

# **COLERAINE BOROUGH COUNCIL**

## **COUNCIL MEETING 25 March 2014**

### **MINUTES BOOKLET**

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<b>Meeting</b>	<b>Council</b>
<b>Date and Time</b>	<b>25 February 2014 at 6.50pm</b>
<b>Location</b>	Council Chamber, Cloonavin
<b>Chair</b>	The Mayor, Councillor D Harding
<b>Present</b>	Deputy Mayor, Councillor M Fielding  Aldermen W Creelman, P Fielding, N Hillis and J McClure  Councillors C Archibald, D Barbour, Y Boyle, T Clarke, S Cole, G Duddy, B Fitzpatrick, R Holmes, W King, M Knight-McQuillan, R Loftus, W McCandless, S Quigley and C Sugden
<b>In Attendance</b>	Town Clerk and Chief Executive (Items 1.0 – 12.2.1), Corporate Director of Environmental Services (Items 1.0 – 12.2.1), Corporate Director of Leisure and Development (Items 1.0 – 12.2.1), Head of Finance (Items 1.0 – 12.2.1), Senior Environmental Officer (Items 1.0 – 5.2.1), Principal Administrative Officer (Items 1.0 – 12.2.1), Business Support and Administration Manager and Acting Business Support Assistant

## 1 APOLOGIES

An apology was recorded for Alderman Hickey.

## 2 CHAIR'S BUSINESS

### 2.1 Appointment of Chief Executive to Causeway Coast and Glens District Council

The Mayor extended congratulations to Mr David Jackson, Chief Executive elect of the Causeway Coast and Glens District Council. He paid tribute to Mr Jackson's work with Coleraine Borough Council and wished him all the best in his new position. Members echoed these remarks and expressed their eagerness to work with Mr Jackson.

The Mayor, on behalf of Council, thanked Members of the Causeway Coast and Glens Statutory Transition Committee for their work to date, especially those involved on the Interview Panel for the appointment process.

**Agreed:** That a letter of congratulations be sent to Mr Jackson.

### 2.2 Resignation of Town Clerk and Chief Executive

The Mayor paid tribute to Mr Roger Wilson on his last meeting as Chief Executive of Coleraine Borough Council and wished him future success in his personal life and his appointment as Chief Executive of Armagh, Banbridge and Craigavon District Council. The Mayor and Members expressed their thanks for Mr Wilson's hard work and years of service on behalf of Council and the Borough and noted that he would be warmly remembered for the achievement of the first zero rates increase in the history of Council.

## 3 DECLARATIONS OF INTEREST

The Mayor declared an interest in item 15.1 of the Environmental Services' Committee Report in relation to Legal Proceedings.

#### **4 'IN COMMITTEE'**

It was agreed to take a number of items 'In Committee' at the end of the meeting.

#### **5 MINUTES**

The Minutes of the Council meeting of 28 January 2014 were confirmed and signed.

#### **6 COMMITTEE REPORTS**

##### **6.1 Planning Committee**

The Minutes of the Planning Committee meeting of 28 January 2014 were proposed by The Chairman, Alderman Creelman, seconded by Councillor Boyle and agreed.

##### **6.2 Environmental Services Committee**

The Minutes of the Environmental Services Committee meeting of 4 February 2014 were proposed by The Chairman, Councillor Archibald and seconded by Councillor Duddy.

The Corporate Director of Environmental Services gave a summary of the topics contained in the Committee Report and answered questions on various issues.

##### **6.2.1 Presentation – Severe Weather Preparations Contingency Plan**

The Senior Environmental Health Officer delivered the presentation to Members and drew attention to a booklet 'Emergency Planning – Severe Weather', which contained 24 hour contact details for emergency planning (circulated).

The Committee Report was subsequently agreed.

##### **6.3 Corporate Affairs Committee**

The Minutes of the Corporate Affairs Committee meeting of 5 February 2014 were proposed by The Chairman, Councillor Duddy and seconded by Alderman Fielding.

The Chief Executive gave a brief summary of the topics contained in the Committee Report and answered questions on various issues.

##### **6.3.1 Review of Governance Arrangements – Committee Structure**

The Deputy Mayor spoke on the current Committee system, the six-month trial for which was at an end and expressed concerns about certain aspects including lack of information and the perceived exclusion of Members, press and public.

It was proposed by the Deputy Mayor: that Council revert to the original Committee structure which was in place prior to December 2013.

Councillor McCandless referred to the volume of business transacted at Committees and the forthcoming changes which would take place following election of the Causeway Coast and Glens District Council.

It was then proposed by Councillor McCandless and seconded by Councillor Sugden: that Council retain the current Committee system with the proviso that press and the public be allowed access to all non-confidential matters.

As the proposal put forward by the Deputy Mayor had not been seconded, the proposal by Councillor McCandless became the substantive Motion.

Councillor Cole then seconded the Deputy Mayor's proposal, which was taken as an amendment.

On being put to the meeting, the amendment was lost with 8 Members voting in favour and 11 Members voting against.

**Agreed:** With 11 Members voting in favour and no Members voting against, that Council retain the current Committee system with the proviso that press and the public be allowed access to all non-confidential matters. Further, that these arrangements be effective immediately.

The Mayor advised that the new Chief Executive of Council might invite Members to a workshop to discuss Committee arrangements.

The Committee Report was agreed subject to the amendment.

## 7 NOTICE OF MOTION

The following Motion was proposed by Councillor Archibald and seconded by Councillor Loftus:

"That this Council notes with concern the legal ruling which resulted in a 0% transfer rate from Pillar 1 to Pillar 2 of the Rural Development Programme and is concerned that the court ruling which quashed the decision by the Agriculture Minister could have a detrimental impact on the Going for Growth strategy, the environment and funding for rural communities; and calls on the Council to write to OFMDFM and the Finance Minister to ensure the necessary funding is found to address this."

Discussion followed during which a number of Members voiced their varied opinions on the sentiments expressed in the Motion and the likely effectiveness which letters from Council might have.

Councillor Knight-McQuillan asked that it be noted that the court case involving the Agriculture Minister was in relation to procedural matters only.

**Agreed:** On being put to the Meeting and with 4 Members voting in favour and 9 Members voting against, that the Motion fail.

## 8 LEISURE AND DEVELOPMENT SERVICES' REPORT

Consideration was given to the Report of the Corporate Director of Leisure and Development (previously supplied).

### 8.1 Somerset Trees

Members' attention was drawn to the various options contained in the 'SWOT' Analysis attached to the Report, which had previously been presented to residents of the Somerset area during two information sharing evenings in December and February. The favoured recommendation of the residents was for Option 5.

The Corporate Director of Leisure and Development reported, however, that Planning Service had now placed a Tree Preservation Order on the entire tree belt at Somerset and that a meeting had been arranged with them to address this development. He advised that work would be undertaken in autumn 2014 subject to consultation with Planning Service.

**Agreed:** That Council approve Option 5 at a cost of £17,750 viz: to fell all trees adjacent to the fence up to a maximum of half the width of the tree belt or a tree length from a house and repeat for the other half once replacement trees have been established.

A number of Members thanked the Corporate Director of Leisure and Development and the Outdoor Recreation Manager for their work on this issue.

## 9 CORRESPONDENCE

Members noted the following correspondence (previously supplied);

- Letter dated 30 January 2014 from Big Lottery Fund re legacy investment
- Letter dated 18 February 2014 from Londonderry Area Electoral Office re Registration and ID Clinic
- Letter dated 18 February 2014 from The Regulation and Quality Improvement Authority re Independent Expert-Led Inquiry into Child Sexual Exploitation in Northern Ireland
- Forecast of Events
- Documents for Tabling
- Consultation Documents

## 10 DOCUMENTS FOR SEALING

Resolved:

That the following documents be sealed:

- |   |   |   |
|---|---|---|
| 1 | <u>Transfer of Land (In Triplicate)</u> | Council to Mr Elliott – 99 Dunluce Road, Portrush   |
| 2 | <u>Contract (In Duplicate)</u>          | Council and JPM Contracts Ltd – Kilrea Environmental Improvement Scheme 131063  |
| 3 | <u>Contract (In Duplicate)</u>          | Council and Sugar Rush Creative – Design and Supply of Project Alchemy CRM Website Ref DSU-Alchemy CRM/1/14   |
| 4 | <u>Agreement (In Duplicate)</u>         | Coleraine Rugby Football Club to Council – Land at Rugby Avenue, Coleraine  |
| 5 | <u>Cemetery Titles</u>                  | Grant of Right of Burial – Deeds Register No. 4091– 4098 inclusive:<br><br>Coleraine      4<br>Ballywillan    3<br>Agherton      0<br>Portstewart    1<br>Kilrea          0 |

## 11 ANY OTHER BUSINESS

### 11.1 Thanks

The Mayor extended thanks to Mr Milne Rowntree and students from the University of Ulster for their attendance and expressed the hope that they were now more informed about Council procedures.

<b>Meeting</b>	<b>Planning Committee</b>
<b>Date and Time</b>	<b>25 February 2014 at 6.30pm</b>
<b>Location</b>	Council Chamber, Cloonavin
<b>Chair</b>	Alderman W Creelman
<b>Present</b>	The Mayor, Councillor D Harding (Items 6-9) The Deputy Mayor, Councillor M Fielding  Aldermen P Fielding, N Hillis and J McClure  Councillors C Archibald, D Barbour, Y Boyle, T Clarke, S Cole, G Duddy, B Fitzpatrick, R Holmes (Items 4-9), W King, M Knight-McQuillan, R Loftus, W McCandless, S Quigley and C Sugden
<b>In attendance</b>	Mr S Mathers and Ms Jennifer Lundy, Planning Service, Head of Health and Built Environment, Principal Administrative Officer, Business Support and Administration Manager and Acting Business Support Assistant

## 1 APOLOGIES

An apology was received from Alderman Hickey.

## 2 CHAIR'S BUSINESS

There was no Chair's business.

## 3 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

## 4 PLANNING CONSULTATION

Councillor Holmes entered during this item.

Mr Mathers introduced Ms Jennifer Lundy as the new Senior Planning Officer for Coleraine and first point of contact for Council.

A list of 18 applications was presented for consideration (previously supplied).

### 4.1 Applications Deferred from Previous Meeting

**Application D1 C/2013/0137/F** Proposed farm dwelling and garage at approximately 75m NW of 36 Glasgort Road, Aghadowey, Coleraine for Mr D Mullholland.

The opinion of Planning Service was to approve.

**Agreed:** That the application be approved.

**Application D2 C/2013/0189/F** Proposed 250kw wind turbine with hub height of 30m and rotor diameter of 27m at 420m SW of 10 Magheraboy Road, Portrush for Mr James Taylor.

The opinion of the Planning Service was to refuse. Councillor Knight-McQuillan requested that the application be held for two weeks until a noise impact assessment could be completed.

**Agreed:** That the application be held for two weeks.

**Application D3 C/2013/0271/O** Proposed permanent dwelling at 63 Ballygawley Road, Aghadowey, Coleraine for Mr David Kane.

The opinion of Planning Service was to refuse.

**Agreed:** That the application be refused.

#### 4.2 New Applications

Ms Lundy enlarged on the new applications listed on the planning schedule and the recommendations were accepted subject to the following:

**Application No C/2012/0203/F** Proposed change of use from shop to fast food outlet/pizzeria at 56 Main Street, Garvagh for Mrs Rose O’Kane.

The opinion of Planning Service was to refuse. Ms Lundy advised that new information had been received since the schedule was published.

**Agreed:** That the application be removed from the schedule to consider new information; to be brought back to Council at a later date.

**Application No C/2013/0079/F** Retrospective application for change of use from vacant commercial unit to gym at 1-3 Lower Captain Street, Coleraine for Mr Mark Dunford, Atlas Gym, Coleraine.

The opinion of the Planning Service was to refuse.

**Agreed:** On the proposal of Councillor Knight-McQuillan and seconded by Alderman Fielding that the application be deferred for one month to facilitate an office meeting on the grounds that all material planning considerations had not been assessed.

**Application No C/2013/0113/F** Site for New Dwelling (previous Approvals C/2009/0565/O and C/2011/0543/F) at site adjacent to 15 Strandview Avenue, Portstewart for Montgomery Irwin.

The opinion of the Planning Service was to approve. Ms Lundy advised that a late letter of objection had been received.

**Agreed:** That the application be removed from the schedule to consider new information; to be brought back to Council at a later date.

**Application No C/2013/0220/F** Replacement Domestic Garage at Garage Adjacent to 6 Coastguard Cottages, Causeway View Lane, Portrush for Mr Tommy Caves.

The opinion of the Planning Service was to approve.

**Agreed:** On the proposal of the Deputy Mayor and seconded by Councillor Fitzpatrick that the application be deferred for one month to facilitate an office meeting on the grounds that all material planning considerations had not been assessed.

**Application No C/2013/0236/O** Two Storey Dwelling and Detached Garage to Replace a Redundant Business Premises at rear of 124 Castleroe Road, Coleraine for A Carruthers.

The opinion of Planning Service was to refuse.

**Agreed:** On the proposal of Councillor Quigley and seconded by Councillor Knight-McQuillan that the application be deferred for one month to facilitate an office meeting on the grounds that all material planning considerations had not been assessed.

**Application No C/2013/0440/A** Flat electronic sign fixed to gable wall at Spar Supermarket, 3-9 Coleraine Road, Portstewart for Henderson Food Halls Ltd.

The opinion of Planning Service was to refuse.

**Agreed:** On the proposal of Councillor Sugden and seconded by Councillor Archibald that the application be deferred for one month to facilitate an office meeting on the grounds that all material planning considerations had not been assessed.

**Application No C/2013/0454/A** Electronic Advertising at 85m South West of the Lodge Hotel, Lodge Road, Coleraine for The Lodge Hotel.

The opinion of Planning Service was to refuse.

**Agreed:** On the proposal of Councillor King and seconded by Councillor Fitzpatrick that the application be deferred for one month to facilitate an office meeting on the grounds that all material planning considerations had not been assessed.

**Application No C/2013/0461/F** Retrospective application for domestic garage/fence and concrete yard at 261 Windyhill Road, Coleraine for Mr G Montford.

The opinion of the Planning Service was to refuse.

**Agreed:** On the proposal of Councillor King and seconded by Alderman McClure that the application be deferred for one month to facilitate an office meeting on the grounds that all material planning considerations had not been assessed.

**Application No C/2013/0472/O** Proposed Infill Site for Dwelling and Garage between 17 and 21 Agivey Road, Kilrea for Mr T Quigg.

The opinion of Planning Service was to refuse.

**Agreed:** On the proposal of Councillor Knight-McQuillan and seconded by Councillor Sugden that the application be deferred for one month to facilitate an office meeting on the grounds that all material planning considerations had not been assessed.

## 5 OFFICE MEETINGS

It was noted that the Office Meetings would be held on Friday 21 March 2014.

## 6 DRAFT STRATEGIC PLANNING POLICY STATEMENT FOR NORTHERN IRELAND – CONSULTATION DOCUMENT

The Mayor, Councillor D Harding joined the meeting during this item.

Consideration was given to the Statement of Minister Durkhan and associated Consultation Document (previously supplied).

**Agreed:** In light of the importance of this document, that it be referred to the Statutory Transition Committee for response from Cluster Councils.

Members noted that if response required appointment of Planning Consultant, the cost could be shared among the four Councils.



## **7 GENERAL PLANNING ISSUES**

### **7.1 Causeway Dog Rescue Centre**

Councillor Duddy referred to this application which had been submitted to Planning Service almost a year ago. He asked for an update as to when it would be scheduled and requested speedy conclusion.

Mr Mathers confirmed the matter had been discussed at the last Group Meeting. He would check the current position and phone Councillor Duddy the following day.

## **8 CORRESPONDENCE**

### **Royal Town Planning Institute (NI) – Councillor Training Programme 2014**

Members' attention was drawn to the amended programme for this training (previously supplied). Any member who wished to attend was asked to contact the Principal Administrative Officer.

## **9 ANY OTHER BUSINESS**

There was no other business.



As part of this work, a Tender was placed in December 2013 for an 'independent audit', which had resulted in the appointment of Willis Risk Management Consultancy, also Council's current insurer, who had now provided an Audit Report. The report was divided into 5 sections and a RAG system used to prioritise categories viz:

- Red - Priority 1 – requires attention within 6 months
- Amber - Priority 2 – requires attention within 12 months
- Green - Priority 3 – requires attention within 18 months

The audit had found a total of 71 recommendations across the 5 sections, a number of which were duplicated recommendations in two or more of the sections. Recommendations were reported as follows: 3 as Priority 1, 33 as Priority 2 and 35 as Priority 3. All Priority 1 actions were currently being addressed and would be completed within the next 2 months, depending on the availability of specialist contractors from within the private sector. The Priority 2 and 3 recommendations would be assessed and grouped into an action plan to ensure that each recommendation was fully implemented within the required timeframe.

Analysis of the findings of the recommendations had identified 4 key themes as outlined below:

- i Governance
  - A more strategic role for the Health and Safety Committee
  - The reporting of internal health and safety audits to the Audit Committee
- ii Roles and Responsibilities
  - A clear organisational strategy making line managers responsible for health and safety within their teams and holding them to account
  - The health and safety advisor to take on a role akin to internal health and safety audit
- iii Resources
  - Health and safety training for managers and employees should be ring fenced
  - One health and safety advisor for an organisation of 300 employees was insufficient
  - RPA would provide an opportunity to create a more effective use of existing resources
- iv Corporate Risk
  - Health and Safety should be regarded as a corporate risk.

Addressing these themes would provide a template for an action plan and process to deal with the majority of recommendations, those remaining would be managed as individual issues.

Discussions with the HSENI had confirmed that this treatment of Health and Safety as a corporate priority, to be driven by elected Members through the Audit Committee to every manager in the organisation who would be held to account, was their preferred direction of travel for the local government sector. Council was now considered an exemplar and the HSENI was keen to have Council drive and champion the new culture within the sector. HSENI had indicated support and assistance would be available to develop this work.

In response to Members' questions, the Acting Chief Executive advised that an additional £75,000 had been set aside in the budget to deliver Health and Safety for the coming year, which would be mainly for training of line managers. It was likely that an additional part-time staff resource would be sourced from one of the Cluster Councils. He stressed that this work was of such importance that, if further funding was needed, it would require to be met.

Members noted that Council's Health and Safety Committee currently met on a monthly basis

**Recommended:** On the proposal of Councillor King and seconded by Councillor Cole, that Council approve the approach outlined including the drafting of a formal action plan for Members' approval.

## **5.3 For Information**

### **5.3.1 Affordable Warmth**

On 17 February 2014 the Department for Social Development (DSD) launched a public consultation 'From Fuel Poverty to Achieving Affordable Warmth'. The Consultation would run for a 12-week period to end 9 May 2014. The DSD hoped to introduce a new model for the delivery of energy efficiency of low income households, which would involve partnership working with the University of Ulster, Cluster Councils and the Northern Ireland Housing Executive (NIHE), proposals for which were set out in the Consultation.

A draft response to the Consultation would be tabled at the April meeting of Council. The Consultation could be accessed on the DSD website.

### **5.3.2 Landlord Registration Scheme**

The Head of Health and Built Environment outlined the requirements of this scheme which all private landlords were required to register with for an initial 3-year period from 25 February 2014 (electronic registration) or 6 March 2014 (manual registration).

A range of mandatory information would be required from landlords, which would be collected by NI Direct, on behalf of the registrar, and processed in line with the Data Protection Act to provide a full registration and search service and allow District Councils, Department of Finance and Personnel and NIHE to carry out legal duties.

Council would be responsible for enforcement action in relation to offences and maximum fines for fixed penalties had been recommended by the Northern Group of Councils for adoption. Failure to pay would result in being taken to Court and an increased fine viz:

- Provision of false information when registering (fixed penalty £500; maximum court fine £2,500).
- Failure to register (fixed penalty £500; maximum court fine £2,500).
- Failure to provide evidence of registration in prescribed circumstances (fixed penalty £100; maximum court fine £500).

Requirements of this scheme would be publicised via a range of communication including media, DSD roadshows, advertisements, Housing Rights events and council websites.

Members noted that registration for the Houses in Multiple Occupation (HMO) Scheme and the Tenancy Deposit Scheme were already statutory requirements. It was expected that the outcome of the 3 Schemes would be a reduction in scope for exploitation in the private rented sector.

### **5.3.3 Tobacco Taxi Initiative**

#### **Smoking (Northern Ireland) Order 2006**

As part of Council's enforcement of this Order, the Tobacco Control Officer and an Environmental Health Officer had taken part in a Taxi Initiative during 2 evenings in January, which had focussed on assessment of compliance in relation to smoking in these smoke free vehicles and display of correct signage within same.

No incidences of smoking in taxis had been noted and 70% of vehicles had been found to be signage compliant; verbal advice had been issued where necessary. One littering offence had been detected and a fixed penalty would be issued in due course.

### **5.3.4 Outcome of Legal Proceedings**

#### **The Food Labelling Regulations (NI) 1996 as amended**

- R & J Foods Limited, trading as Greenmount Spar, 3-5 Greenmount Avenue, Coleraine for 2 offences relating to the display for sale of food beyond its use-by date viz:

Fine: £500 (£200 first offence and £300 second offence); Legal Costs £300; Court Costs £40.

### **5.3.5 Building Control Report**

Members noted the detail of the Building Control Report for the period 25 January – 21 February 2014:

- 13 valid Full Plan applications had been received for assessment.
- 60 applications had been recommended for approval.
- 410 inspections had been carried out.
- 102 contraventions had been identified, enforcement procedures communicated and remedial works implemented.
- 93 Property Certificate applications had been dealt with.
- 140 Energy Performance Certificate checks completed with 12 no. Estate Agents.
- 3 complaints had been received in respect of alleged dangerous structures.
- 3 complaints had been received in respect of derelict and dilapidated buildings, the following properties were currently receiving attention:
  - 1-6 Stuart Gardens, Portstewart (action being taken to enforce Notice).
  - 13 Victoria Street, Portrush.
- 7 enquiries had been received in respect to Postal Numbering.
- Income - £26,563 had been received in respect of the four prescribed functions.

## **6 CORRESPONDENCE**

There was no correspondence

## **7 ANY OTHER BUSINESS**

There was no other business

<b>Meeting</b>	<b>CORPORATE AFFAIRS COMMITTEE</b>
<b>Date and Time</b>	<b>5 March 2014 at 6.30pm</b>
<b>Location</b>	Bann View Committee Room
<b>Chair</b>	Councillor C Sugden
<b>Present</b>	The Mayor, Councillor D Harding and Deputy Mayor, Councillor M Fielding  Alderman J McClure and Councillors C Alexander, T Clarke and S Quigley
<b>In Attendance</b>	Head of Central Services, Head of Finance, Principal Administrative Officer, Countryside and Marine Manager and Administrative Assistant

## **1 APOLOGIES**

An apology was recorded for Councillor Duddy.

## **2 CHAIR'S BUSINESS**

There was no Chair's business.

## **3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **4 REQUESTS FOR PRESENTATIONS**

There were no requests for presentations.

## **5 CHIEF EXECUTIVE'S REPORT**

Consideration was given to the Report of the Chief Executive (previously supplied).

### **5.1 Finance**

#### **5.1.1 Accounts**

It was noted that accounts for February 2014 had been previously supplied.

#### **5.1.2 Council Winding Up Funding**

The Head of Finance reported that confirmation had now been received from the Department of the Environment that the Executive had agreed to provide £0.5m for the winding up of the current 26 Councils as contained in LG Circular 08/2014 (Appendix 1 of the Report).

The costs were in respect of legal and audit requirements and the total funding for Causeway Coast and Glens would be £76,923.

## **6 ANY OTHER BUSINESS**

### **6.1 Teas and Ices, Portrush**

Reference was made to the current position regarding the Teas and Ices building in Portrush which had suffered storm damage.

Reported that the damage was being assessed and further details would be made available to Members.

### **6.2 Causeway Association of Urban Sports (CAUS)**

It was noted that the Causeway Association of Urban Sports had not received a letter of support from Council with regard to the proposition and land request at the Dunluce Centre.