

Ballymoney Borough Council
Health & Environmental Services Committee Meeting No 404 – 25th November 2014

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BALLYMONEY BOROUGH COUNCIL

Minutes of Health & Environmental Services Committee Meeting No 404, held in the McKinley Room, Riada House, Ballymoney on Tuesday 25th November 2014 at 7.00pm.

IN THE CHAIR: Councillor Atkinson

PRESENT:

Aldermen
F Campbell
C Cousley, MBE
B Kennedy

Councillors
R Halliday
E Robinson, MBE
I Stevenson

APOLOGIES:

Alderman
H Connolly

Councillor
A McLean

IN ATTENDANCE: Rachel Bain, Cluster Biodiversity Officer
Director of Borough Services
Business Support Officer

404.1 DECLARATIONS OF INTEREST

Alderman Campbell declared an interest in item 404.25 - Building Control Fees Waiver.

404.2 MINUTES – MEETING NO 403 – 28th October 2014

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

to recommend that the minutes of Meeting Number 403 – 28th October 2014, as circulated, be confirmed as a correct record.

404.3 CLUSTER BIODIVERSITY OFFICER PRESENTATION

The Chair welcomed Ms Rachel Bain, Cluster Biodiversity Officer to the meeting to present an update on the implementation of the Local Biodiversity Action Plan. The Cluster Biodiversity Officer provided details on a number of projects and workshops across the cluster area (as attached in Appendix 1) and possible future projects (dependant on funding).

* ***Alderman Kennedy joined the meeting at 7.11pm during the presentation.***

The Cluster Biodiversity Officer highlighted a number of projects which involved the local community, community associations and schools and the popularity of these events. The officer then responded to questions/comments from members relating to:

- Types of plants seen during the Don't Mow Let it Grow project in Garvagh;
- Hedgerows Grow West and the benefits of hedgerows;
- Plans for Riverside Park and consultation on plans; and
- Biodiversity element within Britain in Bloom competition;

The Director of Borough Services advised that it was the intent to provide information signs in Riverside Park, Ballymoney regarding biodiversity and the river restoration project.

The Chair thanked the Cluster Biodiversity Officer for the presentation.

The presentation concluded at 7.36 pm and the Cluster Biodiversity Officer left the meeting at this time.

MATTERS FOR CONSIDERATION

ENVIRONMENTAL SERVICES

404.4 CHRISTMAS / NEW YEAR HOLIDAY ARRANGEMENTS

Bin Collection

The following bin collection arrangements will operate over the Christmas / New Year period:

Public Holiday	Collection
Thursday 25 th December 2014	Saturday 27 th December
Friday 26 th December 2014	As normal
Thursday 1 st January 2015	As normal

The brown bin collection service is suspended until Monday 23rd March 2015.

Household Recycling Centres

Knock Road and Crosstagherty household recycling centres will be closed on –

Christmas Day	Thursday 25 th December 2014
Boxing Day	Friday 26 th December 2014
New Year's Day	Thursday 1 st January 2015

And will have curtailed opening time on the following date:

Wednesday 24 th December 2014	8.30am – 1.00pm
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Household recycling centres will be open as normal at all other times.

Crosstagherty Waste Handling & Transfer Facility

Facility will be closed to commercial customers on –

Christmas Day	Thursday 25 th December 2014
Boxing Day	Friday 26 th December 2014
New Year	Thursday 1 st January 2015

And will have curtailed opening time on the following date:

Wednesday 24 th December 2013	8.45am – 1.00pm
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Street Cleansing

No street cleansing will be undertaken on Friday 26th December 2014. There will be a curtailed service on Thursday 25th December and Thursday 1st January.

IT IS RECOMMENDED that Council note the above arrangements.

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

to recommend that Council note the above arrangements.

404.5 WASTE MANAGEMENT APP FOR SMARTPHONES

Work has taken place with Bin-ovation, a Belfast based technology company, to develop an app (an *app* is a computer program designed to run on smartphones, tablet computers and other mobile devices) for smartphone users. The smartphone app will provide information on a wide range of waste collection and recycling services available in Ballymoney. The app explains in detail the materials suitable for recycling in the blue and brown bin, how to reduce waste going into the black bin and the facilities provided at Knock Road and Crosstagherty Household Recycling Centres. Users will also be able to access advice on Council services such as assisted person and bulky waste collections, tips on how to reduce, reuse and recycle waste and a link for waste related queries.

The service has been developed with the support of Rethink Waste. There is no cost to Council and the app will be free to download on Apple and Android devices. It is anticipated the app will go 'live' in December. The launch of this new service will be promoted through the local media as well as the Council website.

IT IS RECOMMENDED members note the above information.

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

to recommend that members note the above information.

404.6 DRAINAGE AND SURFACING WORK AT CROSSTAGHERTY

The Director of Borough Services reminded members that Committee had Council powers to determine this matter. Tenders had been invited in respect of the above work at the Council's waste facility at Crosstagherty.

19 no. contractors requested documents for the work advertised via the Belfast Telegraph on 4th November. 13 no. tenders, as undernoted, were received by the deadline of 21st November and these were opened by the Committee Chair – Councillor Atkinson, together with the Head of Environmental Services, on that date and then passed to the Council's consultants: R. Robinson & Sons. Only the tender from Patrick Bradley Ltd. had an arithmetic error of 10p.

The tender prices in ascending order are –

KN Network Service Ltd.	£20,440.00
Haffey Sportsgrounds	£21,390.00
M P Coleman Ltd.	£24,160.00
QB Contracts	£25,390.00
W & H Alexander (Civil Engineering) Ltd.	£28,775.25
F P McCann	£29,205.00
Patrick Bradley Ltd.	£31,321.69 (corrected)
T G Eakin & Sons	£31,795.00
St. Jude's Plant & Civil Engineering Ltd.	£32,664.00
Irwin Groundworks	£33,323.00
Mr. John Allen	£34,229.50
Northstone (NI) Limited	£34,947.00
R T Boyd & Co. Ltd.	£35,137.50

IT IS RECOMMENDED that the tender received from KN Network Service Limited, Granville Industrial Estate, 90 Granville Road, Dungannon, BT70 1NJ in the sum of £20,440 be accepted and the contract let.

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

to recommend that the tender received from KN Network Service Limited, Granville Industrial Estate, 90 Granville Road, Dungannon, BT70 1NJ in the sum of £20,440 be accepted and the contract let.

404.7 REMOVAL OF PAPER BANKS FROM HOUSEHOLD RECYCLING CENTRES AND BRING SITES

Glassdon Recycling is terminating the emptying of paper banks located at Council's household recycling centres and bring sites. Due to the imminent mothballing of their paper processing plant, Glassdon Recycling has confirmed that it will not be servicing paper banks beyond 31st December 2014. Council does not have the means to empty the paper banks so a request has been made to Glassdon Recycling to remove same. The paper banks are owned by Glassdon Recycling.

In 2013/2014, 11.30 tonnes of paper was collected from paper banks [5.42t from household recycling centres & 5.88t from bring sites]. The range of material

acceptable for recycling via the paper banks can also be deposited by householders in their blue bin.

IT IS RECOMMENDED that Council note the termination of paper bank collection at its household recycling centres and bring sites.

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

to recommend that Council note the termination of paper bank collection at its household recycling centres and bring sites.

404.8 TREATMENT OF HOUSEHOLD RECYCLING CENTRE COMMINGLED WASTE

Council's contract with RiverRidge Recycling for the treatment of commingled waste from household recycling centres expired on 31st October 2104. Prior to the contract expiring, the NWRWMG had initiated a tender process seeking a replacement service. The process was unsuccessful and the NWRWMG was unable to appoint a service provider. The NWRWMG is to re-tender this service.

As an interim measure, quotations were sought from 7 no. service providers. Two quotations were returned. The lowest quotation was submitted by RiverRidge Recycling. The interim service will be for three months from commencement, with the option to extend to 31st March 2015.

IT IS RECOMMENDED that Council note the award of the interim service for the treatment of household recycling centre commingled waste to RiverRidge Recycling.

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

to recommend that Council note the award of the interim service for the treatment of household recycling centre commingled waste to RiverRidge Recycling.

The Director of Borough Services responded to members' questions regarding the cost of the interim service for treatment of household recycling centre commingled waste and the type of waste treated.

404.9 CROSSTAGHERTY WASTE HANDLING & TRANSFER FACILITY

IT IS RECOMMENDED that members note that following a recent risk assessment at the Council's Crosstagherty Waste Handling & Transfer Facility relating to workplace transport, it is necessary to undertake improvement work regarding site layout, etc. This work is being carried out with immediate effect in order to ensure that Council complies with its health and safety statutory obligations.

In response to Councillor Robinson and the Chair the Director of Borough Services advised as to work sequencing and projected timelines [for this work and the earlier scheme referred to at item 404.6] and intimated that members would have the opportunity to view the work carried out when same had been completed.

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

to recommend that members note that following a recent risk assessment at the Council's Crosstagherty Waste Handling & Transfer Facility relating to workplace transport, it is necessary to undertake improvement work regarding site layout, etc.

In response to Councillor Stevenson, the Director of Borough Services updated members on the progress of the site closure plan for Crosstagherty Waste Handling and Transfer Facility and the timeline regarding its implementation.

ENVIRONMENTAL PROTECTION

404.10 CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011

8 Meetinghouse Street, Ballymoney, BT53 6JN.

The landlord of 8 Meetinghouse Street, Ballymoney, has requested a further extension onto the time period of compliance for the abatement notice served on him during March's Council Meeting. The notice was served due to the internal high levels of rising dampness present to the external facing ground wall in the living room and ground floors.

IT IS RECOMMENDED that an extension time period of compliance of 60 days be given to the Abatement Notice served on the landlord of the premises under Section 63(1)(a) of the Clean Neighbourhoods and Environment Act (NI) 2011.

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

to recommend that an extension time period of compliance of 60 days be given to the Abatement Notice served on the landlord of the premises under Section 63(1)(a) of the Clean Neighbourhoods and Environment Act (NI) 2011.

404.11 CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011

7 Edward Street, Ballymoney, BT53 6JE.

Further to a Private Tenancies Order inspection the following defects considered to be prejudicial to health were observed.

Internal

Rising dampness to the external walls adjacent to the fireplace and front of property in the living room.

IT IS RECOMMENDED that an abatement notice be served on the landlord of the premises under Section 63 (1) (a) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 with a time period of compliance of 90 days in order to remedy the condition thereat as described above.

NB All works included on the above notice will be eligible for grant aid from the Northern Ireland Housing Executive.

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

to recommend that an abatement notice be served on the landlord of the premises under Section 63 (1) (a) of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 with a time period of compliance of 90 days in order to remedy the condition thereat as described above.

404.12 POLLUTION PREVENTION AND CONTROL PUBLIC REGISTER

The 2013 Annual Environmental Monitoring Report has been received via the Northern Ireland Environment Agency for PO312/09A NI Water – Glenstall Waste Water Treatment Works. This report is available for viewing in the Part A Public Register maintained by the Directorate of Borough Services.

IT IS RECOMMENDED members note the above information.

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

to recommend that members note the above information.

ENVIRONMENTAL HEALTH GENERAL

404.13 CERTIFICATES OF FITNESS THE PRIVATE TENANCIES (NORTHERN IRELAND) ORDER 2006 ARTICLE 36 (4)

Landlord	Dwelling- House
Mr. Niall Patterson	1 Culcrum Road, Cloughmills, BALLYMENA BT44 9NH.
Mr. Harold & Mrs. Mavis Irwin	192 Castlecatt Road, Dervock, BALLYMONEY BT53 8AT.
Mr. Brian Orr	18 Henry Street, BALLYMONEY BT53 7ET.
Ms. Patricia Weir	77 Union Street, BALLYMONEY BT53 6HT.

Fitness inspections of the above dwellings have been conducted and the dwelling houses meet the fitness standards 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) Certificates of Fitness in respect of the above dwelling houses.

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

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

404.14 TRIAL REPORT ALL APP

The Borough Services Directorate had the free use of a Report All app, a mobile application which is free to download to smartphones and which allows users to contact the Council with a complaint or request for service. Users can attach photographs and or text notes. Issues such as litter, dog fouling, anti-social behavior and defects to Council properties may be reported. The trial period ran from 1st August to 30th September 2014. A total of 53 requests/reports were received during the period. It provided an alternative method of reporting matters to the Council, but as it did not fully integrate with current software it resulted in additional officer time being used and the redirection of resources from proactive work schedules.

IT IS RECOMMENDED that the above matter be noted.

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

to recommend that the above matter be noted.

FOOD SAFETY

404.15 APPOINTMENT OF PUBLIC ANALYST

Further to Council minute 997.11.4 it is necessary to update the appointment of public analysts employed by Minton Treharne & Davies Limited and Worcestershire Scientific Services Partnership.

Article 27(1) of the Food Safety (Northern Ireland) Order 1991 requires that the Council appoint one or more persons (Public Analyst(s)) to act as an Analyst(s) within the district of the Council.

The Environmental Health Department are satisfied that the following persons fulfil the requirements set out in the Food Safety (Sampling and Qualifications) Regulations (NI) 2015:-

Susanne Brookes;	BSc, MSc, MChemA, FRSC, MAPA Registered Analytical Chemist
Paul William Hancock;	BSc, MChemA, MRSC, AAPA
Alastair David Low;	BSc, MSc, MChemA, CChem, MRSC, AAPA

Rachael Ann New;	BSc, MChemA, CSci, CChem, MRSC
Antony Robinson;	BSc, MSc, MChemA, CSci, CChem, FRSC, MIFST, MAPA Registered Analytical Chemist Registered Expert Witness

IT IS RECOMMENDED that the above persons are appointed as Public Analysts to the Council under Article 27(1) of the Food Safety (Northern Ireland) Order 1991 and that this resolution supersedes the previous appointments as per CM 997.11.14 (6th May 2014).

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

to recommend that the above persons are appointed as Public Analysts to the Council under Article 27(1) of the Food Safety (Northern Ireland) Order 1991 and that this resolution supersedes the previous appointments as per CM 997.11.14 (6th May 2014).

LICENSING

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

Premises

Social Centre,
12 Edward Street,
BALLYMONEY BT53 7JE.

The Hedges Hotel & Restaurant,
141a Ballinlea Road,
Stranocum,
BALLYMONEY BT53 8PX.

Applicant

Mr. Gareth Doyle,
Ballymoney Borough Council.

Mr. Ivan & Mrs. Alice McCook

IT IS RECOMMENDED 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 files also apply.

It was proposed by Alderman Kennedy, seconded by Councillor Stevenson 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 files also apply.

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

Premises

Applicant

Balnamore Community Centre,
59 Balnamore Road,
Balnamore,
BALLYMONEY BT53 7PU.

Mrs. Diane McMullan

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. 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 Halliday, seconded by Alderman Kennedy 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 files also apply.

STREET TRADING

404.18 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

Soft Toys from Game Stall
on Linenhall Street
on 20th November 2014

Mr. Joseph Martin McNeill

Flashing Lights, Novelty Goods
Stall under Clock Tower on
20th November 2014

Mr. Richard McLernon

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

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

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

DOG LICENSING

404.19 RE-HOMING OF DOGS FROM COUNCIL POUND

Further to HES 363.11, September 2010, ratified by Council CM 927, it was agreed to make a donation of £25 per dog to those organisations and charities which could take into their care a dog that the Council was unable to re-home. Those who have assisted in re-homing dogs in the past four years include Assisi Animal Sanctuary, BARK, Causeway Coast Dog Rescue and Mid-Antrim Animal Sanctuary. The majority of dogs re-homed has been via local charity BARK. The ability to make a donation has enabled Council to have one of the highest dog re-homing rates of all local authorities in Northern Ireland.

In the past four years the cost to organisations and charities to take in and care for dogs has risen. Permission is now sought to increase donation to £30.

IT IS RECOMMENDED by the Directorate that Council avail of these re-homing options for the following reasons:-

- ☐ to continue to maintain an excellent re-homing record.
- ☐ minimise kennelling costs at Council Pound.
- ☐ avoid cost to Council of euthanasia and disposal of unwanted dog – this varies according to size of dog up to £40.

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

to recommend that Council avail of these re-homing options for the above reasons.

404.20 DOGS (NORTHERN IRELAND) ORDER 1983 - REVIEW OF COLOURED LICENCE TAGS AND LICENCE FEE

Further to the above review DARD have recently advised (27th October 2014) of the outcome as follows:-

Responses were received from 25 of the existing Councils and from 4 of the new Councils. Almost 76% of respondents from the existing Councils and 100% respondents from new Councils were in favour of option 3. (Abolish the need for new coloured tags from January 2015 with compulsory microchipping the sole method of identification). This was in line with Council decision CM1001.10.10, 4th August 2014.

Coloured licence tags attached to a dogs collar will therefore be discontinued from 1st January 2015. This does not remove the statutory requirement for the dog

owner's name and address to be inscribed on the dog's collar or on a plate or badge attached to it.

With respect to the review of the licence fee, as there was no urgent desire for an immediate review the Minister agreed to defer consideration of reviewing the dog licence fee until 2016, once new Local Government structures have settled into place.

IT IS RECOMMENDED that Ballymoney Borough Council note the above.

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

to recommend that Ballymoney Borough Council note the above.

404.21 DOGS (NORTHERN IRELAND) ORDER 1983 AS AMENDED ARTICLE 29 – ATTACK ON PERSON

The Directorate is in receipt of a complaint made on Saturday 20th September 2014 from Mr. xxxx regarding an alleged attack on his 5 year old daughter Miss yyyy at approximately 2.00pm at Riada Playing Fields, Ballymoney. An investigation has been carried out into the matter, statements have been recorded, medical evidence obtained and the dog owner formally interviewed in the presence of her Solicitor.

The complainant and his daughter were watching a football match (Ballymoney Utd. Under 12s against Maiden City) in which his son was also playing. A number of other spectators were also present including Mrs. aaaa the owner of a golden Labrador type dog who had joined her daughter Mrs. bbbb. Mrs. aaaa's dog was held on a lead and sitting beside her and her adult daughter. A number of children including Miss yyyy were playing close by. Miss yyyy went to stroke the dog and on doing so the dog turned round and grabbed her right arm causing 4 puncture wounds. The attack was observed by a further independent witness Mrs. cccc. The child was subsequently taken to Coleraine A&E department for treatment where the wound was cleaned, Steri-Strips applied and antibiotics prescribed. The owner of the dog, which was licensed, had the animal humanely destroyed later that same afternoon. She has confirmed that the incident occurred and has shown deep regret regarding the injuries received by the little girl.

Under the Crown Prosecution Code there are two stages in making a decision whether to prosecute or not:-

1. The evidential stage (in this instance it is judged that this is met);
2. The public interest test.

With regard to the public interest test a prosecution is likely to be needed it:-

- A conviction is likely to result in a significant sentence;
- The evidence shows the offence was pre-meditated;
- The victim of the offence was vulnerable, has been put in considerable fear, or suffered personal damage or loss;

- The defendants previous convictions or cautions are relevant to the present offence;
- There are grounds for believing the offence is likely to be continued or repeated.

A prosecution is less likely to be needed if:

- The court is likely to impose a nominal penalty;
- The offence was committed as a result of a genuine mistake or misunderstanding (these factors must be balanced against the seriousness of the offence);
- The loss of harm can be described as minor and was the result of a single incident particularly if it was caused by a misjudgement;
- The defendant has put right the loss or harm that was caused (but defendants must not avoid prosecution simply because they can pay compensation); or

In relation to this case the following matters should be considered:-

1. A conviction would not be likely to result in a significant sentence being imposed on the dog owner.
2. The offence was not pre-meditated.
3. The child could be considered as being of a vulnerable group and was placed in fear and suffered personal injury.
4. We are unaware of any previous convictions or cautions of a similar nature against the dog owner.
5. The offence will not be repeated as the dog has been put down.
6. The offence appears to have been committed as a result of a genuine mistake in that the dog was on a lead sitting beside its owner.
7. Although the incident could have potentially caused very serious injury, the physical injury to the child was relatively minor on this occasion.
8. The defendant has attempted to put right the harm caused by humanely destroying the dog.

As the dog has been humanely destroyed and poses no further threat to members of the public, ***IT IS RECOMMENDED*** that on this occasion a formal caution be issued to the owner of the dog. In the event that the dog owner does not accept this formal caution, ***IT IS FURTHER RECOMMENDED*** that legal proceedings be instigated against the owner of the dog at the time of the incident.

During the ensuing discussion on the incident the Director responded to members' questions. It was proposed by Alderman Campbell, seconded by Alderman Cousley and **AGREED:**

to recommend that on this occasion a formal caution be issued to the owner of the dog and in the event that the dog owner does not accept this formal caution to further recommend that legal proceedings be instigated against the owner of the dog at the time of the incident.

ANIMAL WELFARE

404.22 WELFARE OF ANIMALS ACT (NORTHERN IRELAND) 2011

ALLEGED UNNECESSARY SUFFERING AND FAILURE TO ENSURE WELFARE OF ANIMALS (3 PONIES AND 1 GOAT)

On the 19th June 2014 the Animal Welfare Officer (AWO) based in Ballymena received notification from a member of the public that three ponies and a goat were on limited grazing in a small rear garden in a village within the Borough.

On the 20th June the AWO visited the property and spoke to the owner of the animals. The owner stated that the animals would be there for a short period of time, before being moved to more plentiful grazing. The owner was given advice as to the inadequacy of the site for grazing animals.

The AWO continued to monitor this matter, with the ponies and goat visited on 6 occasions during the period 23rd June to 17th July, on each visit the AWO ascertaining the animals' health and the availability of the grazing. On the sixth visit, 17th July, the owner assured the AWO that the goat and three ponies would be moved in two days' time and provided evidence that he was providing supplementary feeding in the form of bales of hay. Further visits by the AWO confirmed the goat and three ponies had not been moved to an alternative location, but that supplementary feeding was being provided. On 6th August due to the lack of available grazing and minimal supplementary feeding provided by the owner a vet was called, a search warrant obtained, resulting in the three ponies and the goat being seized and brought under the care of council. At the time of seizure the vet described one pony as poor, the other two as moderate, and the goat as poor. The goat was also noted to have dental problems.

Subsequent to seizure the goat died and the post mortem report on the Goat's remains indicated that it died of wasting goat syndrome due to a parasitic infestation.

The person responsible for the keeping of these animals at the time of the incident was interviewed under caution by council officers on 4th September 2014. During the interview facts surrounding the case were presented to the owner. It is considered that offences have been committed under Section 4 for permitting unnecessary suffering in relation to the goat and one pony and under Section 9 for failing to ensure the welfare of the animals in relation to each animal, this being contrary to the Welfare of Animals Act (NI) 2011. Whilst the owner has co-operated in part with this department's investigation, they deny committing any offences under s.4 and s.9 of the Welfare of Animals Act (NI) 2011.

In deciding whether or not to initiate legal proceedings the test should be twofold;

- (1) Is there enough evidence against the defendant and is there a reasonable prospect for prosecution?

In the officers opinion the evidential test is met, that offences have been committed under Section 4 for permitting unnecessary suffering in relation to the goat and a pony and under Section 9 for failing to ensure the welfare of

the animals in relation to each of the four animals, this being contrary to the Welfare Of Animals Act (NI) 2011 were admitted.

(2) Is it in the public interest to prosecute?

It has never been the rule that every criminal offence must automatically be prosecuted. For this reason, in each case, the Prosecutor must consider whether a prosecution is required in the public interest.

A recommendation to prosecute will usually take place unless the investigating officer is sure that there are public interest factors tending against prosecution which outweigh those tending in favour.

The AWO has to establish if it is in the public interest to prosecute in this case. In order to do so the District Council should consider a number of factors:-

(a) the seriousness of the alleged offence

The goat and the ponies were kept in a location that was not suitable primarily due to the restriction of space and the lack of available grazing. The owner of the animals did not carry out any of the recommended actions as a result of which the animals were seized. If council action had not been taken at that point the animals condition would have continued to deteriorate.

(b) the previous history of the party concerned

There was one previous complaint regarding a dog kept at the premises, this matter was resolved by informal means.

(c) the ability and willingness of witnesses

The AWO and the council's vet are both willing to attend Court.

(d) the willingness of the party to prevent a recurrence

The animal owner has not at this point admitted any liability as to the poor condition of the animals and the ground condition on which the animals were kept. The owner has confirmed he does not own any other animals at this moment in time.

(e) the probable benefit of a prosecution

The benefit of prosecution is that it will show the public the action Council is prepared to take regarding such an incident.

(f) any explanation offered by the responsible person

The owner has offered no substantive explanation for the animals remaining in his garden beyond a vague explanation during formal interview regarding the death of a relative which hindered moving the ponies and goat to fresh grazing. The owner was requested to provide the details of the landowner concerned so that this could be corroborated, but has failed to do so.

- (g) whether another action such as a (formal caution) would be more appropriate

There has been no admission of guilt, with limited mitigating factors put forward, however due to the seriousness of this incident a formal caution is not recommended in this instance.

The investigation has established the following facts:

- The animals were kept in inadequate conditions, despite intervention by the AWO the owner failed to ensure the welfare of these animals, with their conditions deteriorating.
- At no stage had the owner sought veterinary attention for any of these animals in his care.
- The owner of the animals attended interview under caution.
- The owner has voluntarily surrendered ownership of the three ponies, negating the need for council to apply to court for a disposal order. The three ponies have been successfully re-homed and continue to thrive.
- The person responsible for the keeping of the animals has co-operated with this department's investigation however has failed to make an admission of guilt.

IT IS RECOMMENDED THAT legal proceedings be instigated in the magistrate's court against the owner of the animals under:-

- (a) Section 4 unnecessary suffering in relation to the goat and one pony, and
- (b) Section 9 for failing to ensure the welfare of the animals in relation to each and every animal,
this being contrary to the Welfare of Animals Act (NI) 2011.

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

to recommend legal proceedings be instigated in the magistrate's court against the owner of the animals under:-

- (a) Section 4 unnecessary suffering in relation to the goat and one pony, and***
- (b) Section 9 for failing to ensure the welfare of the animals in relation to each and every animal,
this being contrary to the Welfare of Animals Act (NI) 2011.***

TOBACCO CONTROL

404.23 THE HEALTH AND PERSONAL SOCIAL SERVICES (NI) ORDER 1978 THE CHILDREN AND YOUNG PERSONS (SALE OF TOBACCO ETC.) (NI) ORDER 1991

THE CHILDRENS AND YOUNG PERSONS (SALE OF TOBACCO ETC.) REGULATIONS (NI) 2008

On Saturday 25th October 2014 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.

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 16th September 2014.

During the exercise 12 premises were tested, of which none sold tobacco to the child. This represents 100% compliance.

IT IS RECOMMENDED members note this information.

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

to recommend that members note this information.

Councillor Stevenson welcomed the results of the test purchase exercise and commended the traders.

AFFORDABLE WARMTH

404.24 The 'Affordable Warmth' team members are all in post and following training will be 'knocking on doors' from the 13th November 2014.

In phase 1 of implementation households deemed to be most at risk of fuel poverty (rank 1) will be targeted. Table 1 details the number of households in each council area falling into this category.

All Survey Officers will operate in the Ballymoney area for the first two weeks to enable them to gain experience of using the app and address any initial problems which may occur. Following this the officers will work in pairs across the cluster area. The planned phase 1 roll out per council area is as follows:

Ballymoney – week commencing 10th November 2104
Coleraine – week commencing 24th November 2014
Limavady – week commencing 24th November 2014
Moyle – week commencing 8th December 2014

Council	No. of Households Rank 1
Ballymoney	96
Coleraine	122
Limavady	131
Moyle	114
Total	463

Table 1: Number of households deemed to be most at risk (rank 1) of fuel poverty across the Causeway Coast & Glens Council Cluster

IT IS RECOMMENDED members note this information.

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

to recommend that members note this information.

BUILDING CONTROL

404.25 BUILDING CONTROL FEES WAIVER

Committee/Council again agreed to waive building control fees (in respect of loft insulation work) – Minute HES398.30 (28.01.14) refers. Given the work getting underway in respect of the delivery of “affordable warmth” measures in qualifying homes and also in respect of the upgrade of NIHE properties, **IT IS RECOMMENDED** that members reconsider the Council’s present policy in light of the fact that the majority of Councils now don’t waive this fee and the resultant loss of income to the service, estimated this year at £11,760 (196 applications), with a new NIHE project comprising 98 applications still to be input, representing a further loss of £5,880 in Building Control fees.

During the ensuing discussion the Director pointed out that in respect of the Affordable Warmth Scheme and NIHE property, the fees would in effect be paid to Council for the work which had to be done by building control officers by DSD.

Motion 1

It was proposed by Councillor Stevenson that Council continue its policy to waive building control fees in respect of loft insulation work.

Motion 2

It was proposed by Alderman Kennedy that Council charge building control fees in respect of loft insulation work.

Councillor Stevenson referred to another Councillor’s view of the matter and the recent variance report and was supported by Councillor Robinson.

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

to recommend that Council continue its policy to waive building control fees in respect of loft insulation work until end of March 2015.

404.26 COUNCIL POLICY – NAMING OF STREETS AND NUMBERING OF PROPERTIES

In accordance with the Council's decision earlier this year its policy – naming of streets and numbering of properties has been amended to include provisions in respect of Renaming a Street. The amended policy was circulated to members. **IT IS RECOMMENDED** that Council now adopt the policy.

* ***Alderman Kennedy left the meeting at 8.46pm.***

The Director of Borough Services highlighted the amended section of the policy – Naming of Streets and Numbering of Properties.

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

to recommend that Council adopt the policy.




Councillor Stevenson thanked the Director for his work.

This being all the business the meeting closed at 8.50pm.





Appendices listed:
Appendix 1 – Biodiversity Officer Presentation

APPENDIX 1

BIODIVERSITY OFFICER PRESENTATION

RACHEL BAIN
 BIODIVERSITY OFFICER
 FOR
 BALLYMONEY, COLERAINE,
 LIMA VADY & MOYLE COUNCILS

What is Biodiversity?

- Biological + Diversity = Biodiversity
- The total variety of living things including where they live
- From largest tree or mammal to smallest flower or insect
- Me and you
- Biodiversity = Life



Biodiversity Officer Update

- Farmland & Grassland
- Peatland & Heathland
- Urban
- Woodland
- Wetlands
- Species

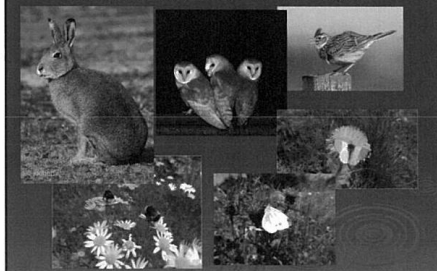


Farmland & Grassland

- Don't Mow Let it Grow
- Family Meadow Day
- Grassland Project HoG



Farmland & Grassland



Peatland & Heathland

- Bogs of Ballymoney
- Croaghan Way
- Altrarichard Car Park



