

Ballymoney Borough Council
Health & Environmental Services Committee Meeting No 402 – 23rd September 2014

Table of Contents

402.1	Declarations of Interest	<i>Nil</i>
402.2	Minutes - Meeting No 401 – 24 th June 2014	<i>Adopt</i>
402.3	Renaming of Street	<i>Progress policy amendment</i>
402.4	Drinking Water Quality Report for NI 2013 – Ballymoney Borough Council	<i>Note</i>
402.5	Pollution Prevention Control Register	<i>Note</i>
402.6	Water (NI) Order 1999: Effluent Consent Application	<i>Note</i>
402.7	Surface Waters Alterations Handbook – December 2013	<i>Note</i>
402.8	Re-Think Waste Capital Fund Application – Kerbside Food Waste Service	<i>Note</i>
402.9	Brown Bin Service Extension	<i>Note</i>
402.10	NILAS Compliance	<i>Note</i>
402.11	Certificate of Fitness	<i>Grant certificate</i>
402.12	The Food Information Regulations (NI) 2014	<i>Note</i>
402.13	Service Performance Indicators 2013-14	<i>Note</i>
402.14	Safe Driving Policy Statement Mobile Phones and Driving Policy	<i>Adopt</i>
402.15	Licence Applications (Full) (Renewal)	<i>Renew licence</i>
402.16	Licence Applications (14 Unspecified Days) (Renewal)	<i>Renew licences</i>
402.17	Mobile Street Trading Licence - Renewal	<i>Renew licence</i>
402.18	Town Centre CCTV System – Service Level Agreement	<i>Enter agreement</i>
402.19	Mutual Aid Agreement between Drainage Agencies and Local Government covering Arrangements for Mutual Aid in the Supply and Deployment of Agreed Resources in the Event of Flooding	<i>Enter agreement</i>
402.20	Affordable Warmth Update	<i>Note</i>
402.21	Sign at Bannview Park, Ballymoney	<i>Note</i>

BALLYMONEY BOROUGH COUNCIL

Minutes of Health & Environmental Services Committee Meeting No 402, held in the McKinley Room, Riada House, Ballymoney on Tuesday 23rd September 2014 at 7.00 pm.

IN THE CHAIR: Councillor Atkinson

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

Councillors
J Finlay
R Halliday
C McLaughlin
A McLean
E Robinson, MBE
I Stevenson

APOLOGIES: **Alderman**
H Connolly

Councillors
A Cavlan
P McGuigan

IN ATTENDANCE: Director of Borough Services
Business Support Officer

402.1 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

402.2 MINUTES – MEETING NO 401 – 24th June 2014

It was proposed by Councillor Finlay, seconded by Councillor McLean and

AGREED:

to recommend that the minutes of Meeting Number 401 – 24th June 2014, as circulated, be confirmed as a correct record.

MATTERS FOR CONSIDERATION

BUILDING CONTROL

402.3 RENAMING OF STREETS

Introduction

At the Consultation Committee on 16 June 2014, Councillor Stevenson raised the issue of changing the name of 'Rodeing Foot' to 'Rodden Foot' with Transport NI officials. Transport NI has referred the matter back to Council as it is the body with power to name streets. This report sets out the current Ballymoney Borough Council policy on street naming and considers how the issue might be progressed.

Policy

The Council's policy on naming of streets was adopted in 2007 and amended in 2010 (the policy was circulated to members). The Introduction states that:

- 1.1 The Local Government (Miscellaneous Provisions) (NI) Order 1995 affords Council a discretion to name streets within its district. Ballymoney Borough Council will exercise that discretion.
- 1.2 It is a policy of Ballymoney Borough Council to name all streets in its district.

The policy makes no explicit provision for the alteration or amendment of a street name once given. Ballymena Borough Council, in an unrelated case to this one, obtained a legal opinion in 1998 to the effect that as the Local Government (Miscellaneous Provisions) (NI) Order 1995 had removed the power given in earlier legislation to change the name of a street therefore as a consequence councils no longer have the power to do so. However some other councils operate policies based on a wider interpretation of the 1995 Order which infers that the power to name a street includes the power to rename it. Belfast's City Council's policy is one example [this was also reproduced and circulated to members].

Recommendation

Should Committee take the view that Council should have a policy to permit the renaming of a street, it should first decide if is content to rely on the precedent set by others such as Belfast CC and infer that the 1995 Order allows Council to rename a street. If not, it should recommend that Council seeks a legal opinion. Once the above determination is made, it is then necessary to develop a policy setting out the Council's position on the matter and it would seem prudent that this is done in conjunction with the other three councils in the cluster. When agreed, the procedures in the policy would then be followed in relation to the request made by Councillor Stevenson.

IT IS RECOMMENDED that Committee consider the matter and make a recommendation to Council.

Councillor Stevenson gave an explanation as to the reason for proposing a change of name from 'Rodeing Foot' to 'Rodden Foot'. The Director of Borough Services advised, as outlined in his report, that it was necessary firstly to determine whether Council ought to rely on the precedent set by others such as

Belfast CC and infer that the 1995 Order allows Council to rename a street and secondly it would be prudent to develop a policy in conjunction with the others in the cluster to incorporate the renaming of streets. He then responded to members' questions regarding the probable timeline involved, stating that when enquiries had been made with colleagues in the other three cluster Councils an update would be provided to members.

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

to recommend that 'Rodeing Foot' is changed to 'Rodden Foot' (based on the wider interpretation of the 1995 Order and in accordance with the necessary amendment of the existing policy having been implemented by Council.)

* ***Councillor Stevenson left the meeting at 7.09pm.***

ENVIRONMENTAL PROTECTION

402.4 DRINKING WATER QUALITY REPORT FOR NI 2013 – BALLYMONEY BOROUGH COUNCIL

IT IS RECOMMENDED that Council note the above report abstract concerning the quality of water supplied to premises within the Borough during 2013 which has been placed in the Members Room at Riada House.

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

to recommend that Council note the above report abstract concerning the quality of water supplied to premises within the Borough during 2013 which has been placed in the Members Room at Riada House.

402.5 POLLUTION PREVENTION CONTROL REGISTER

NIEA have furnished updates for the following premises to be included in the public register:-

P0312/09A	NI Water – Glenstall WWTW
P0369/11A	Altnahinch WTW

IT IS RECOMMENDED that Council note that the above documents have been included in the public register.

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

to recommend that Council note that the above documents have been included in the public register.

402.6 WATER (NI) ORDER 1999: EFFLUENT CONSENT APPLICATION

NIEA Water Management Unit has advised that it has received the undernoted application –

<u>Applicant</u>	<u>Location</u>
Mr. Craig Nesbitt	Hedges Hotel and Restaurant, 141A Ballinlea Road, Stranocum, BALLYMONEY, BT53 8PX.

In that the NIEA will set levels as to the quality of effluent to be discharged to a waterway, ***IT IS RECOMMENDED*** that Council note the application.

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

to recommend that Council note the application.

402.7 SURFACE WATERS ALTERATIONS HANDBOOK – DECEMBER 2013

The Department of the Environment have recently provided copies of the above publication for distribution. The booklet provides advice on the current regulatory controls and best practice policies that should be applied in relation to performing any activities which have the potential to alter the physical condition of surface water bodies. It also contains details on appropriate contacts and approvals which must be obtained before certain activities are undertaken. Copies of the booklet are available in the Members room and general public areas of Riada House.

IT IS RECOMMENDED that Council note the above publication.

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

to recommend that Council note the above publication.

ENVIRONMENTAL SERVICES

402.8 RE-THINK WASTE CAPITAL FUND APPLICATION – KERBSIDE FOOD WASTE SERVICE

Council has been advised and has noted that its application to the DoE Rethink Waste Capital Fund for financial assistance to introduce a separate weekly collection from all homes within the Borough has been partially successful in that Council secured an offer from the Fund of £268,342 were the Fund to receive additional funds in the future. (The Council's application sought capital costs of £392,480, leaving a shortfall of £124,138. This plus the annual revenue costs for the proposed scheme (circa. £320,000) would have to come from the Council's own resources – in the first instance the Council's reserves, as no provision was made when setting this year's budget for the possible extension of the waste recycling services Council provides.) The Fund administrators have now advised

(following the referral of the Council's application to the DoE economists) "that it is not possible to continue with the offer made for the preferred option".

Given the cost (both capital and revenue) of this proposed service the matter falls within the scope of the DoE Minister's direction of 26th May and as such were Council to agree that the scheme proceed it will then be necessary to refer the matter to the Causeway Coast & Glens Shadow Council for its decision.

IT IS RECOMMENDED that Council note the update in respect of its funding application to the Re-Think Waste Capital Fund 2014-15.

Councillor Robinson thanked the Director for the information provided and gave further information to Committee she had obtained regarding the Council's Rethink Waste Capital Fund application. She expressed concern that Ballymoney Borough Council is now one of only two councils in Northern Ireland which presently do not collect food waste separate from residual waste. Councillor Robinson requested that the issue be re-considered looking at the offer originally made by Rethink Waste. The Director of Borough Services made it clear that the former offer from those administering the Rethink Waste Capital Fund 2014-15 had now been withdrawn and that such grant aid did not cover revenue costs. He highlighted a number of implementation issues including the DoE Minister's direction of 26th May that council proposed capital schemes in excess of £250,000 had to be referred to the respective shadow council for approval, the practicalities of introducing any service in the absence of both this council and the shadow council agreement as to the service to be provided, the need for a Causeway Coast & Glens Council policy as to how it would provide refuse collection services from 1st April 2015 and for DoE clarity as to how it proposed to legislate regarding its consultations in respect of a possible ban on the landfilling of food waste and indeed its possible separate collection the outcome of which remained unknown.

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

to recommend that Council note the update in respect of it funding application to the Re-Think Waste Capital Fund 2014-15.

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

to recommend that the Director advise Committee at its October meeting regarding the breakdown and implications of the proposal which the Rethink Waste Capital Fund had been minded to fund.

402.9 BROWN BIN SERVICE EXTENSION

Minute HES 401.18 (24th June 2014) refers. Although the possible extension of the Council's present brown bin service was an option considered as part of the budget setting process for the current year (2014-15), Council when setting the rate, did not make any provision for the extension of its recycling services. The present service provides a fortnightly collection of green (garden) waste from 7,100 Borough homes. There are approximately 11,900 households in the Borough.

IT IS RECOMMENDED that Council note this information.

In response to Councillor Robinson, the Director of Borough Services advised that information on the capital and revenue cost of extending the brown bin service had most recently been set out in the paper presented as part of the Councils budget setting process for 2014-15 and subsequently.

*(For clarity the following information relates to option 2 as reported to Committee on 25th March 2014 [Minute HES400 - Appendix A refers] – **extend brown bin service to whole borough to include food waste***

<i>Capital Cost [caddies, brown bins, RCV] + distribution</i>	<i>£272,360</i>
<i>Annual Revenue Cost</i>	<i>£288,039</i>

Councillor Finlay raised the issue that a number of rural residents were not presently able to avail of the brown bin service. In the ensuing discussion mention was made as to whether or not the present system was fit for purpose going forward into the new council and also the need for a common approach throughout the new council area in respect of essential services such as waste collection / recycling and street cleansing. Mention was also made regarding the role of the North West Waste Management Group. Councillor Finlay requested that a Council officer speak with the constituents who had raised the issue with him and explain the situation and the Director undertook to do this.

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

to recommend that Council note this information.

402.10 NILAS COMPLIANCE

Further to the Council's decision of 4th August arrangements are already in train to put 500 tonnes of residual waste through the extant NWRWMG/Council interim contract to aid compliance with the Council's NILAS obligations as regards the current scheme year (14/15). Whilst this action will increase both the Council's recycling and recovery rates ***IT IS RECOMMENDED*** that Council note that the extra unbudgeted cost is £4.50 per tonne (£2,250).

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

to recommend that Council note that the extra unbudgeted cost is £4.50 per tonne (£2,250).

In response to Councillor Robinson, the Director of Borough Services explained why there was an extra cost to Council presently for putting 500 tonnes of residual waste through the extant NWRWMG/Council interim contract.

ENVIRONMENTAL HEALTH GENERAL

402.11 CERTIFICATE OF FITNESS THE PRIVATE TENANCIES (NORTHERN IRELAND) ORDER 2006 ARTICLE 36 (4)

Landlord

Mr. James C. Black

Dwelling- House

15 Market Street,
BALLYMONEY,
BT53 6EA.

A fitness inspection of the above dwelling has been conducted and the dwelling house meets 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 house.

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

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

FOOD CONTROL

402.12 THE FOOD INFORMATION REGULATIONS (NI) 2014

These Regulations put enforcement provisions in place to enable the European Regulation on the provision of food information to consumers to be enforced in Northern Ireland. Some of the provisions come into operation on 19th September 2014 and the remainder subsequently.

IT IS RECOMMENDED that Council note this legislative change.

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

to recommend that Council note this legislative change.

402.13 SERVICE PERFORMANCE INDICATORS 2013-14

The service performance indicators for 2013-14 have recently been received and remain unchanged from the previous 2 years.

SERVICE	MANAGEMENT	PERFORMANCE	REVIEW
FOOD	A	A	A
HEALTH & SAFETY	B	A	A

IT IS RECOMMENDED that Council notes the performance indicators attained.

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

to recommend that Council notes the performance indicators attained.

HEALTH & SAFETY

402.14 SAFE DRIVING POLICY STATEMENT MOBILE PHONES AND DRIVING POLICY

Driving is one of the most dangerous activities undertaken and every year in Northern Ireland and the Republic of Ireland there is in excess of 200 fatalities. In the UK approximately 3000 people are killed on the roads. As part of the continuing commitments to improve health and safety throughout the organization and in conjunction with the other three councils within the cluster area the above policies, which were circulated to members, have been prepared, considered and commented upon via the agreed employee consultation process. The purpose of introducing these policies is to identify and minimize driving risks and to encourage safe driving in order to reduce the number of collisions and to achieve compliance with legal obligations under both Health and Safety law and the Corporate Manslaughter Act. A drivers handbook has also been produced to support members, employees and agency staff to meet their legal obligations and the terms of the policies. A copy of the handbook was also circulated to members. A series of information sessions on this topic for employees and Members is scheduled for October/November 2014.

IT IS RECOMMENDED that the above policies be adopted by Council, and as such be signed by the Mayor and Chief Executive.

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

to recommend that the above policies be adopted by Council, and as such be signed by the Mayor and Chief Executive.

LICENSING

402.15 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATION (FULL) (RENEWAL)

Premises

St. Olcans Parish Centre,
Gortahar Road,
Rasharkin,
BALLYMENA,
BT44 8SB

Applicant

Rev. John Murray

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 7th October 1985 the additional conditions detailed on the premise file also applies.

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

to recommend that the Borough Council renew the Indoor Entertainment's Licences as detailed above. 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.

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

Premises

Applicant

Ballyweaney Presbyterian Church
Hall,
128 Ballyveely Road,
Cloughmills,
BALLYMENA, BT44 9NW.

The Church Committee
c/o Mr. Ivan Kerr (Sec.)

Cheers Youth Centre,
21 Church Street,
BALLYMONEY,
BT53 6HS.

Mr. Mervyn Dunlop

Magherahoney Parochial Hall,
60 Coolkeeran Road,
Armoy,
BALLYMONEY,
BT53 8XN.

Rev. Robert Butler

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 Finlay, seconded by Councillor McLean 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

402.17 STREET TRADING ACT (NI) 2001 MOBILE STREET TRADING LICENCE - RENEWAL

Application for renewal of a Mobile Street Trading Licence has been made to this Directorate as follows:-

Purpose

Ice Cream Van

Applicant

Mr. Samuel Stewart,
44 Margaret Avenue,
BALLYMONEY,
BT53 6BY.

IT IS RECOMMENDED that the Mobile Street Trading Licence as applied for be renewed.

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

to recommend that the Mobile Street Trading Licence as applied for be renewed.

PCSP

402.18 TOWN CENTRE CCTV SYSTEM – SERVICE LEVEL AGREEMENT

Further to report item HES 401.17 a service level agreement (SLA) has been prepared with respect to the provision of CCTV monitoring, financial commitment and operation of the system. A copy of this SLA was circulated to members. The SLA is to be reviewed in March 2015 in line with the Local Government Reform timetable.

IT IS RECOMMENDED that Ballymoney Borough Council agree to enter into the Service Level Agreement in respect of Town Centre CCTV system and in that regard authorises the Chief Executive to sign on its behalf.

In response to Councillor Finlay, the Director of Borough Services advised that the funding for the CCTV system is budgeted for.

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

to recommend that Ballymoney Borough Council agree to enter into the Service Level Agreement in respect of Town Centre CCTV system and in that regard authorizes the Chief Executive to sign on its behalf.

402.19 MUTUAL AID AGREEMENT BETWEEN DRAINAGE AGENCIES AND LOCAL GOVERNMENT COVERING ARRANGEMENTS FOR MUTUAL AID IN THE SUPPLY AND DEPLOYMENT OF AGREED RESOURCES IN THE EVENT OF FLOODING

The above document, as circulated to members, has been produced by LGEMG in association with DARD Rivers Agency, Transport NI and Northern Ireland Water. The draft Mutual Aid Agreement (MAA) provides the four partners including local government, to support each other on an equal footing. No agency has a statutory responsibility to provide sandbags and each organisation will work under authority provided by their relevant statutory powers (Article 29 of the Local Government (NI) Order 2005). To ensure health and safety of staff and risk management for Councils, the draft agreement covers the need for council staff to be selected, trained and prepared to undertake the filling and movement of sandbags. The agreement does not extend to providing staff to actually lay sandbags at domestic or other properties, nor does it anticipate a need at any time for staff to enter flood waters in carrying out these duties.

IT IS RECOMMENDED that Ballymoney Borough Council agree to enter into the Mutual Aid Agreement up to 31st March 2015, and in that respect authorizes the Chief Executive to sign on its behalf.

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

to recommend that Ballymoney Borough Council agree to enter into the Mutual Aid Agreement up to 31st March 2015, and in that respect authorizes the Chief Executive to sign on its behalf.

INVESTING FOR HEALTH

402.20 AFFORDABLE WARMTH UPDATE

Social Development Minister, Nelson McCausland has launched the new Affordable Warmth scheme which aims to tackle fuel poverty in Northern Ireland.

The new scheme will provide a range of energy efficiency improvement measures such as cavity wall insulation, draught proofing, new boiler installation etc. in privately owned and privately rented households in areas where fuel poverty is most prevalent.

The Scheme is being delivered through a partnership arrangement between the Department for Social Development (DSD), local councils and the Northern Ireland Housing Executive. The role of Council staff is to carry out survey work by engaging personally with customers on the doorstep and refer completed surveys onto NIHE who arrange delivery of the energy efficiency measures by local installers.

The 4 cluster councils are continuing to work together with Ballymoney leading to put the necessary arrangements in place to deliver this scheme across the Causeway Coast and Glens cluster. A recruitment process to employ a Project Co-Ordinator, a Clerical Officer and 3 Surveyors is on-going and it is anticipated staff will be in post in October.

The new Affordable Warmth Scheme will replace the Warm Homes Scheme which will come to an end on 31 March 2015.

A summary of the scheme is detailed below and more information is available at <http://www.nidirect.gov.uk/affordable-warmth-grant-scheme>.

1. To qualify for the Affordable Warmth Scheme you must live in an area being targeted by the local council and have a household income of less than £20,000 gross per annum.
2. The grant limit is £7,500 however where the property is of solid wall construction, the grant limit will increase to £10,000. Where the cost of providing measures exceeds the grant limit, the householder will still be able to avail of measures up to the grant limit and can contribute to the balance of the costs.
3. Where the property is rented from a private landlord, the landlord must:
 - agree to the measures being installed in the property;
 - be registered with the Departments Landlord Registration Scheme and
 - make a contribution of 50% of the total cost of energy efficiency improvements to their property. Where works exceed the grant limit, the maximum payable will not exceed 50% of the grant limit.
4. DSD has provided all Councils with maps detailing the top 25 fuel poverty areas within each of the existing council areas.

Councils will:

- make the initial contact with households considered as most affected by fuel poverty and invite them to complete a short survey;
- refer completed surveys to the Housing Executive; and
- Where a householder agrees, refer their details to the Social Security Agency's 'Make the Call' team for a Benefit Entitlement Check to be completed.

Housing Executive staff will:

- complete a technical survey usually within 6 weeks of the initial council survey being completed;
- determine if the householder qualifies for the Scheme;
- work with the householder to arrange delivery of energy efficiency improvement measures by local installers; and
- arrange payment of the grant.

IT IS RECOMMENDED that Members note the above information.

Councillor Finlay commended the work of the Poverty Strategy Co-ordinator and Energy Efficiency Advisor within the Warm Homes Scheme and this was endorsed by other members.

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

to recommend that Members note the above information.

Councillor Robinson questioned the approach of targeting areas where fuel poverty is most prevalent advising that she felt that households where there is need should benefit irrespective of address.

* ***Councillor McLean left the meeting at 8.15pm.***

The Director of Borough Services gave the background to the initiative mentioning the pilots undertaken which had led to the present scheme an area based approach to tackling fuel poverty being rolled out across all councils.

Councillor Finlay also commented favourably on the work done by department officers in helping to resolve an odour complaint. The Director thanked the member for his acknowledgement of the good work done and indicated the comments will be passed on to all officers concerned.

402.21 SIGN AT BANVIEW PARK, BALLYMONEY

Councillor Finlay raised the issue of there being only one street name sign at the entrance of Bannview Park, Ballymoney. The Director of Borough Services advised this was the usual practice and that to introduce a further sign at this particular location would set a precedent.

This being all the business the meeting closed at 8.27pm.