

Ballymoney Borough Council
Council Meeting No 1007 – 2nd February 2015

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1007.11	Causeway Coast & Glens Shadow Council	<i>No report</i>
1007.12	Temporary Closure of Intermediate Care Services & Multiple Sclerosis Respite Centre at Dalriada Hospital	<i>For information</i>
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BALLYMONEY BOROUGH COUNCIL

Minutes of Council Meeting No 1007 held in the Council Chamber, Riada House, Ballymoney on Monday 2nd February 2015 at 6.30 pm.

IN THE CHAIR: Alderman B Kennedy, Mayor

PRESENT: **Alderman**
F Campbell

Councillors

W Blair
A Cavlan
J Finlay
R Halliday
R McAfee
T McKeown
A McLean
I Stevenson

APOLOGIES: **Aldermen**
H Connolly
C Cousley, MBE

Councillors

J Atkinson
E Robinson, MBE

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

Triangle Housing Association (Item 1)

Mr C Alexander – Chief Executive
Mr R Nicholl – Director of Housing

Press x 1
Public x 1

1007.1 TRIANGLE HOUSING ASSOCIATION

Mr C Alexander and Mr Nicholl were in attendance to give a presentation to Council on the work of the Association. The Presentation is attached as Appendix 1.

Mr Alexander advised members that the Association was formed in 1977 with central offices in Ballymoney housing 60 members of staff out of a total staffing establishment of 376. The Association currently owns 712 units with 100 units under construction each year. 65% of stock provides for supported living for people with complex needs and learning disabilities. Annual turnover includes operating costs of £1M, £12M in income per year and a capital programme of £9M for buildings. It is estimated that 220 people will be consigned to work in the new council area with 35% of stock available in that locale.

Councillor Finlay thanked the representatives for the Associations' presence in the local area and expressed the view that more social housing is needed in Ballymoney and Balnamore. Councillor Stevenson concurred with Councillor Finlay's remarks. The representatives responded to questions from members including how their income is achieved and the new housing benefit system for empty bedrooms.

- * **Councillor Stevenson joined the meeting at 6.35pm during the presentation.**
- * **Councillor McKeown joined the meeting at 6.50 pm during the presentation.**

1007.2 MAYOR'S REMARKS

Award – Shean's Horse Farm

The Mayor advised members that Shean's Horse Farm, History and Heritage Centre has received an Award of Excellence, judged by an independent panel in the CIE Tours International annual awards, which are run in conjunction with Tourism Ireland. The awards are based on an in-depth survey of more than 30,000 customers.

He congratulated Danny McKinley on what is a remarkable achievement as this new facility in Council's area has only been open for a relatively short time. The award is a tribute to the work and commitment of Danny and his team.

The other award winners gaining top spot alongside Shean's were The Giants Causeway, Titanic, and the Ulster American Folk Park.

The unique heritage tourism offered at Shean's is a story through the eyes of Sorley Boy McDonnell, the last of the great McDonnell chieftains. The fascinating insight into the lives of the Irish clans and chieftains is obviously much enjoyed by visitors.

The Mayor stated that Shean's is an important tourist attraction in the Ballymoney rural area and he is confident that the facility will grow and expand in the coming years and alongside the Dark Hedges will attract growing numbers to our area.

Appointment of Sherriff

The Mayor extended congratulations to John Pinkerton, a local solicitor and President of the RBL on being appointed as **Sheriff** for Country Antrim by the Secretary of State.

Joey Dunlop

The Mayor also expressed pleasure on behalf of the local community on the award of Northern Ireland's greatest sports star to our motor cycle road racing legend and honorary freeman **Joey Dunlop**.

Condolence - Vanves

The Mayor advised members that he has written to Mayor Gauducheau, of our twin town of Vanves conveying Council's condolences at the pain and suffering inflicted on the people of Paris, which is located close to Vanves, because of the attack by gunmen at the offices of the French weekly newspaper Charlie Hebdo. Councillor Finlay thanked the Mayor for his actions in this respect.

Welcome

The Mayor welcomed Councillor A Cavlan back to the Chamber following her recent period of ill health.

1007.3 DECLARATIONS OF INTEREST

Councillor Finlay declared an interest in item 1007.9.11 as an applicant and member of Rasharkin Presbyterian Church. The Director of Central & Leisure Services declared an interest in item 1007.10.10.1 as a recipient. Councillor McLean declared an interest in 1007.8.15 as a member of the organisation requesting the use of Megaw Park.

1007.4 MINUTES OF COUNCIL MEETING NO 1006 – 5TH JANUARY 2015

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

that the minutes of Council Meeting No 1006 – 5th January 2015 as circulated, be confirmed as a correct record.

1007.5 CONSULTATION COMMITTEE MEETING NO 104 – 19TH JANUARY 2015

Councillor McLean presented the report.

the minutes of Consultation Committee Meeting No 104 – 19th January 2015, as circulated, were received.

1007.6 SEAL DOCUMENTS

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

that the Seal of Council be affixed to Grave Registration Certificate numbers 1412, 1413, 1414, 1415 (Ballymoney) and 0022 (Rasharkin)

1007.7 DEVELOPMENT REPORT – JANUARY 2015

The Head of Corporate & Development Services presented the report.

7.1 Ballymoney Masterplan

1.1 Transportation Study

IT IS RECOMMENDED that Council note that tender documents have been prepared and tenders will be invited by early February.

1.2 Revitalisation Programme

Due to a shortfall of funding for shop front works identified by the Steering Group a letter of variance has been agreed with DSD to revise the action plan, transferring some of the marketing budget to shop frontage works. It is **recommended** that Council meet the cost of WiFi maintenance, £2,790.24 p.a. commencing 2015/16.

Council will be updated on the bid for additional funding to enable works to targeted properties to be included in the scheme.

Two marketing events have been delivered and arrangements are in hand for the event to celebrate the completion of the scheme.

7.2 Small Business Workshops

A series of workshops for town centre independent traders, organized in association with Acorn the Business Centre, are to be delivered over six weeks during February and March.

7.3 Ballymoney Music Centre

IT IS RECOMMENDED that Council note that DFP Land and Property Services have advised that the Ballymoney Music Centre has been declared surplus to NEELB's requirements and disposal procedures have been initiated in respect of the land. A formal expression of interest has been lodged based on the authority already granted by Council. Further information in support of the application, as required by LPS is being prepared.

7.4 Dark Hedges

IT IS RECOMMENDED that Council note that safety signs have been erected at the Dark Hedges. A proposal for brown tourist signs have been developed and are to be considered prior to Council's meeting. Council will be updated on progress and timeline for installation.

The Dark Hedges have been included in a shortlist of candidates for the BBC Countryside Magazine Awards 2014/15 for the “Heritage Site of the Year” category and information advising members of the public how they can vote for their favourites has been circulated.

7.5 Ballymoney Sculpture Fund

IT IS RECOMMENDED that Council enters into an SLA with the Ballymoney & District Cultural & Heritage Society for the WWI Sculpture.

7.6 Acorn The Business Centre

IT IS RECOMMENDED that members note that following a period of negotiation, arrangements are progressing for the merger of Causeway Enterprise Agency (the LEA for Coleraine and Moyle Council areas) with Acorn The Business Centre. Up to 3 Ballymoney directors will be invited to transfer across to the CEA Board. No Council directors sit on the CEA Board.

7.7 Rural Development Programme – LAG Formation

A newsletter providing an update on the LAG formation, published by Rural Network NI is circulated herewith.

7.8 Events Funding (NITB)

In response to the Council’s representations to the Tourism Minister about the proposed new tourism growth fund and the Board’s current tourist events funding schemes the Chief Executive has responded on behalf of the Minister advising that:

- The proposed tourism growth fund came out of the Minister’s Review of NITB. However to date no proposals have been scoped as to the objectives, procedures or processes for such a fund; nor, currently does NITB have the budget to support a fund such as this.
- In terms of the tourism events funding schemes, since NITB assumed responsibility for the events function in 2010 there has not been a budget exercise to allow for an appropriate dedicated budget to be established for events. In order to run the tourism events funding programmes NITB has to date relied on in-year monitoring; however due to the budget pressures within government, this approach is not feasible going forward. On the basis that NITB currently has no ring fenced budget for events, it has not been possible to launch the 2015/15 tourism events fund.

7.9 Rental of Castlecroft Amenity Space

Members were requested to consider creating, perhaps as a bye-law, that all churches and charities be given free use of the covered area at Castlecroft, subject to usual booking procedures and that it also considers extending this to waiving the charge for electricity.

Members were advised that Churches and charities already get the use of this facility at 50% of the hire charge. From the point of view of H&S and risk Council does not make electricity available to third parties unless they meet the cost of having a qualified electrician on site for the duration of the event. Users are advised that Council's preferred option is provision of quiet generators. This rule was implemented arising from a risk assessment. Applicants are required to provide with their application form a risk assessment for the proposed use/event and evidence of their insurances.

NOTE:

Making of Bye-Laws

Council has power under The (Local Government Act (NI) 1972, to make bye-laws – for:

- a) for the good rule and government of the whole or any part of its district;
- b) for the prevention and suppression of nuisances in its district;
- c) for any purpose for which bye-laws may be made by it under the other transferred provision.
- d) Procedures are also set down in the Act

Procedures are set down under the Act for the making of bye-laws. Bye-laws are made under the common seal of the Council and shall not have effect until they are confirmed by the Ministry concerned.

In response to comments, the Head of Corporate & Development Services advised that the new Council was engaged in looking at charges across the four legacy Councils for facilities and services and would introduce a new policy. Councillor Finlay indicated that charges, donations and contributions, as existing, would not necessarily carry forward to the new Council.

7.10 Adoption of Report

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

that the Development report for January 2015 be adopted and the recommendations therein approved including provision of Castlecroft Square on a free of charge basis to all churches and charities subject to usual booking procedures but excluding provision of electricity.

Councillor Stevenson thanked the officer for the work carried out and for the recommendations made in the report.

1007.8 LEISURE & AMENITIES REPORT – JANUARY 2015

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

LEISURE SERVICES

8.1 New Community Grant Scheme

The following applications for grants were considered (items viii-xi having been received since issue of agenda).

- (i) Causeway Archers for assistance towards an Archery Championships event.
- (ii) Royal British Legion Club for assistance towards an alternative St Patricks Night Event
- (iii) Regimental Assoc UDR Ballymoney for assistance towards a St Patricks Day Celebration.
- (iv) Rasharkin & District Rural Cultural & Educational Society for assistance towards a Historical Century Workshop.
- (v) Rasharkin Chosen Few LOL 694 for assistance towards a Cultural Conflict Workshop.
- (vi) Causeway Coast Peace Group for assistance towards an Educational Visit to Derry/Londonderry.
- (vii) Eden Accordion Band for assistance towards a Community Ceilidh Night.
- (viii) Coleraine & District Amalgamated Committee (covering Ballymoney) for assistance towards a Grand Variety Concert.
- (ix) Ballymoney Mini & Maxi Rugby Club for assistance towards a Club and Family Event.
- (x) Dunglebe Sporting & Cultural Society for assistance towards a Sports Exhibition.
- (xi) Ballyweaney Presbyterian Church for assistance towards a Youth Programme.

All 11 applications meet the criteria of the Grant Scheme.

The Council in October 2014 agreed that the grant scheme would close on 31st January 2015 or when the budget was expended whichever was the earlier. The grant scheme is therefore now closed.

Subject to Council approving the above 11 grants the total expenditure under the grant scheme amounts to £12,600, out of a budget set of £12,000.

It was proposed by Councillor Finlay, seconded by Councillor Stevenson and **AGREED**;

that the above 11 groups are awarded £350.00 each and that the scheme is now closed.

At the request of Councillor Finlay, the Director of Central and Leisure Services will establish whether an application from Dervock branch of the Royal British Legion was received prior to the closing date of 31st January 2015 and if so this will be included in the recommendation providing it meets the criteria of the scheme.

8.2 Riada Pre 1950 Car Club – Request for Financial Support

The Honorary President of the Ballymoney Old Vehicle Club has written to Council advising that the annual Vintage Car Show will be held in the Joey Dunlop Leisure Centre on 4th April 2015 and seeking financial support towards the cost of hiring the Joey Dunlop Leisure Centre facilities for the Show.

Council has a Leisure Contributions budget in 2014/15 to cover such contributions.

IT IS RECOMMENDED that Council make a contribution to the Car Club to cover the cost of hiring the Joey Dunlop Leisure Centre facilities for the Show.

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

that Council make a contribution to the Car Club to cover the cost of hiring the Joey Dunlop Leisure Centre facilities for the Show.

AMENITIES

The Director of Borough Services presented the Amenities Report including addendum at 8.16.

8.3 Jubilee Way

IT IS RECOMMENDED that Council note that the necessary work to mark the above route has been completed.

8.4 Altnarichard Tourist Facilities

Discussions are on-going with the Causeway Coast & Glens Heritage Trust (CCGHT) regarding the improvement of the above Council facility and the funding for such work. The present proposals relate to a much reduced scheme than was originally envisaged due, in the main, to the funding CCGHT can make available. It is proposed that –

- Council would contribute £15,000 to the scheme estimated at £35,000;
- the project be delivered by CCGHT; and
- the project be commenced prior to 31st March 2015.

IT IS RECOMMENDED that Council approve this capital project.

8.5 Bus Shelter Provision

As was agreed previously by Council work is progressing, as staff resources permit, to replace those bus shelters identified as in need of replacement. It is also the case that, in light of representations made necessary preliminary work is underway in respect of the possible provision of additional bus shelters at new locations within the Borough. ***IT IS RECOMMENDED*** that Council note this update.

8.6 River Restoration Scheme

IT IS RECOMMENDED that Council note the following update as regards this project at Riverside Park, Ballymoney. ‘Fishery’ work will hopefully be completed this week. It is necessary to insert a new area of rock armour on the railway side near the start of the replacement path due to undercutting of the bank. It is anticipated that Rivers Agency (the main scheme contractor) will be off site completely by 13th February 2015. Work will then be undertaken to surface the new path on the railway side of the reformed river channel and to make good and resurface the promenade. Planting materials will also be purchased (and weather etc. permitting) some planting work may be undertaken by the end of March.

8.7 Riverside Park, Ballymoney Improvement Scheme

IT IS RECOMMENDED that Council note that tenders have been invited for the proposed work from the Select List Contractors. These are to be returned on 4th February with the tender report to be considered by Council

at its meeting on 16th February. It is anticipated that with a contract let work could commence on site at the beginning of March.

8.8 Kickabout Areas Refurbishment

IT IS RECOMMENDED that Council receive the report from its consultants on those contractors who have applied for inclusion of this project's select list and make a decision on the matter at the meeting on 2nd February 2015. Thereafter the project will be tendered with a view that the contract would commence mid-March.

8.9 Play Area Refurbishment/Landscaping Scheme

Work is on-going to finalise contract documents in respect of this project which relates to the refurbishment of 5 no. existing play areas and the landscaping of 2 no. former facilities. It is anticipated that the scheme will be tendered with a view to the letting of a contract my mid to late March. ***IT IS RECOMMENDED*** that Council note this update.

8.10 Scally Park, Loughgiel Toddler Play Facility

Scheme details have been finalised which has enabled an application to be made to Planning Service for planning approval. Work is on-going to secure the necessary land for the facilities envisaged from its owner the NI Housing Executive. ***IT IS RECOMMENDED*** that Council note this update.

8.11 Cloughmills Bio Park/Old Mill Site

Work is on-going with NIE to obtain a power supply for the above site in accordance with Council's earlier decision. This work will include bringing supply to the site and also making provision for its use where needed on site and in site buildings. It is also the case that plans are being advanced to create the different mini habitats on the remainder of the land to the rear of the 'Old Mill Buildings' part of the site as was originally envisaged as an inherent component of the Cloughmills Bio Park Project. In conjunction with this, work is also proceeding to re-roof two of the buildings (part of the Old Mill Building Complex) so reinstating same. It is hoped to put toilet facilities in the building which has been re-roofed and reinstated adjacent to the restored mill chimney with access from both the play facilities and the car park. Funding is being secured for this work, which it is hoped will be undertaken prior to the end of March 2015.

IT IS RECOMMENDED that Council note and approves the work above.

8.12 Killyrammer Community Centre

Plans are now to hand from Council's consultants as to how a new community centre, similar to those previously provided at Balnamore and

Stranocum, might be positioned within the site following the demolition of the former school buildings. In order to proceed with a planning application a fee of £1428 is required.

IT IS RECOMMENDED that Council opine as to how it wishes to see the proposed new building positioned within the site and approve the seeking of planning permission in respect of a new build project at Killyrammer.

8.13 Blue Sign Refurbishment

IT IS RECOMMENDED that Council note that the work to refurbish the town's street name 'blue signage' is expected to be complete by early February.

8.14 Glebeside Outdoor Recreational Facilities

A further meeting took place, at the behest of Councillor McKeown, on 20th January to seek to progress, with Community Association representatives, the Council's policy decision of last year and find out what stage the CA had reached in forming a legal entity to assume the oversight role envisaged.

The work to replace the fence at Alexandra Avenue adjoining the above facilities is expected to be completed by the beginning of February.

IT IS RECOMMENDED that Council note this update.

8.15 Use of Megaw Park

Correspondence from Ballymoney District LOL No.1 was received on 22nd January "to request permission to use the Megaw Park to hold our Annual Battle of the Boyne celebrations on Monday, 13th July 2015. If we were granted the use of the facilities in the park we would require them from 9.00am – 5.30pm".

IT IS RECOMMENDED that Council considers and determines this request for the use of Megaw Park.

8.16 Kickabout Areas Refurbishment – Select List

Council advertised for applications from contractors to form a Select List for this project with a deadline of 12 noon on 22nd January 2015. 12 no. contractors requested documents with 8 no. submitting applications. The applications received were opened and submitted to the Council's consultants: R. Robinson & Sons for evaluation. The report received ***RECOMMENDS*** that the undernoted 6 no. contractors (who received the highest scores) should be placed on a list from which tenders for the project may be invited –

- McAvoy Construction LLP
- Crawford Contracts Group Ltd.
- Hawthorn Heights Ltd.
- MP Coleman Ltd.
- Northstone (NI) Ltd.
- Clive Richardson Ltd.

IT IS RECOMMENDED that Council appoint the aforementioned contractors as its Select List for the Kickabout Areas Refurbishment Project and invite tenders for the work.

8.17 Adoption of Report

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

that the Amenities report, as circulated, for January 2015 be adopted and the recommendations therein approved including the request made at 8.15 for the use of Megaw Park.

Members thanked the Director for the work carried out.

1007.9 HEALTH & ENVIRONMENTAL SERVICES REPORT

The Director of Borough Services presented the Environmental Services Report including addendum at 9.17.

MATTERS FOR CONSIDERATION

ENVIRONMENTAL SERVICES

9.1 Crosstagherty Waste Handling & Transfer Facility NIE Overhead Line Alteration

NIE is to alter the overhead line at the Council's facility at Burnquarter Road at no cost but to the advantage of the Council's operations at the site.

IT IS RECOMMENDED that the necessary Wayleave Agreement which has been signed on behalf of Council is noted.

9.2 Crosstagherty Waste Handling & Transfer Facility Workplace Transport Risk Assessment

Under Health and Safety statutory provisions a workplace transport risk assessment has recently been completed in respect of the Council's facility known as Crosstagherty Waste Handling & Transfer Facility. This is similar

to what was done previously as regards the Council's depot at Knock Road.

IT IS RECOMMENDED that Council note that work is progressing to address the issues raised so that Council might comply with its statutory duty and this will entail spend which was not budgeted for in the current year. In this regard **IT IS FURTHER RECOMMENDED** that Council note that tenders have been invited for certain of the work and that the tender report will be available at the meeting on 2nd February for decision (item 9.17 refers).

9.3 Recycling Services Leaflet & Door Stepping Campaign

Council has been successful in obtaining funding from Rethink Waste to deliver a communications campaign. The campaign consists of two elements:

- Delivery of a new recycling services leaflet to all Borough households outlining the items which can be placed in blue bins and also the materials which can be accepted at Council's Household Recycling Centres and Community Recycling Centres.
- A door stepping campaign which will see a team of trained researchers visit approximately 6,000 households across the Borough to ascertain attitudes towards recycling and the extent of awareness of what is recyclable and what might be contamination.

It is expected that leaflets will be delivered before the end of January/beginning of February with the door stepping campaign taking place in February. The company conducting the campaign will furnish Council with a project report in March which will summarise the key issues on the doorstep and will provide much useful information which will in turn inform future service provision and communications.

The overarching aim of this campaign is to increase both the amount and quality of material recycled from Borough households. This in turn should result in a decrease in the amount of residual waste.

IT IS RECOMMENDED that members note the above information.

9.4 Mixed Dry Recyclables Contract Arbitration

As members are aware Council has been in dispute with the provider of the above contract. The provisions of the contract are clear on dispute resolution and acting on legal advice Council has followed all the stages of the dispute resolution which culminated in formal binding arbitration. This arbitration took place on the 18th December 2014.

A report on the outcome of the arbitration was circulated to members

The result of this process will ensure continuity of service and permit Council the opportunity to have a managed exit from the contract whilst affording Council the opportunity to consider its options in putting in place alternative arrangements post September 2015.

It should be noted that with the falling prices in the commodity market a revenue stream did not materialise, Council has however made substantial gains in that over the period of the contract savings of £49 per tonne over the cost of the previous contract were achieved.

IT IS RECOMMENDED that Council note this update.

9.5 Causeway Coast & Glens District Council Trade Waste Collection Service

IT IS RECOMMENDED that Members note that at the behest of Causeway Coast & Glens District Council Lead Officer for Environmental Services, Council will issue a letter to trade waste customers requesting expressions of interest with respect to a food waste collection service. From 1st April 2015, it may be the case that a decision will be made to extend the blue bin recycling service to trade waste customers. It is also understood that the policy of Causeway Coast & Glens District Council is to seek payment in advance for the provision of a trade waste collection service.

HEALTH & SAFETY

9.6 Petroleum (Regulation) Acts (Northern Ireland) 1929 And 1937 Petroleum Spirit Licence (Renewal)

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

<u>Premises</u>	<u>Applicant</u>
Carnany Service Station, 81 Kilraughts Road, BALLYMONEY,BT53 7HL.	Mr. R. Lamont

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

9.7 The Safety of Sports Grounds (NI) Order 2006 General Safety Certificate Renewals

Members are aware that DCAL (Department of Culture Arts & Leisure) has designated the undernoted two venues within the Borough in respect of their use for certain sports as described –

- Father Healy Park, Loughgiel (gaelic games)
- Riada Stadium, Ballymoney (soccer)

Council is responsible for re-issuing and enforcing General Safety Certificates on an annual basis in respect of the aforementioned designated venues when same are used for the sports described. Whilst the primary responsibility for the safety of spectators rest with the respective ground management (and users in the case of Riada Stadium) nonetheless Council is responsible for monitoring compliance with its General Safety Certificate at each designated venue.

IT IS RECOMMENDED that Council renew the General Safety Certificates in respect of both Father Healy Park, Loughgiel and Riada Stadium, Ballymoney referred to in this report.

9.8 Health & Safety at Work (NI) Order 1978 Workplace (Health, Safety & Welfare) Regulations 1993

IT IS RECOMMENDED that Council note that it was necessary to serve a health and safety improvement notice (HIS/01/15) with respect to a premises at 176 Seacon Road, Ballymoney, BT53 6PZ, to remedy unsafe conditions in accessing and egressing storage areas.

The time period given for compliance is 28 days.

ENVIRONMENTAL HEALTH

9.9 Information Sharing Protocol with the Landlord Registration Registrar

The Landlord Registration Scheme Regulations (Northern Ireland) 2014 came into force on the 25th February 2014. This requires all private landlords to register immediately prior to the letting of a new tenancy, or where there is an existing tenancy, to register within 12 months and Council is responsible for enforcement.

Regulation 9 The Landlord Registration Scheme Regulations (Northern Ireland) 2014 prescribes the nature of the data that must be shared between the Registrar and District Councils. An Information Sharing protocol has been developed to assist the sharing and disclosure of such information and ensure compliance with the Data Protection Act 1998.

The purpose of the document (attached as appendix 1) is to ensure there is a protocol for the sharing of certain personal data collected by the Registrar in its role as Data Controller of the Landlord Registration Scheme, where that personal data is needed for the purposes of enabling or assisting a council in the exercise of its functions under any provision of the Private

Tenancies (Northern Ireland) Order 2006 and Article 54 of the Rent (Northern Ireland) Order 1978, as per The Landlord Registration Scheme Regulations (Northern Ireland) 2014.

IT IS RECOMMENDED that approval to sign up to the Information Sharing Protocol with the Landlord Registration Registrar on behalf of Council be given to the Chief Executive and ***IT IS FURTHER RECOMMENDED*** that authorisation of the following officers under Regulation 9 of the Landlord Registration Regulations (Northern Ireland) 2014 for the purpose of requesting data in accordance with the Information Sharing Protocol:

- John Campbell Michael
- Bryan Edgar
- Lynne McCullough
- Judith Carolyn Evans
- Damian John Gavin
- Anthony Joseph McCloskey

ENTERTAINMENTS LICENSING

9.10 Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 - Licence Application (Full) (Renewal)

Premises

Rafters Snooker Club,
18 Seymour Street,
BALLYMONEY BT53 6JR.

Applicant

Mr. Samuel Wylie

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.

* **Councillor Finlay left the meeting at 7.50 pm having declared an interest in item 9.11 as an applicant.**

9.11 Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 - Licence Applications (Fourteen Unspecified Days) (Renewal)

Premises

Trinity Presbyterian Church Hall,
Rodeing Foot,
BALLYMONEY BT53 6JJ.

Applicant

Miss Doreen Colvin,

Allen & Adair Memorial Hall,
233 Castlecat Road,
Dervock,
BALLYMONEY BT53 8BP. Mr. Thomas J. Johnston

John Armstrong Hall,
Dalriada School,
1-9 St. James's Road,
BALLYMONEY BT53 6BL. Mr. David R. Balmer

Rasharkin Presbyterian Church Hall,
13 Moneyleck Road,
Rasharkin,
BALLYMENA BT44 8QB. Mr. John Finlay

The Robinson Hall,
56 Moyan Road,
BALLYMONEY BT53 8NX. Mr. Maurice F. R. Christie

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

BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NORTHERN IRELAND) ORDER 1985

9.12 Applications have been received from the undernoted Societies for renewal of registration by the Borough Council (Article 136 of the 1985 Order refers):-

<u>Society</u>	<u>Lottery Promoter</u>	<u>Fee</u>
Compass Advocacy Network (CAN)	Mrs. Janet Schofield, 20 Seymour Street, BALLYMONEY BT53 6JR.	£17.50
Ballymoney Utd. Youths	Mr. John Fall, 7 Cambourne Park, BALLYMONEY BT53 7PG.	£17.50
Stranocum & District Community Association	Mr. William Johnston, 64 Fivey Road, Stranocum, BALLYMONEY BT53 8JH.	£17.50

<u>Society</u>	<u>Lottery Promoter</u>	<u>Fee</u>
Dunaghy Flute Band	Mr. Shane Calvin, 6 Castlehill Court, BALLYMONEY BT53 6RR.	£17.50
Ballynagarvey Ind. LOL 33	Mr. Frank McClure, 5 Bannview Park, BALLYMONEY BT53 7LL.	£17.50
Co. Londonderry Horse Breeding Society	Ms. Yvonne Hanna, 74 Glenstall Road, BALLYMONEY BT53 7QN.	£17.50

IT IS RECOMMENDED that the Borough Council renew the registrations of the above-mentioned Societies.

LICENSING

9.13 Licensing (Northern Ireland) Order 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Mr. Gareth Robert John Montgomery, 43 Parkfield Road, Ahoghill, BALLYMENA BT42 1LY.	Transfer of Licence Patton's Bar, 18 Ballycregagh Road, Cloughmills, Ballymena.	16/1/15

IT IS RECOMMENDED that Members note the above application.

TOBACCO CONTROL

9.14 The Children and Young Persons (Protection From Tobacco) (NI) Order 1991 As Amended - The Cigarette Lighter Refill (Safety) Regulations 1999

On Saturday 6th September 2014 a survey of tobacco retailers in the form of a test purchase exercise for cigarette lighter refills 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 a can of Butane Gas lighter refill. The young person concerned was 16 years old.

All tobacco retailers within the Borough had been advised of their legal responsibilities and guidance on how to prevent underage sales of

Cigarette Lighter Refills to any person under the age of 18 via correspondence dated 3rd July 2014.

During the exercise 14 premises were tested, of which one sold Butane Gas Lighter Refill to the child. This represents 99.8% compliance. The child was unchallenged as to their age and was allowed by the shop assistant to buy a can of Butane gas.

The shop assistant xxxx and the M/D of xxxx, Mr. xxxx, attended for a formal recorded interview at the Council Offices on Wednesday 22nd October 2014. In mitigation, the shop assistant accepted responsibility for the sale and explained that she was under personal stress due to family matters but did not use it as an excuse. The shop at that time was very busy and all tills were operating to deal with the queues. No managers were present on the premises at the time.

In mitigation the proprietor provided details of measures introduced to prevent underage sales including formalising staff training, keeping records of staff training on age restricted products and commencing a new register of sales that are refused.

The premises have passed test purchase exercises in the past.

IT IS RECOMMENDED that in accordance with Council's Enforcement Policy an Informal written warning concerning this offence be issued to the shop assistant in this instance, and that this matter be considered should any similar offence be committed in the future.

ANIMAL WELFARE

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

Following recent additional staff appointments to the above service, it is necessary to renew officer authorisations to discharge this function on behalf of Ballymoney Borough Council.

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

Mrs Nicola McCall	Deputy Chief Environmental Health Officer
Mrs Sinead Sargent	Senior Environmental Health Officer
Mr Samuel Jackson	Animal Welfare Officer
Mr Ian Peter McCreary	Animal Welfare Officer
Mr Conor McCreedy	Animal Welfare Officer

Mrs Karen Kerr-George	Animal Welfare Officer
Ms Alexandra Lightfoot	Animal Welfare Officer
Ms Shanna Wilson	Animal Welfare Officer
Mr Matthew Kenrick	Animal Welfare Officer
Ms Sandra Morton	Animal Welfare Officer
Ms. Danielle Courtney	Animal Welfare Officer

IT IS FURTHER RECOMMENDED that previous appointments made under CM959.7.1, CM972.7 and CM984.10.5 are rescinded.

SUSTAINABLE DEVELOPMENT

9.16 DoE Consultation: The Conservation of Habitats and Species Regulations (NI) 2015

The Department on 27th November 2014 advised of its intent to make updated and consolidated 'Habitat Regulations'. The response deadline is given as 30th January 2015. It should be noted that district councils have a role to play and hopefully Causeway Coast & Glens Council has this matter on its radar given the transfer of planning and also the naming of councils as a competent authority. In the latter capacity, and indeed the former, Councils will have a significant role and in order to fulfil such statutory duties resources will be required and also suitable guidance should be available from the DoE at such time as the proposed conservation of Habitats and Species Regulations (NI) 2015 are brought into effect.

IT IS RECOMMENDED that Council note this legislative proposal.

9.17 Crosstagherty Waste Handling & Transfer Facility - Tenders

Tenders for work at Crosstagherty in order to comply with workplace transport health & safety provisions were invited on 15th January 2015 by public ad. 10 no. Contractors requested documents, with 7 no. (as undernoted) returning tenders by the deadline of 29th ultimo –

		corrected amount
KN Network Services	£42,680.00	
Lagan Operations & Maintenance Ltd.	£50,677.76	£50,888.86
Northstone (NI) Ltd.	£55,273.10	
J & J Contracts NI Ltd.	£53,369.02	
Shannon Road Markings	£99,677.00	£101,877.00
Patrick Bradley Ltd.	£52,321.00	£52,276.00
M P Coleman Ltd.	£49,359.40	

When opened, the tenders received were passed to the Council's Consultants: R. Robinson & Sons for evaluation and report. The consultants recommend that the tender in the amount of £42,680 from NK Network Services be accepted.

IT IS RECOMMENDED that Council accept the tender from NK Network Services in the sum of £42,680 and let the contract.

9.18 Adoption of Environmental Services Report.

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

that the Environmental Services Report be adopted and the recommendations therein approved, including addendum at 9.17.

* **The Director of Borough Services left the meeting at 7.50 pm.**

1007.10 CORPORATE & CENTRAL SERVICES REPORT

CENTRAL SERVICES

The Director of Central & Leisure Services presented the report.

10.1 VAT Claim - Trade Waste Services

Council submitted a claim to HMRC for the recovery of VAT paid on Trade Waste Services for the period 1st April 2007 to 31st December 2010 of £139,484.25.

HMRC has offered the Council £27,896.00 in full settlement of the claim.

HMRC had indicated that it's their responsibility to consider loss or damage as part of addressing the potential for unjust enrichment in respect of the Council's claim and has considered this in as fair and reasonable a way as possible with the following conclusions –

- Approximately 75% - 80% of the council's trade waste customers are VAT registered and able to recover the VAT levied on trade waste services in full.
- Approximately 20% - 25% of the council's trade waste customers are either not VAT registered or unable to recover VAT levied on trade waste services in full.
- HMRC contend that VAT levied on trade waste services by the council was passed on in full in all cases.
- HMRC believe that no loss or damage has occurred where customers were both VAT registered and able to recover the VAT they were charged in full. Accordingly, HMRC are of the view that any repayment of this element of the claim would unjustly enrich Ballymoney Borough Council.

- However, HMRC are aware that there are a number of circumstances in which councils may have suffered loss or damage, principally where customers who were either not VAT registered or unable to recover the VAT charged on trade waste services in full.
- Under HMRC's analysis, 20% of the claim would reflect any loss or damage that may have resulted from the incorrect application of the VAT.

IT IS RECOMMENDED that Council accepts the payment of £27,896.00 in full settlement of the claim submitted to HMRC.

10.2 Potential Insurance Claim – Asbestos Related

The Councils legal advisers, Murphy O'Rawe Solicitors have written to the plaintiff's solicitor seeking confirmation that he will discontinue the action against the Council as it did not succeed to any liabilities relating to the employment of former Ballymoney Rural District Council employees.

However, the case is listed for hearing on 20th April 2015 and should the Council not be released from the case by this date Murphy O'Rawe Solicitors seek authority to engage Counsel for the purpose of the hearing.

IT IS RECOMMENDED that authority is granted to Murphy O'Rawe Solicitors to engage Counsel for the purposes of the hearing.

10.3 Accounts for Payment

The following payments have been made in Period 10 – January 2015 -

Revenue Account	£306,467.59
Capital Account	£59,545.71

10.4 Ballymoney Cemetery Memorials

The following applications have been received for the erection of memorials in Ballymoney Cemetery –

Section I4 No. 52

Mr Stuart Honeyford, 161 Culcrow Park, Aghadowey
Black Granite Headstone and Base

Section G4 No. 18

Mr Robert Quinn, 6 Kirkmoyle View, Ballymoney
½ OG Barrel sides Headstone & Base

It is recommended that approval is granted for the erection of the above 2 memorials.

10.5 Adoption of Report

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

that the Central Services Report be adopted and the recommendations therein approved.

CORPORATE SERVICES

The Head of Corporate & Development Services presented the report. The Chief Executive presented an addendum at 10.6.

10.6 Conclusion of Audit 2013-14

In accordance with the Local Government (Accounts and Audit) Regulations (Northern Ireland) 2006, public notice The Local Government Auditor has given that the audit of accounts for the year ended 31 March 2014 has been concluded. A memorandum, OCE09-2015, 23/1/15, has issued to members. Any member of the public may inspect the statement of accounts, and the Auditor's report to Council at the Council Offices and obtain copies on payment of £10. The statement of accounts can also be found on the Council's website at: http://www.ballymoney.gov.uk/annual_accounts.aspx

10.7 Fireworks Display 31/3/15

Request to consider a one-off fireworks display on 31st March 2015 to see out the Council. (Councillor Stevenson)

Motion 1

It was proposed by Councillor Stevenson, seconded by Councillor McLean:

that Council hold a one-off fireworks display on 31st March.

Motion 2

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

that Council note Councillor Stevenson's request for a fireworks display.

A vote was taken on motion one with three members voting in favour and five member voting against.

The Mayor declared motion one lost.

10.8 Transfer of Council Property to Museum

Request to consider transferring Mayor's Parlour, Council Chamber, Council Mace, Council Chains of Position and Ceremonial Robes under the remit of Ballymoney Museum at some stage, on 31st March, possibly by bye-law.

Members are advised that Causeway Coast & Glens Council are already engaged in an exercise scoping civic gifts, freedom and twinning certificates/plaques and ceremonial regalia. Comment as regards use of bye-law is as included in Development Report.

Councillor Finlay expressed the view that the memorial window and other gifts should be displayed in the museum. The Chief Executive advised that on completion of the scoping exercise, this Council cannot bind the new Council as to what it does with these items. He suggested that a request is made to Causeway Coast and Glens as to what items Council would like to keep.

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

that Council on completion of the inventory of items for Causeway Coast & Glens Council, Council indicate those items it wishes to retain.

10.9 North Antrim Agricultural Association

A request from North Antrim Agricultural Association for a contribution towards their 108th Annual Ballymoney Show was tabled. Councillor Finlay advised that commitments to sponsorship etc had to be settled by the end of February to facilitate publication of schedules for sponsors/exhibitors.

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

that Council makes a contribution of £5,000 toward the cost of the 108th Annual Ballymoney Show on 5th & 6th June 2015, with sponsorship towards the Champions Reserve in Horse & Pony Class.

10.10 Staff Matters

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

that Council 'move into Committee' to discuss item 10.10.1.

- * The press left the meeting at 8.20 pm.
- * Councillor Stevenson left the meeting at 8.20 pm.

10.1 Balance of Remuneration in respect of Local Government Reform (LGR) workload

Council, at its meeting on 1st December 2014 approved a recommendation from the Corporate & Central Services Committee on 24th November 2014 to remunerate staff in recognition of the additional work undertaken relating to LGR.

Payments were approved for the period June 2012 to October 2014. Committee was advised that a further report would be tabled to cover the period from 1st November 2014 to 31st March 2015.

Detailed below are the employees who qualify for the payment and the value of the payment to 31 March 2015.

Directors:

Employee No.	05062	£1,211.67
Employee No.	05060	£1,211.67

Other staff:

Office of Chief Executive:

Employee No.	05008	£752.50
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Borough Services:

Employee No.	05064	£760.83
Employee No.	05087	£752.50
Employee No.	05109	£652.50
Employee No.	05161	£752.50
Employee No.	05065	£752.50
Employee No.	05150	£1,204.00
Employee No.	05163	£1,354.50

Central & Leisure Services:

Employee No.	05011	£736.67
Employee No.	05070	£676.67
Employee No.	05148	£565.83
Employee No.	05106	£630.83
Employee No.	01739	£741.67
Employee No.	05587	£630.83
Employee No.	05159	£630.83
Employee No.	05117	£406.00
Employee No.	03085	£752.50
Employee No.	05052	£652.50

Employee No. 05094 £3,952.00

IT IS RECOMMENDED that council recognise the additional Local Government Reform workload of the staff listed by award of the payments as detailed.

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

that council recognise the additional Local Government Reform workload of the staff listed by award of the payments as detailed above.

10.2 Finance Officers Posts

Employee No. 05587 and Employee No. 05159 have been acting up into the posts of Finance Officers since 1st September 2011. Following legal advice being taken Employee No. 05587 and Employee No. 05159 have been confirmed into the Finance Officer Posts at salary scale 6 from the date of acting up.

The new structure of the Finance Department where a Senior Finance Officer position was to be created is not being implemented due to the short remaining life of the Council.

IT IS RECOMMENDED that Council approve the confirming of Employee No. 05587 and Employee No. 05159 into the Finance Officer Posts with effect from 1st September 2011.

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

that Council approve the confirming of Employee No. 05587 and Employee No. 05159 into the Finance Officer Posts with effect from 1st September 2011.

10.3 PCSP Manager Post

The PCSP Manager post became vacant due to the postholder being seconded to the Affordable Warmth Scheme Project Co-ordinator post from 27th October 2014. The PCSP Officer is acting up into the PCSP Manager post from 1st November 2014 to 31st March 2015.

IT IS RECOMMENDED that Council approve the acting up arrangement for Employee No. 05163 from 1st November 2014 to 31st March 2015. This arrangement may be extended.

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

that Council approve the acting up arrangement for Employee No. 05163 from 1st November 2014 to 31st March 2015. This arrangement may be extended.

10.4 Affordable Warmth Scheme

The Council, on behalf of the Causeway Cluster Councils has engaged staff to deliver the Affordable Warmth Scheme in the Causeway Coast & Glens District Council Area.

The Scheme is 100% funded by DSD/NIHE, initially for 3 years but may be extended to 5 years.

The staffing of the Scheme is 1 x Project Co-ordinator, 3 x Project Surveyors and 1 x Business Support Officer.

The posts were trawled amongst the "At Risk" staff in the 26 Councils.

Employee No. 05150 has been seconded to the Project Co-ordinator Post with effect from 27th October 2014 to 31st March 2015 and Employee No. 05892 has been seconded to one of the Project Surveyor Posts with effect from 3rd November 2014 to 31st March 2015. These secondments may be extended. The remaining 3 posts have been filled by Agency Staff.

IT IS RECOMMENDED that Council approve the secondments.

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

that Council approve the secondments.

10.5 ICT Manager

Graeme Whaley has been appointed as the ICT Manager and takes up his post on 9th February 2015. This is a secondment arrangement with Newtownabbey Borough Council to 31st March 2015 but may be extended depending on the needs of the service.

1007.11 CAUSEWAY COAST & GLENS SHADOW COUNCIL

No report.

1007.12 THE TEMPORARY CLOSURE OF INTERMEDIATE CARE SERVICES AND THE MULTIPLE SCLEROSIS RESPITE CENTRE AT DALRIADA HOSPITAL

Department of Health and Social Services and Public Safety Minister has written in response to Council's concern about the temporary closure of Intermediate Care Services and the Multiple Sclerosis Respite Centre at Dalriada Hospital. Minister Wells advises that prior to the grant of interim relief on the temporary closure by the Court, which reinstated the services at Dalriada Hospital pending further determination during the judicial review process; he had indicated that the National Trust would consult on the temporary closure of these services. The effect of the interim relief Order and the withdrawal of this part of the Trust's Contingency Plan is that the temporary closure will not occur. The Department has therefore instructed the Trust to end the consultation exercise, which commenced on 2 December 2014, as no savings can be achieved from this. The judicial review Applicant and the Department have agreed, subject to the court, that this application be withdrawn as the Applicant has effectively achieved the remedy sought further to the grant of interim relief. The Department has also asked the Trust to submit an alternative savings proposal which would contribute to meeting the full 2014/15 contingency plan requirement.

Given the scale of financial challenges faced the Minister, as previously stated, advises that it will simply not be possible to maintain current levels of services provision in the absence of all the required funding. His priorities are to ensure that the services provided by Health and Social Care are safe and effective and that the Department achieves financial balance, as is required of all Ministers. In order to achieve financial break even, each Health and Social Care Trust has produced a range of contingency plans which are wide ranging. Each Trust has provided assurances that their services will remain safe and effective.

While the services at Dalriada Hospital will now remain open, which he acknowledges will be welcomed by those who use these services, the Northern Trust will still have to achieve commensurate savings to secure break even between now and the end of the financial year. The services to be provided at the Hospital after 31 March 2015 will in the first instance be a matter for the Northern Trust to determine.

1007.13 CORKEY POST OFFICE 136A CORKEY ROAD, LOUGHGIEL, BALLYMENA, BT44 9JQ

Correspondence has been received from the Post Office concerning Corkey Post Office which closed temporarily on 20 June 2014 because the Postmaster resigned.

Since the closure, Post Office have been exploring options for restoring a Post Office service to their customers in the area and are investigating whether a hosted outreach option would best serve the locality. This is a tried and tested way of maintaining or reinstating a Post Office service to smaller communities and is operated by a Postmaster from a nearby branch as long as suitable premises can be found. A hosted facility offers access to a range of products and services during specified hours on set days, with hours of opening set to reflect likely customer usage.

Unfortunately there are limited opportunities in Corkey which makes it difficult for Post Office to identify a solution to enable services to be restored.

Post Office apologizes for the time it is taking to restore a service locally and for the inconvenience the ongoing temporary closure is causing to its customers.

1007.14 TEMPORARY SPEED LIMIT - C84 CORKEY ROAD, LOUGHGUILLE.

Transport NI has advised that a scheme is being progressed to facilitate the widening of the C84 Corkey Road and the construction of a Cycle Footway.

In order to facilitate the traffic management measures required for the works, TransportNI is proposing to introduce a temporary 40mph speed limit to commence after an initial 4 week closure.

Temporary Road Closure – Monday 2nd February to Friday 27th February 2015.
Temporary Speed Limit- Monday 2nd March to Sunday 5th April 2015.

Transport NI would appreciate any comments Council may wish to make regarding this proposal.

No comments were offered.

The meeting closed at 8.30 pm.

Appendices Listed

Appendix 1 Triangle Housing Association Presentation

APPENDIX 1

