

**Ballymoney Borough Council**  
**Council Meeting No 1001 – 4<sup>th</sup> August 2014**

**Table of Contents**

<b>1001.1</b>	Mayor's Remarks 1.1 Condolence 1.2 Severe Weather 1.3 Lights Out 1.4 Milk Cup	<i>Alderman WJ McClure Croaghan Trails 4<sup>th</sup> August at 9.30 pm Congratulations</i>
<b>1001.2</b>	Declarations of Interest	<i>None</i>
<b>1001.3</b>	Minutes of Council Meeting No 1000 – 7 <sup>th</sup> July 2014	<i>Confirmed</i>
<b>1001.4</b>	Leisure & Amenities Committee No 419 – 17 <sup>th</sup> July 2014	<i>Noted (Council powers)</i>
<b>1001.5</b>	Seal Documents	<i>Affix Seal of Council</i>
<b>1001.6</b>	Development Committee Report - July 2014 6.1 Development Strategies 6.2 Proposed Coastal Masterplan 2014 – Causeway Coastal Route 6.3 Village Plans 6.4 Strategic Planning Policy Statement for NI 6.5 New EU Programmes 2014-2020 – Consultation 6.6 Adoption of Report	<i>Adopted</i>
<b>1001.7</b>	Amenities Report – July 2014 7.1 Project Update 7.2 Rasharkin Community Centre Improvement Scheme 7.3 Cloughmills Old Mill Building Project 7.4 Riverside Park, Ballymoney 7.5 Ballymoney Social Centre Refurbishment Scheme 7.6 Ballymoney Festive Lighting Scheme 7.7 Update on other Amenities Projects 7.8 Adoption of Report	<i>Accept lowest tender</i>  <i>Referred to LAC</i>  <i>Adopted inc decisions at 7.2 and 7.6</i>
<b>1001.8</b>	Central Services Report – July 2014 8.1 Ballymoney Cemetery Memorials 8.2 Adoption of Report	<i>Adopted</i>
<b>1001.9</b>	Corporate & Central Services Report – July 2014 9.1 CLIC Sargent Children's Cancer Charity 9.2 Local Government Reform 2.1 Extension of Vacancy Control 2.2 Reimbursement of Costs Associated with Winding up of Existing Councils	



**BALLYMONEY BOROUGH COUNCIL**

Minutes of Council Meeting No 1001 held in the Council Chamber, Riada House, Ballymoney on Monday 4<sup>th</sup> August 2014 at 7.00 pm.

**IN THE CHAIR:** Alderman B Kennedy, Mayor

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

**Councillors**  
A Cavlan  
W Blair  
R Halliday  
R McAfee  
T McKeown  
P McGuigan  
C McLaughlin  
A McLean  
I Stevenson

**APOLOGIES:** **Councillors**  
J Atkinson  
J Finlay  
E Robinson, MBE

**IN ATTENDANCE:** Chief Executive  
Director of Borough Services  
Director of Central & Leisure Services  
Head of Corporate & Development Services  
Business Support Officer

Press x 2

**1001.1 MAYOR'S REMARKS****1.1 Condolence – Alderman William James McClure**

The Mayor said "It is with regret that I advise of the passing of Alderman William James McClure, a long serving member of our neighbouring Council, Coleraine. He also served a short period on this Council in 1987/88 when he was co-opted for the remainder of a term following the resignation of a member.

James was elected to Coleraine Borough Council in 1977 and has served as mayor on a number of occasions. He was awarded an MBE in 2005 for services to local government. He also served on Northern Ireland Constitutional Convention and the Northern Ireland Assembly representing the East Londonderry Constituency.

James was a loyal and conscientious Councillor. He took an active interest in the welfare of the local community and represented their needs and concerns to the Council. He will be sadly missed by his colleagues on Coleraine Borough Council and in this wider area. I convey condolences to the entire family circle”.

Alderman Campbell, Councillor McLean, Alderman Cousley and Councillor Stevenson associated themselves with the Mayor’s remarks.

## 1.2 Severe Weather

The Mayor commented “Like places elsewhere in Northern Ireland, Ballymoney suffered very heavy rain over the week-end, particularly on Saturday.

This had an adverse impact on the weekend “**War Years Remembered**” event and remembrance service and parade which was very disappointing for many groups who had planned to attend, and not least for those who had put so much hard work and effort into organizing and setting up the event. Despite the challenges presented it was a very successful weekend and I pay credit to all those groups and individuals involved.

As a result of the heavy rain we also had a very serious **landslide at Altarichard**. I understand it was half a mile long and 70ft wide. While our car park at Altarichard is intact the Croaghan Trail, which includes two quality accredited three mile and five mile self-guided walks in our “Walk Ballymoney” guide, and all the recent Bogs of Ballymoney work were lost. The waymarked trail consists of open hillside, marshy upland and forest tracks with fine views and is a great loss to our tourist walks product. I hope when things settle we will be able to get round the table and explore if a new trail can be formed.

The Altarichard Road is closed and we have informed people through the tourism websites that the walking trails at Croaghan Way are closed as this area is dangerous”.

At the request of Councillor Cavlan, the Chief Executive agreed to ascertain the proximity of the proposed wind farm to the area affected by the land slide and the impact of a landslide on such a development. The information, when received, should be passed to the Planning Authority for their information and consideration.

### 1.3 Lights Out

The Mayor reminded members of the 'Lights Out' initiative, a UK-wide shared moment of reflection marking 100 years since the outbreak of World War 1 which would be taking place at 10.00 pm at the War Memorial with tea/coffee at 9.30 pm at the Royal British Legion Hall

### 1.4 Milk Cup

The Mayor congratulated all those involved in organising the event on its success and the Director of Borough Services for the work undertaken in setting up the pitches and managing traffic control.

## 1001.2 DECLARATIONS OF INTEREST

There were no declarations of interest.

## 1001.3 MINUTES OF COUNCIL MEETING NO 1000 – 7<sup>TH</sup> JULY 2014

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

*that the minutes of Council Meeting No 1000 – 7<sup>th</sup> July 2014, as circulated, be confirmed as a correct record.*

## 1001.4 LEISURE & AMENITIES COMMITTEE NO 419 – 17<sup>TH</sup> JULY 2014

Alderman Campbell presented the minutes of the meeting which had Council powers to deal with the Glebeside Outdoor Recreational facilities scheme.

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

*that the minutes of Leisure & Amenities Committee Meeting No 419 17<sup>th</sup> July 2014, as circulated, be noted.*

## 1001.5 SEAL DOCUMENTS

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

*that the Seal of the Council be affixed to:*

1. **Grave Registration Certificate No 1386**
2. **Contract for provision of Public Analyst Services between Council and Minton, Traherne & Davies**
3. **Assertion Statement for Right of Way at Route Avenue, Ballymoney**

## 1001.6 DEVELOPMENT COMMITTEE REPORT - JULY 2014

The report was presented by the Head of Corporate & Development Services.

### 6.1 Development Strategies – Causeway Coast & Glens Council

As members know the new Causeway Coast & Glens Council is now in a “shadow” form and operating concurrently with the four existing Councils. A number of working groups, supported by Officers from the four existing Councils, have been working for some time on behalf of the Transitional Management Team/Statutory Transition Committee to inform the local government reform process. A Leisure & Development Working Group has been working, inter alia, on identifying priority one tasks that are deemed to be fundamental actions that facilitate the continuation of services beyond 1<sup>st</sup> April 2015. As part of the convergence agenda the working group wishes to produce strategies (commencing 1<sup>st</sup> April 2015) for Leisure, Economic Development and Tourism.

Terms of reference have been developed and Coleraine Borough Council, which is leading on the strategies, has invited proposals from suitably experienced and competent organizations/individuals to deliver the following two strategies which fall within the Council’s development remit.

- **Economic Development Strategy 2015-2020** - A Causeway Coast & Glens Economic Development Strategy (commencing in April 2015) with a three year Action Plan. The Strategy and Action Plan will reflect the priorities of the four existing areas, upcoming European funding opportunities and transferring functions from the Departments for Social Development (Urban Regeneration) and Enterprise, Trade and Investment.
- **Tourism Strategy 2015-2020** - A Causeway Coast & Glens Tourism Strategy & five year Action Plan. The CCG area, one of Northern Ireland’s key tourism destinations, extends from the Roe Valley eastwards to the Glens of Antrim. Tourism plays a key role in the development of the local economy and the new Council will have responsibility for the implementation of Marketing, Tourism Development/Regeneration, Visitor Servicing, Events and Business Support. A strategy document currently exists for the Causeway Coast & Glens Tourism Area Partnership region which comprises the 4 cluster councils along with Ballymena and Larne council areas. This document requires “renewal” and strengthening to provide a bespoke strategy document for the new Causeway Coast & Glens District Council area. The Working Group is seeking to appoint consultants by the end of September 2014 and complete the assignment by January 2015.

The estimated cost for each strategy is £15,000, which it intended should be met by the four Councils on an equal basis. No budget provision is

available. Councils share for Economic Development Strategy is £3,750 and for Tourism £3,750. **IT IS RECOMMENDED** that this cost be met from Reserves.

## 6.2 Proposed Coastal Masterplan 2014 – Causeway Coastal Route

NITB is seeking agreement and part contribution from the local authorities on both the Causeway Coastal Route (CCR) and the Mourne Coastal Route (MCR) as partners to assist the future infrastructure development at visitor sites and attractions on both strategic driving routes.

NITB intends to engage an organisation to undertake pre-development work to enhance the visitor experience and make recommendations on how the visitor infrastructure could be improved at visitor sites and attractions, including provision of outline costs and project drawings to inform the bid for NITB monies in 2015 with TDS scheme likely in 2016. This study, therefore, will be important in that it will help to substantiate the bid for strategic driving route development works.

NITB Priorities for Growth 2012 outlined the evolution of experiential tourism and distinctive visitor experience. NITB conducted extensive market research which informed the 5 Pillars or Themes, which include, **Living Legends, Naturally NI, Coast & Lakes, Unique Outdoors and Culture & Creative Vibe**. These pillars have associated development plans and this Coastal Masterplan is one key element for delivery under the Coasts & Lakes Pillar.

NITB hopes to provide circa £20,000-£40,000 and is seeking confirmation from councils in CCR & MCR destinations to consider contributing £5,000 each. This is being met from existing tourism budget.

## 6.3 Village Plans

NACN in partnership with Causeway Rural and Urban Network and Ballymoney Resource Centre has been awarded the contract to update village plans across the five council areas. They are contracted to update 10 village plans/two per council area. All of the previous groups were given the opportunity to express an interest for involvement - 13 groups registered and NACN will work with all 13 of them. The Ballymoney villages groups are Cloughmills CAT and Loughgiel Community Association.

## 6.4 Strategic Planning Policy Statement for NI

The Association of Town Centre Management NI (ATCM NI) has shared their response to the DoE consultation on SPPS. A copy of the executive summary was circulated.

## 6.5 New EU Programmes 2014-2020 – Consultation

Officers have provided input at meetings/workshops on the consultation issued on the programmes for Peace and INTERREG 2014-2020. A copy of the response prepared by the North East Partnership (NEP) as a result has been provided and is available on request. ***IT IS RECOMMENDED*** that Council endorse the response prepared by NEP.

## 6.6 Adoption of Report

It was proposed by, seconded by and **AGREED:**

***that the Development Report – July 2014, as circulated, be adopted and the recommendations therein approved.***

## 1001.7 AMENITIES REPORT – JULY 2014

The Amenities Report was presented by the Director of Borough Services.

### 7.1 Project Update

***IT IS RECOMMENDED*** that Council note that following its meeting on 24<sup>th</sup> July 2014 Causeway Coast & Glens District Council has agreed that the undernoted projects may proceed –

1. Cloughmills Old Mill Building Scheme
2. Rasharkin Community Centre Improvement Scheme

***IT IS FURTHER RECOMMENDED*** that Council notes that the proposed Additional Pitches Scheme at Riada Playing Fields did not obtain the sanction of the Causeway Coast & Glens District Council to proceed at this time, despite the project having been tendered.

The Director of Borough Services advised that he will bring a supplementary report to the Consultation Committee meeting on 18<sup>th</sup> August.

### 7.2 Rasharkin Community Centre Improvement Scheme

The 5 no. tenders as undernoted received from select list contractors by the deadline set were opened by the Committee Chair: Alderman F. Campbell, together with the Head of Amenities, on 28<sup>th</sup> July and then passed to the Council's consultants:-

J. C. Dunlop	£324,926.77
Geda Construction	£325,980.00
TAL Limited	£306,000.00
Martin & Hamilton	£314,455.00



Wilson & Mawhinney                      £310,000.00

***IT IS RECOMMENDED*** that Council accepts the recommendations of its Consultant that the lowest tenderer be appointed (TAL Limited at a cost of £306,000.00) and that the project should commence.

### **7.3 Cloughmills Old Mill Building Project**

***IT IS RECOMMENDED*** that Council note that correspondence has been received from Cloughmills Community Action Team, recently furnished, advising that the partnership (CCAT + Council) stage two application to the Lottery Space & Place Programme was unsuccessful.

The matter will be reconsidered as there is an opportunity to reapply under Tranches 3 or 4 with a further report to Committee/Council in due course.

The Director advised that a meeting has been arranged with the funders to ascertain why the project, having satisfactorily met the criteria for stage I, failed to make it to Stage II and based on that information consideration will be given to putting further efforts into meeting the deadline for submission in tranche 3.

### **7.4 Riverside Park, Ballymoney**

As Council is aware the restoration scheme at Park Central is to be delivered through a partnership of DCAL, Rivers Agency and Council. In order to utilize the partnership to greatest effect ***IT IS RECOMMENDED*** that Council in this instance sets aside its procurement policy in favour of the purchase of necessary materials via the relevant DCAL and Rivers Agency protocols.

### **7.5 Ballymoney Social Centre Refurbishment Scheme**

This scheme, which had a pre-tender estimate of £179,831, was tendered with select list contractors required to return tenders by 2<sup>nd</sup> July. By the deadline set all 6 no. tenders were received. These were opened on 28<sup>th</sup> July when it was discovered all were in excess of £250,000 – the threshold set by the DoE Minister for schemes to be referred to the relevant new shadow council.

Prior to making such a referral, ***IT IS RECOMMENDED*** that Council reconsider all the options in light of the recent tendering exercise.

### **7.6 Ballymoney Festive Lighting Scheme**

Further to Council's decision on 7<sup>th</sup> July, ***IT IS RECOMMENDED*** that Council receive and consider a report presented by the Director of Borough

Services on the possible extension to the Ballymoney Festive Lighting Scheme to determine the work (if any) to be tendered.

The Director reported that new features at the entrances to the town had been considered and eight were found to be capable in terms of planning approval. However, new features at these locations may not be possible in view of the tight timelines. Costs associated with this extension to the lighting scheme, including installation, infrastructure and features would be £52,720.

Costs for other features and improvements are detailed as follows:

New features at JDLC including installation	£18,600.00
Lighting of trees at Meetinghouse Street	£21,340.00
Improvements at High Street and Main Street	£2,380.00
Installation of further features in Linenhall Street	£2,640.00
Essential upgrade of power supply	£3,900.00
<b>Total (not including lighting at entrances to town)</b>	<b>£48,860.00</b>

The Director advised that it would not be possible to include additional features at Victoria Street at this time as stringing is no longer an option across thoroughfares.

The Director advised that if Council was to carry out the additional installations (less new features at the entrances to the town), then Council's budget for installation of festive lighting would increase from £30,000 to £52,000 per year going forward.

Members discussed the report and associated costs and the timescales for a decision to enable the Director to take forward any proposals which may be agreed.

The Mayor expressed the view that any upgrade/extension to existing provision would be a waste of ratepayer's money and would not bring any additional business to the town.

#### Motion 1

It was proposed by the Mayor, seconded by Councillor McGuigan

***that the matter be referred to the Leisure & Amenities Committee for further discussion.***

Councillor Stevenson stated that the traders were pleased with the additional business received last year. Councillor McKeown stated that reports he had received from traders were that the lights last year were extremely effective in increasing visitor numbers to the town. The

Chamber of Commerce asked that consideration also be given to additional lighting at Council's gap site at Castlecroft. Councillor Cavlan concurred with the Mayor's view stating that business has already been adversely affected in the town by the number of flags being flown during recent weeks with the result that some shoppers felt unwelcome.

### Motion 2

It was proposed by Councillor Stevenson, seconded by Councillor McAfee

***that the matter be referred to the next meeting of Consultation Committee for further discussion.***

A vote was taken with five members voting in favour of motion 1 and four members voting against.

**The Mayor declared motion 1 carried and the matter referred to the Leisure & Amenities Committee.**

## **7.7 Update on other Amenities Projects**

***IT IS RECOMMENDED*** that Council note the following information concerning timelines established to deliver the undernoted Amenities Projects –

### 1. Dervock War Memorial Garden Improvement Scheme

Select list advertised  
 Closing date for select list applications – 13.08.2014  
 Appointment of select list contractors – 18.08.2014 (Consultation Committee)  
 Projects tendered  
 Tender returned – 03.09.2014  
 Contract award w/c 08.09.2014  
 Contract to commence 15.09.2014, to be completed by 24.10.2014

### 2. Redecoration Work at Ballymoney Town Hall

### 3. Redecoration Work at Riada House

Select list advertised  
 Closing date for select list applications – 13.08.2014  
 Appointment of select list contractors – 18.08.2014 (Consultation Committee)  
 Project tendered (29.08.2014)  
 Tenders returned – 12.09.2014  
 Contracts awarded 16.09.2014 (LAC meeting)  
 Contracts to commence 29.09.2014

**IT IS FURTHER RECOMMENDED** that Council approves the following proposals:-

1. That a further meeting of the Council's Leisure & Amenities Committee be held on Tuesday, 9<sup>th</sup> September 2014 at 7.00 pm with Council powers in respect of the tenders relating to the Dervock War Memorial Garden Improvement Scheme; and
2. That the Leisure & Amenities Committee to be held on 16<sup>th</sup> September 2014 be granted Council powers in respect of the proposed painting contracts for work at Ballymoney Town Hall and Riada House.

At the request of Councillor Stevenson, both the Director of Borough Services and the Chief Executive advised concerning the implications of the DOE Ministerial direction of 26<sup>th</sup> May in respect of financial capital schemes over £250,000.

### **7.8 Adoption of Report**

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

***that the Amenities Report – July 2014, as circulated, be adopted and the recommendations therein approved including decisions at items 7.2 (Rasharkin) and 7.6 (Festive Lighting).***

### **1001.8 CENTRAL SERVICES REPORT – JULY 2014**

The Central Services Report was presented by the Director of Central & Leisure Services.

#### **8.1 Ballymoney Cemetery – Memorials**

##### **Section E3 No. 51**

Mr James Boyd, 47 Kirkview Close, Ballymoney  
Black Granite Headstone & Base

##### **Section E3 No. 46**

Mrs Verna McKay, 20 Rowan Road, Ballymoney  
Black Granite Headstone & Base

##### **Section 11 No. 42**

Mr Samuel Boreland, 5 Williamson Park, Seacon, Ballymoney  
Black Granite Headstone & Base

**IT IS RECOMMENDED** that approval is granted for the erection of the memorials.

## 8.2 Adoption of Report

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

***that the Central Services Report – July 2014, as circulated be adopted and the recommendation therein approved.***

## 1001.9 CORPORATE SERVICES REPORT - JULY 2014

The Corporate Services Report was presented by the Head of Corporate & Development Services.

### 9.1 CLIC Sargent Children's Cancer Charity

CLIC Sargent has invited Council to join it in showing support for children with cancer and help to raise awareness during Childhood Cancer Awareness Month in September 2014.

Cancer is still the single largest cause of death from disease in children and young people in the UK. Every day, 10 children and young people in the UK hear the shocking news that they have cancer. Treatment normally starts immediately, is often given many miles from home and can last for up to three years. A diagnosis of cancer can have a devastating effect on family life. However, there are things that society can do to lessen the impact of cancer on the lives of children and their families.

September is Childhood Cancer Awareness Month. Over 90 MPs and elected politicians have already signed up to wear the gold ribbon and publicly declare their support.

In addition to political support, CLIC Sargent is asking national and regional landmarks across the UK to 'Light it up Gold' on Monday 15<sup>th</sup> September to shine a light on the impact of childhood cancer. This will in turn help to facilitate local fundraising events, creating PR opportunities and raising public awareness.

Many buildings and landmarks owned by local authorities will be illuminated in gold to help highlight this important campaign.

As members know Council has supported similar campaigns eg "Light Up Blue" to support Autism. ***IT IS RECOMMENDED*** that Council lends its support to the CLIC Sargent campaign on 15<sup>th</sup> September by lighting the Town Hall Gold and organising an event to raise awareness.

## 9.2 LOCAL GOVERNMENT REFORM

### 2.1 Extension of Vacancy Control

The Local Government Reform Joint Forum (LGRJF) has issued circular LGRJF/06 extending vacancy control to include additional potentially “at risk” posts within local government and this is promulgated under the authority of the Local Government Staff Commission (LGSC) under Section 40(4)(f) of the Local Government Act (NI) 1972. This is issued by the LGSC as a statutory recommendation for adoption by the 26 Councils.

***IT IS RECOMMENDED*** that Council endorse adoption of the revised vacancy control system as set out in circular LGRJF/06.

## **2.2 Reimbursement of Costs Associated with Winding up of existing councils**

The Department of Environment (DoE) has issued guidance to existing and new district councils on reimbursement of costs associated with the winding up of existing councils (circular LG33/2014). The Executive has provided funding of £47.8M to support implementation of Local Government Reform. As part of this plan £0.5M has been agreed for the winding up of the 26 councils. A copy of the guidance is circulated to members for information.

## **9.3 Freedom of Information – Definition Document for District Councils in NI**

The Information Commission has published, on 30<sup>th</sup> July, the final version of the new updated definition document for the District Council’s in Northern Ireland. The document will come into effect six months from that date. This document, which is published on the ICO website, provides guidance on the kinds of information it would expect councils to make routinely available.

Only a small number of councils responded to the consultation on the draft document. Apart from a number of queries the main concern raised was around publishing details of all expenditure over £500. It could be argued that the majority of councils appeared to accept the recommendation as reasonable and that those councils that considered it impractical or too resource-intensive to routinely make this information available could rely on provisions in this regard. However the Commissioner has removed the recommendation to publish all expenditure over £500 for the time being.

The Information Commissioner will be reviewing the Model Publication Scheme in due course. In the meantime councils should do what they can to adhere to the guidance contained in the updated definition document. It is possible the definition document may need reviewing again following the reduction from 26 to 11 councils in 2015.

#### 9.4 St John Ambulance

A letter of thanks has been received from St John Ambulance for the Civic Reception which the Council hosted to mark the organisation's 75<sup>th</sup> anniversary.

#### 9.5 Adoption of Report

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

***that the Corporate Services Report – July 2014, as circulated, be adopted and the recommendations therein approved.***

### 1001.10 ENVIRONMENTAL SERVICES REPORT – JULY 2014

The Environmental Services Report was presented by the Director of Borough Services.

#### 10.1 Rethink Waste Capital Fund Application – Kerbside Food Waste Collection Service

An application was made to the Rethink Waste Capital Fund on 12<sup>th</sup> May 2014 seeking financial support to provide a separate, weekly, kerbside food waste collection service to all households in the Borough. The funding programme is administered by Waste & Resources Action Programme (WRAP).

WRAP has now issued an update on the progress of the funding application. WRAP state that the capital fund budget for 2014/2015 is fully committed. The application has been added to a reserve list in the event that further funds become available in September/October 2014. The project has been approved for funding up to £268,342. The application sought capital funding of £392,480, thereby leaving a shortfall of £124,138, which Council would therefore have to find from its own resources. In addition to the capital shortfall of £124,138, Council is liable for all revenue costs associated with the proposed enhancement of Council recycling services. Annual revenue costs are estimated to be circa £320,000 and include vehicle running costs, staffing, supply of caddy liners and project publicity material.

The Director advised that should funding become available, Council is required to spend same by 31<sup>st</sup> March 2015 and such condition renders the successful implementation of this proposed scheme high risk.

The Director advised that he has since been made aware that further funds have become available and if the project is successful, it would need to be referred to Causeway Coast & Glens Shadow Council for approval as a capital project. He advised that a benefits realisation plan

would need to be submitted to WRAP for onward submission to DFP and information would not be received for 4-6 weeks as to whether or not funding has been achieved. He reiterated his view that it would be difficult to expend any monies received by the end of March 2015 and the matter should be reconsidered at the September meeting of Committee.

***IT IS RECOMMENDED*** that Council notes this information.

## **10.2 NILAS Compliance**

NIEA has issued the draft reconciliation report for the ninth scheme year of NILAS (Northern Ireland Landfill Allowance Scheme) 2013/14.

Through WasteDataFlow Ballymoney Borough Council has submitted quarterly returns for the scheme year 2013/14. From these returns NIEA has calculated the amount of Biodegradable Local Authority Collected Municipal Waste (BLACMW) sent to landfill by each District Council for the scheme year 2013/14.

The total amount of BLACMW sent to landfill by Ballymoney Borough Council, for the scheme year 2013/14, was 4,984 tonnes equating to 93.84% utilisation of the 5,311 allocated allowances available for the scheme year.

In 2014/15, the BLACMW allowance is 5,094 tonnes. It is a statutory duty that Council complies with its NILAS obligations. In the event that it does not, Council can be fined £150 per tonne for every tonne Council exceeds its NILAS target in any scheme year.

Notwithstanding that there is no specific budget for NILAS compliance for 2014/15, it may be necessary that in order to ensure compliance that Council divert waste intended for landfilling to reprocessing. Last year (2013/14) Council determined that 500 tonnes be diverted from landfill under the present extant NWRWMG/Council contract which is due to terminate/be replaced this October.

The question for Council to determine is:- should any waste sent for disposal by landfill be diverted for reprocessing so that Council thereby does not exceed its NILAS target for 2014/15?

***IT IS RECOMMENDED*** that Council note its NILAS compliance requirements for 2014/15 and determine what steps it wishes to take to ensure compliance with statutory duty.

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



***that Council note its NILAS compliance requirements for 2014/15 and divert 500 tonnes from landfill to reprocessing.***

## **ENVIRONMENTAL HEALTH GENERAL**

### **10.3 Certificates of Fitness - The Private Tenancies (Northern Ireland) Order 2006 Article 36(4)**

<b><i>Landlord</i></b>	<b><i>Dwelling House</i></b>
Mr. Samuel Tweed	88 Frocess Road, BALLYMONEY, Co. Antrim BT53 7EJ.
Mr. Allister Mulholland	37 Union Street, BALLYMONEY, Co. Antrim BT53 6HT.

Fitness inspections of the above dwellings have been conducted and the properties 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 an Article 36(4) Certificate of Fitness in respect of each of the above dwelling houses.

## **HEALTH & SAFETY**

### **10.4 Petroleum (Regulation) Acts (Northern Ireland) 1929 and 1937 Petroleum Spirit Licence (Renewals)**

Applications have been received for the renewal of petroleum spirit licences as follows: -

<b><u>Premises</u></b>	<b><u>Applicant</u></b>
Finvoy Filling Station, 180 Finvoy Road, BALLYMONEY BT53 7JS.	Mr. S. Maguire
Supervalu, 2 Ballymena Road, BALLYMONEY BT53 7AB.	Mr. P. McCool
Moore's of Cloughmills Ltd., 11 Main Street, Cloughmills, BALLYMENA BT44 9LF.	Mr. D. Moore

Spar Stranocum,  
2 Main Street,  
Stranocum,  
BALLYMONEY BT53 8PE.

Mr. J. McFadden

The renewal of licences as detailed above is **RECOMMENDED**.

**10.5 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 renew the Indoor Entertainments Licence as detailed above subject to satisfactory reports from PSNI and NIFRS and also receipt of satisfactory electrical test certificates. In addition to the Borough Council's "Conditions of Licence" adopted on 7<sup>th</sup> October 1985 the additional conditions detailed on the premise file also applies.

**10.6 Local Government (Miscellaneous Provisions) (Northern Ireland)  
Order 1985, Article 3, Schedule 1. Application for Outdoor  
Entertainments Licence.**

**Applicant**

**Purpose**

**Date**

Michael McCafferty  
7 Pinehill Road  
BALLYMONEY  
BT53 8NU

Outdoor concert at  
31 Loughabin Road  
BALLYMONEY  
BT53 8NS

Saturday  
23<sup>rd</sup> August 2014  
2.00pm - midnight

An application and supporting event management plan has been received for an outdoor entertainments licence as listed above. The grant of any licence would be subject to the provision of a satisfactory electrical test certificate which would only be available on the day of the event and subject to consultation and agreement with PSNI, NIAS and NIFRS (N.B. A similar event was held in 2011).

With regard to the timing of the event it should be noted that the relevant technical guidance issued by The Noise Council (Code of Practice on Environmental Noise Control at Concerts) states "For events continuing or held between the hours 2300 and 0900 the music noise should not be audible within noise-sensitive premises with windows open in a typical manner for ventilation". Previous noise modelling has been completed for

this event which shows that this standard will not be met between 2300 and midnight, in that music noise will be audible at the surrounding residential dwellings.

Should Ballymoney Borough Council decide to grant an entertainments licence for the above event it must be decided as to whether the music is to end at 2300 (23<sup>rd</sup> June), or whether the event will be permitted to have music until midnight (23<sup>rd</sup> June).

***IT IS RECOMMENDED*** that Ballymoney Borough Council grant the issue of an outdoor entertainments licence for the above event, subject to the provision of a satisfactory electrical test certificate on the day of the event to a designated officer of the Council.

***IT IS FURTHER RECOMMENDED*** that Ballymoney Borough Council determine the hours of the said event following consideration of the information provided.

***IT IS RECOMMENDED*** that delegated authority be given to the Director of Borough Services to issue the licence on behalf of the Borough Council subject to the satisfactory compliance with the agreed event management plan and determination of the hours of the event.

## **STREET TRADING**

### **10.7 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:-

<b><u>Purpose</u></b>	<b><u>Applicant</u></b>
Hot Food Trailer	Mr. Stephen James Laverty, 9 Royal Terrace, Balnamore, BALLYMONEY BT53 7QD

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

### **10.8 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:-

<u>Purpose</u>	<u>Applicant</u>
Novelty Items on Meetinghouse Street outside Smyths Hardware on 12/7/14 (3.30am – 7.00pm)	Mr. Alan Quinn
Burgers and Hot Dogs Outside McKees on High Street, Ballymoney on 12/7/14 from 7.00am	Mr. Paul Farley
Hot Food on North Road on 12/7/14 (6.30am – 6.00pm)	Mr. James V. McCook
Dinky Donuts, Sweets and Novelty Items on High Street across from DV8 Ballymoney on 23/7/14 (5.00pm – Midnight)	Mr. Carson Skelton
Hot Food on High Street, on 23/7/14 (5.00pm – 11.00pm) and 26/7/14 (5.00pm – 11.00pm)	Mr. Darryl Wilson

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

## **DOG CONTROL**

### **10.9 Dogs (Northern Ireland) Order 1983 as Amended, Article 29 Attack on Person Article 30a(2) Control Conditions**

The Directorate is in receipt of a complaint made on Friday 28<sup>th</sup> March 2014 from Miss xxxx regarding an alleged attack on her during the early hours of Wednesday 26<sup>th</sup> March 2014 at xxxx, Ballymoney. An investigation has been carried out into the matter, statements have been recorded and the owner of the dog interviewed.

The complainant recalls leaving her home at around midnight on Wednesday 26<sup>th</sup> March 2014 to visit her friend's house. During the visit alcohol was consumed by those present. The complainant's friend was the owner of a dog kept at the property. During her visit, Miss xxxx attended the bathroom. The dog followed Miss xxxx to the bathroom where it bit her. The complainant sustained injuries to her right hand and right arm which required hospital treatment.

On 25<sup>th</sup> April 2014 control conditions were imposed on Miss yyyy in respect of the dog involved in the incident. The control conditions imposed were as follows:-

1. That the dog be kept under control when in a public place.
2. That the dog (when not under control) be kept securely confined in a building, yard or other enclosure.
3. That the dog be securely fitted with a muzzle sufficient to prevent the dog biting any person when in a public place.

Subsequently, on 30<sup>th</sup> May 2014, the dog involved in the alleged attack was humanely destroyed.

Consideration has been given to the facts in this case and ***IT IS RECOMMENDED*** that a formal caution be issued to Miss yyyy in respect of the said offence. In the event of Miss yyyy refusing to accept the formal caution ***IT IS FURTHER RECOMMENDED*** that legal proceedings then be instigated in respect of Article 29 - Attack on Person.

#### **10.10 Review of Coloured Collar Identification Tag for Dogs**

The Department of Agriculture and Rural Development has issued correspondence to Council Chief Executives on the 17<sup>th</sup> June 2014 seeking the views of elected members to assess whether there was a future need for dual identification systems of micro-chipping and coloured collar tagging of licensed dogs post December 2014. It had previously been agreed that both systems be used for 18-21 months and reviewed in 2014. To date the coloured licence identification tag attached to a dog collar has been reviewed in legislation on a rolling four year cycle. The current four year period is due to expire December 2014. DARD has asked that the following 3 options be considered –

1. retain the dual identification system of coloured collar identification tag with its associated costs, along with compulsory micro-chipping for a further rolling four year cycle up to 2018 or
2. maintain the current dual system, with its associated costs and allow a further review period up to the end December 2016 to assist with the settling in of the new RPA structure or
3. abolish the need for coloured identification tags from January 2015 with compulsory micro-chipping to be the sole method of identification.

Comments are also sought with respect to the review of the current dog licence fee, with a response date of 7<sup>th</sup> August 2014.

#### **Discussion**

**Advantages for the retention of coloured tags.**

1. The tag gives a quick indication as to whether the dog is or has been licensed in the last 4 years. (A dog which has a current valid licence should display one of two coloured tags).
2. The tag is relatively inexpensive (£0.25) compared to a microchip (approx. £5.00 excluding the cost of implantation).
3. It is a current legal requirement to display a coloured tag.
4. There is a charge levied by third party database providers to update ownership/address details and not all micro-chip details are kept up to date on third party databases.

**Advantages in abolishing the coloured tags.**

1. It is a duplication of identification since the introduction of compulsory micro-chipping.
2. The cost of administering this dual system per annum for a council which has approximately 3600 licensed dogs is estimated as £1700.00. For a cluster council this is estimated to be approximately £8000.00. Additional savings could be made by improving efficiencies in the licensing process and encouraging more online applications and issue.
3. Current licensing management software generates consecutive licence and tag numbers. Without modification this will generate practical difficulties for licence issue at multiple outlets post LGR. This may incur software development costs, in addition to the over ordering of coloured tags to ensure that there are sufficient numbers in the event of additional licences being issued.
4. Postage costs may be saved where online applications are received, where it will not be necessary to issue a tag and paper copy licence.
5. Post LGR, it will be necessary to inscribe a five figure number to the coloured tag which may incur additional cost.
6. It will be necessary to allocate new prefix identification numbers to the new council areas prior to LGR.
7. There has been minimal prosecutions or fixed penalties issued for failure to display a coloured licence tag (The Dogs (Licensing and Identification) Regulations (NI) 2012).
8. On the basis of statistical review of stray dogs detained by the service since April 2012, 9% were found to be wearing a coloured tag and 48% were micro-chipped.
9. Since the introduction of compulsory micro-chipping, Council has a considerable database of ownership details and is not wholly reliant on those maintained by the private sector.
10. Since the introduction of compulsory micro-chipping the prevalence of using the coloured tag to reunite dogs with their owners has reduced dramatically.

N.B. There have been occasions where councils have found that microchip details have not been up to date to enable dogs to be reunited.

On the basis of the information acquired since the introduction of compulsory micro-chipping, ***IT IS RECOMMENDED*** that Ballymoney Borough Council endorse option 3 as put forward by DARD, in that the need for coloured collar identification be abolished from January 2015, with compulsory micro-chipping to be the sole method of identification.

***IT IS FURTHER RECOMMENDED*** that the legislation should be reviewed so that owners have a legal duty to ensure that their details held on any micro-chipping database(s) are up to date and correct.

With respect to the review of the current dog licence fee, ***IT IS RECOMMENDED*** that Ballymoney Borough Council request the review of same with a view to achieving a full cost recovery of the service at the earliest opportunity, the Director advising that this was a recommendation of all the Councils in the cluster.

## LICENSING

### 10.11 Licensing (Northern Ireland) Order 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Mr. James Craig Black, The Bush Tavern, 15-17 Market Street, BALLYMONEY, BT53 6EA.	Occasional Licence (Samuel Gardner's Farm 133 Kirk Road) on 19/7/14 8.00pm – 1.00am	27/6/14
Messrs. Wm. Huey and Charles Dobbin, 19 Main Street, Armoy, BALLYMONEY, BT53 8SH.	Occasional Licence Stranocum Orange Hall on 30/8/14 between hours of 6.00pm and 11.45pm	2/7/14

***IT IS RECOMMENDED*** that Council notes the above applications.

## INVESTING FOR HEALTH

### 10.12. PHA Contract 1<sup>st</sup> April 2014 – 31<sup>st</sup> March 2015 AP/N/03 – Accident Prevention Service

The Public Health Agency (PHA) has advised of an increase in funding to the above contract of 1.5% to cover pay and price uplifts resulting in a contract value of £12,169.85. Payments will continue to be made on a

quarterly basis in advance subject to satisfactory performance being achieved. A set of indicators/targets have also been agreed for the current financial year against which performance will be monitored.

The funding includes elements of support towards officer salary, the purchase of home safety equipment, HAP group support and Hazard House.

***IT IS RECOMMENDED*** that Council note the revised contract value and indicators against which performance for the above post will be measured.

## **HOME ACCIDENT PREVENTION**

### **10.13 Draft Home Accident Prevention Strategy 2014-2024**

The above document was issued by the Department of Health, Social Services and Public Safety (DHSSPS) on the 17<sup>th</sup> June 2014 for consultation. The response date is 9<sup>th</sup> September 2014. The document outlines the need for a home accident prevention strategy, identifying a strategic direction, implementation, resources, roles and responsibilities including those specifically assigned to District Councils in addition to other statutory/voluntary/partnership agencies.

The consultation document and a prepared response may be found at the Appendix to this report.

***IT IS RECOMMENDED*** that Ballymoney Borough Council endorse the consultation reply and submit this to DHSSPS prior to the closing date.

### **10.14 Adoption of Report**

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

***that the Environmental Services Report – July 2014 as circulated, be adopted and the recommendations therein approved including the decision made at 10.2 (NILAS Targets)***

## **1001.11 NOTICE OF MOTION**

The Mayor indicated that should the motion receive a seconder, it was his intention to refer it, without discussion to the Leisure & Amenities Committee, as Good Relations fell under Leisure Services.

Consider the following motion, in accordance with the notice given by Councillor McGuigan.

Councillor McGuigan proposed his motion.



*“That Ballymoney Council works effectively to end sectarian, illegal and anti-social activity within the Borough. That Councillors recognise their responsibility and support the efforts, through their words and actions, of council officers and other statutory organisations working to end the illegal burning of tyres on bonfires, the promotion of hate crime, the placing and/or removal of cultural flags and symbols in an act meant to intimidate or cause offense.*

*That this council recognises the damage that these activities do to community relations and also the financial cost to ratepayers.”*

This was seconded by Councillor McLaughlin.

The Mayor clarified Standing Orders relating to the Notice of Motion and referred the motion to the Leisure & Amenities Committee (Standing Order 6.4 refers).

- \* **The Director of Borough Services and the Director of Central & Leisure Services left the meeting at 8.05 pm.**

#### **1001.12 CAUSEWAY COAST & GLENS SHADOW COUNCIL**

The Chief Executive drew attention to a notice issued for a meeting of the Shadow Council on 7<sup>th</sup> August to consider a motion on Dungiven Sports Project.

#### **1001.13 O’NEILL ANNOUNCES TECHNICAL DECISIONS ON PILLAR 1 CAP REFORM**

Agriculture Minister Michelle O’Neill has announced a series of technical decisions on the implementation of CAP reform from 2015. A copy was circulated for members’ information. The Chief Executive advised that a further email communication had been received from DARD on an updated question and answer session covering a range of issues on CAP reform.

#### **1001.14 REQUEST TO PRESENT TO COUNCIL**

A request has been received on behalf of ADAPT to present to Council.

ADAPT is committed to tackling the inequalities disabled people experience in accessing everyday services. It recently launched **Access Exchange** a membership network as part of a strategic move in programme delivery across N Ireland.

Over the years ADAPT has enjoyed a good working relationship in providing access themed support to Council owned facilities. Venues such as the Joey Dunlop Leisure Centre have been recipients of programmes including Grants,

Disability Training, Property Appraisal e.g. ASAP access guide dedicated to assisting and signposting people to culture arts and leisure facilities across NI .

Recent exchanges would indicate Council representatives including Ian Stevenson (Councillor and Disability Champion) are favourable of maintaining access to Council's expertise and services and developing collaboration.

ADAPT is a progressive organisation also in a process of transition and would welcome the opportunity to make a presentation to Council on the support available to Access Exchange members, alongside the opportunity for the Council to be part of a forward thinking ethical initiative that leads the business case on accessibility for older and disabled constituents.

ADAPT advocates for BS 8300 as the recognised deemed to satisfy standard in disability access. Implementation of this code within the built environment, when managed alongside access to information, communication and participation as well as changing attitudes of staff who deliver services, sets the 'Benchmark' for Good Practice.

ADAPT would encourage all council owned facilities to avail of the unique customised access themed support, in 10 manageable steps, that facilitates real change/improvement where it is needed most. Ultimately, the proposal is for a renewed partnership that will enhance the disability friendly status of Council as a public service proactive on equality and open to all where standards of good practice can be replicated elsewhere as Council moves forward within the new Super Council structures.

***IT IS RECOMMENDED*** that Council considers the request.

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

***that Council extends an invitation to ADAPT to give a presentation to Council at a mutually agreed time.***

**The meeting concluded at 8.10 pm.**