anything, the school had over-achieved. This is high praise from independent assessors with no prior knowledge of the school. The pupils deserve much credit for their application and understanding of the issues involved and the entire community of Stranocum and district should be justifiably proud of this achievement.

IT IS RECOMMENDED that Council notes the above achievement.

The Chair acknowledged Bushvalley Primary School's achievement in obtaining the Green Flag Award and wished them every success in future schemes.

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

to recommend that that Council notes the above achievement.

Following a response to members questions by the Deputy Director Borough Services,

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

to recommend that the Recycling Education Officer is nominated for the most appropriate category of this year's NILGA awards.

395.9 CROSSTAGHERTY LANDFILL SITE INVESTIGATION

RPS, on behalf of Ballymoney Borough Council, undertook the quotation exercise for the site investigation to be carried out at Crosstagherty Landfill Site, Burnquarter Road, Ballymoney.

The project quotation documents were issued on the 26th September 2013. RPS issued quotation documents to six site investigation contractors approved by RPS. Four site investigation contractors expressed an interest in providing a quotation for the works. Two site investigation contractors, Geotechnical and Environmental Services Ltd. and Causeway Geotech Ltd., returned quotations to Ballymoney Borough Council by the due date and time on Thursday, 10th October 2013 at 12.00 noon.

The contract is for the provision of the following services:

- The installation of 3 Deep and Shallow Nr Dual Groundwater and Gas monitoring boreholes;
- The installation of 5 Shallow Nr Dual Groundwater and Gas monitoring boreholes;
- A factual ground investigation report shall be provided for each stage of investigation.

The contractors were notified within the quotation documents that the quotations would be assessed upon quality and price.

Following the assessment of the quotation cost and quality submission, the quotation submitted by Geotechnical and Environmental Services Ltd. scored highest. RPS is satisfied that Geotechnical and Environmental Services Ltd. have completed projects of a similar scale and have the ability and technical knowledge to undertake the required works to a satisfactory standard.

IT IS RECOMMENDED that Council note the intention to appoint Geotechnical and Environmental Services Ltd., 22A Kilmoyale Road, Ballybogey, BT53 6NR, to carry out site investigation work at Crosstagherty Landfill Site in the sum of £15,685 including contingency.

In response to Councillor Robinson, the Deputy Director of Borough Services advised that he would draw the matter the member raised to the attention of the Director of Borough Services.

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

to recommend that Council note the intention to appoint Geotechnical and Environmental Services Ltd., 22A Kilmoyale Road, Ballybogey, BT53 6NR, to carry out site investigation work at Crosstagherty Landfill Site in the sum of £15,685 including contingency.

Discussion continued on the site closure plan for Crosstagherty Landfill Site and the production of methane at the site.

395.10 OPERATOR'S LICENCE VEHICLE MAINTENANCE AGREEMENT

Suitably qualified contractors were invited to submit quotations with respect to a vehicle maintenance safety inspection regime on behalf of Ballymoney Borough Council. Inspections are to be carried out in accordance with the Guide to Maintaining Road Worthiness issued by the Driver & Vehicle Agency.

Quotation documents were issued to four contractors on 4th October 2013. Completed quotation documents were received by all contractors by the due date and time on Friday 11th October 2013 at 12.00 noon.

The agreement stipulates that the contractor will conduct 6 weekly and 13 weekly safety inspections as per vehicles in Council fleet. Contractors were also required to confirm availability of Vehicle and Operator Services Agency approved on-line advisory system and dedicated lane. The agreement is for one year, commencing December 2013, with the option of a further six month extension. Price is to be fixed for duration of agreement.

Following the assessment of quotations, the quotation submitted by Hilltop Garage was deemed most economically advantageous and met the requirements regarding availability of on-line advisory system and dedicated lane. Hilltop Garage has carried out this work previously for Council to a satisfactory standard.

IT IS RECOMMENDED that Council notes the intention to appoint Hilltop Garage, Cranagh Road, Coleraine.

In response to Councillor Robinson, the Deputy Director of Borough Services advised that the service would be provided within existing budget provision.

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

to recommend that Council notes the intention to appoint Hilltop Garage, Cranagh Road, Coleraine.

395.11 DOE CONSULTATION ON THE WASTE PREVENTION PROGRAMME FOR NORTHERN IRELAND

IT IS RECOMMENDED that Council notes that the DoE has established a consultation paper seeking views, by 11th December 2013, on the Waste Prevention Programme for Northern Ireland.

The aims of the Waste Prevention will be to:

- Assist decoupling economic growth from the environment impacts associated with waste generation;
- Encourage people to use resources efficiently and generate less waste;
- Establish improved resource efficiency and waste prevention as an integral part of business management and project planning.

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

to recommend that Council notes that the DoE has established a consultation paper seeking views, by 11th December 2013, on the Waste Prevention Programme for Northern Ireland.

It was proposed by Councillor Robinson, seconded by Councillor Cavlan and
AGREED:

to recommend that a response to the consultation paper on the Waste Prevention Programme for Northern Ireland be prepared on behalf of Council.

It was noted by Councillor Robinson the expertise given by Ballymoney Council officers involved in the North West Regional Waste Management Group and felt that any consultation response provided would be a positive contribution to the consultation exercise.

LICENSING

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

Premises

The Social Centre,
12 Edward Street,
BALLYMONEY, BT53 6JE.

Town Hall,
1 Townhead Street,
BALLYMONEY, BT53 6BE.

Minor, Main Sports Halls,
Joey Dunlop Leisure Centre,
33 Garryduff Road,
BALLYMONEY, BT53 7DB.

McLaughlin's Corner,
60 Bann Road,
Rasharkin,
BALLYMENA, BT44 8TE.

The Vintage Café/Racks,
Unit 9A Ballybrakes Business Park,
BALLYMONEY, BT53 6LW.

Loughgiel Shamrocks GAC,
17 Lough Road,
Loughgiel,
BALLYMENA, BT44 9JN.

Applicant

Mr. Gareth Doyle,
Ballymoney Borough Council.

Mr. Gareth Doyle,
Ballymoney Borough Council.

Mr. Paul Lyness,
Ballymoney Borough Council.

Ms. Una McLaughlin,

Mrs. Nicola and Mr. Nigel Craig,

Mr. Sean McNaughton

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the cases of The Social Centre and Town Hall subject to the provision of satisfactory electrical test certificates. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise files also apply.

It was proposed by Councillor Cavlan, seconded by Councillor McAfee and
AGREED:

to recommend that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the cases of The Social Centre and Town Hall subject to the provision of satisfactory electrical test certificates. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise files also apply.

395.13 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATIONS (FOURTEEN UNSPECIFIED DAYS) (RENEWAL)

Premises

Applicant

Garryduff Presbyterian Church Hall,
Garryduff Road,
BALLYMONEY, BT53 7DH.

Mr. Alan Patterson

Ballybogey Community Centre,
8A Wheatfield Park,
Ballybogey,
BALLYMONEY, BT53 6NT.

Mrs. Maureen McCook

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

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

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

STREET TRADING

395.14 STREET TRADING ACT (NI) 2001 TEMPORARY STREET TRADING LICENCES

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

Purpose

Applicant

Flashing Novelties
at Clock Tower (junction of
Main Street/High Street)
on 30th October 2013

Mr. Richard McLernon

Glow in the Dark Novelties
on High Street
on 30th October 2013

Mr. James Michael McDonagh

Flashing Novelties
at Clock Tower (junction of
Main Street/High Street)
on 21st November 2013

Mr. Richard McLernon

Glow in the Dark Novelties/
Foil Balloons
on High Street
on 21st November 2013

Mr. James Michael McDonagh

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

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

to recommend that the Borough Council grant the Temporary Street Trading Licences as detailed above.

LICENSING

395.15 LICENSING (NORTHERN IRELAND) ORDER 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Shirley Anne McKinley, The Scenic Inn, 38 Fivey Road, Armoy, BALLYMONEY, BT53 8UT.	Occasional Licence Application at Stranocum Community Hall on 12/10/13 between 8pm and 1am.	26/9/13
Sharon L. McKillop, Blackwater Bar & Restaurant, 250-252 Castlecat Road, Dervock, BALLYMONEY, BT53 8BP.	Occasional Licence Application at Ballybrakes Community Indoor Bowling Club on 1 st , 2 nd , 3 rd November 2013 and 13 th November 2013 between 11.30am and 1pm.	10/10/13

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Sharon L. McKillop, Blackwater Bar & Restaurant, 250-252 Castlecat Road, Dervock, BALLYMONEY, BT53 8BP.	Occasional Licence Application at Ballybrakes Community Indoor Bowling Club on 23 rd & 30 th November 2013 between 7pm and 1am.	10/10/13

IT IS RECOMMENDED that the above applications be noted.

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

that the above applications be noted.

TOBACCO CONTROL

395.16 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 8th June 2013 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 15 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 12th April 2013.

During the exercise 11 premises were tested, of which two sold tobacco to the child. This represents 82% compliance. Members will recall HES Minute 394.22 (24th September 2013) which dealt with the first premises.

The shop assistant of the second premises, who sold the tobacco product, attended for a formal recorded interview at the Council Offices on Tuesday 25th June. The child was unchallenged as to their age and allowed by the shop assistant to purchase cigarettes to the value of £3.65. The shop assistant was of mature years with 3 years experience in these premises. In mitigation, the shop assistant had not received refresher training on under-age tobacco sales for three years.

The General Manager of the second premises subsequently attended a formal recorded interview at the Council offices on Wednesday 26th June 2013. The General Manager was not present in the premises when the shop assistant allowed the child to purchase the cigarettes.

This medium sized premises is supported by a larger trading business and is able to avail of standardised record keeping and staff training material support. Induction training was provided to all staff on joining the company but there was no system of refresher training in place resulting in the shop assistant who made the sale not having had formal training for three years.

In mitigation, since the test purchase exercise on 8th June 2013, all thirteen staff at the premises have been retrained on tobacco sales and age related products.

Councils warning letter about test purchasing had been received by the management of the business but it appears the chain of communication to shop-floor staff broke down as it appears the letter was not brought to their attention and no warning was given to staff of the pending exercise.

On the day of the test purchase exercise the 'Premises Refusal Register' could not be produced at the request of the Council Officer, nor at the formal interview.

During the interview it was asserted that the store did operate a 'Premises Refusal Register' although it could not be produced. An explanation was given that as the store was being completely refitted internally it was believed that when the old checkouts were being removed the Refusal Register was inadvertently disposed of along with other items.

This particular premise failed a test purchase exercise for tobacco product, conducted on 9th February 2008, for which a Formal Caution was administered. In mitigation, that previous caution was 5 years ago and the premises has successfully 'passed' a number of test purchase exercises since, including an under-age test purchase by Camelot UK Lotteries in June 2012.

IT IS RECOMMENDED that in accordance with Ballymoney Borough Council's Enforcement Policy a **prosecution** be taken against the trading company of the business premises, concerning this offence.

IT IS RECOMMENDED that in accordance with Ballymoney Borough Council's Enforcement Policy an **informal Written Warning** concerning this offence be issued to the shop assistant in this instance.

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

to recommend that in accordance with Ballymoney Borough Council's Enforcement Policy a prosecution be taken against the trading company of the business premises, concerning this offence; and

to recommend that in accordance with Ballymoney Borough Council's Enforcement Policy an informal Written Warning concerning this offence be issued to the shop assistant in this instance.

ENVIRONMENTAL SERVICES

395.17 MUNICIPAL WASTE RETURNS

Councillor Stevenson raised the issue of the breakdown of waste types in the municipal waste returns no longer being presented in the Health & Environmental Services committee report. It was requested that a breakdown of missing months be provided along with regular monthly updates (as was given previously).

395.18 DISPOSAL OF PLASTER BOARD

Councillor Stevenson raised the issue of plaster board and asked that he be advised as to the cost of disposal. The Mayor stated that this is not a service which Council ought to be providing. In the ensuing discussion the Deputy Director of Borough Services responded to member questions.

* Councillor Finlay left the meeting at 7.49pm during discussions.

This being all the business the meeting closed at 7.52pm.