

**MINUTES OF THE PROCEEDINGS OF THE COUNCIL MEETING HELD
ON MONDAY 23RD FEBRUARY 2015**

In the Chair: Councillor D Cunningham

Members Present: Councillors J Baird, S Blaney, W Graham,
RD McDonnell, D McAllister, R McIlroy,
MA McKillop C McShane

Also Present: Mr R G Lewis, Clerk and Chief Executive

Mr A McPeake, Director of Environmental Services

Ms J Lundy, Planning Service

Ms D Bader, Member Services Clerical Officer

15/04:01

APOLOGIES AND CHAIRMAN'S BUSINESS

Apologies

Apologies were received on behalf of Councillors Hunter, N McAllister, McCambridge, S McKillop, P McShane and Thompson,

Chairman's Business

Condolences

Condolences were offered on the death of Ballycastle man Billy Watson, a former employee of Moyle District Council who will be remembered for his enormous contribution to football locally.

Recognition Event

The Chair reported that a low key, charitable recognition event to mark the end of Moyle District Council would be held on Saturday 28th March 2015.

It was agreed that members would advise the Chair of any ideas which could involve the general public to celebrate and acknowledge the end of an era for Moyle District Council.

Ballycastle War Memorial

The Chair reported that the rededication of Ballycastle War Memorial would take place on Sunday 22nd March 2015 at 3pm and that members would receive invitations in due course.

15/04:02

DECLARATIONS OF INTEREST

It was recorded that:

Councillor C McShane declared an interest in Item 5 of the Agenda – Application for Planning Permission No E/2014/0233/F.

15/04:03

MINUTES OF THE COUNCIL MEETING HELD ON 26TH JANUARY 2015

The minutes of the Council Meeting held on 26th January 2015, were taken as read.

After discussion,

Councillor Baird proposed,
Seconded by Councillor Blaney and resolved,
“That the minutes of the Council Meeting held on 26th January 2015 be adopted.”

15/04:04

MATTERS ARISING FROM THE MINUTES OF THE COUNCIL MEETING HELD ON 26TH JANUARY 2015

Overflowing Septic Tank
(Councillor Baird)

It was agreed that Council would follow up the a septic tank /payment method enquiry as detailed in the Council Meeting Minutes of 26th January 2015.

15/04:05

APPLICATIONS FOR PLANNING PERMISSION

The Planning Schedule which had been circulated was taken as read.

E/2014/0046/F Mr Graham Ross, 185 Kempstones Road, Dundonald, BT16 1UF. Location: Ross’s Quarry, Magheramore Road, Ballycastle, BT54 6JE. Proposed extension of existing bund along southern boundary/Magheramore roadside. Previous bund Planning Ref E/1988/0245 (retrospective). (Recommended for refusal)

The above application was deferred for an Office Meeting to be held back for one month.

E/2014/0125/F Mr A McKillop, c/o WM McNeill, 30 Knowehead Road, Broughshane, Ballymena, BT43 7LF. Location: 5 Shore Street, Cushendall. Proposed change of use from bank to single dwelling with access to rear with external alterations and alterations for first floor for future loft conversion. (Recommended for approval)

The above application was approved.

E/2014/0148/F Moyle District Council, c/o Whittaker and Watt Architects, 379 Antrim Road, Glengormley, Newtownabbey, BT36 5EB. Location: Site approximately 1030m to North West of Ballypatrick Forest Caravan Park 115 Cushendall Road, Ballycastle, Co Antrim, BT54 6RN. Proposed equestrian car park for recreational use. (Recommended for approval)

The above application was approved.

E/2014/0149/F Moyle District Council, c/o Whittaker and Watt Architects, 379 Antrim Road, Glengormley, Newtownabbey, BT36 5EB. Location: Ballypatrick Forest Park Caravan and WC Block, 115 Cushendall Road, Ballycastle, Co Antrim, BT54 6RN. Proposed increase caravan provision to give total 20 no. spaces. Increase car park provision by 18 no. to 45 no. spaces. Extension to amenity block – new sluice, accessible WC, 2 no. female and 2 no. male showers. (Recommended for approval)

The above application was approved.

E/2014/0167/F P Donnelly, c/o Lavery Architecture, 63a Churchfield Road, Ballycastle, BT54 6PX. Location: Land to rear of 45 Castle Street, Ballycastle, Co Antrim, BT54 6AS. Proposed alterations and extension to existing building to provide two town houses. (Recommended for approval)

The above application was approved.

E/2014/0213/F Brown Brothers, c/o 2020 Architects, 37 Main Street, Ballymoney, BT54 6NF. Location: 433m North West of 17 Lagavara Road, Ballycastle, Co Antrim, BT54 6NF. Proposed 250kw wind turbine on a 40m tower with 27m blades. (Recommended for refusal)

The above application was deferred for an Office Meeting in Coleraine on 26th February 2015.

E/2014/0233/F Mr and Mrs S McShane, c/o Gary McNeill, 14 Cave Road, Cushendun BT44 0PN. Location: Sheep Island View, 42A Main Street, Ballintoy, Co Antrim, BT54 6LX. Proposed demolition of existing sub-standard accommodation block and replacement accommodation block, including meetings room and associated works to comply with modern tourism standards and NITB accommodation ratings. (Recommended for refusal)

The above application was deferred for an Office Meeting.

E/2014/0239/DCA Mr A McKillop, c/o W M McNeill, 30 Knowehead Road, Broughshane, Ballymena, BT43 7LF. Location: 5 Shore Street, Cushendall. Proposed removal of front 3.2m high 100mm wide unbounded wall, thereby unstable to left hand side of premises. (Recommended for consent)

Consent was granted for the above application.

Deferred Items

E/2010/0219/F Manor Homes & Glencloy Construction, 40 Killygore Road, Rathkenny, Ballymena. Location: Former GAA grounds, Leyland Road, Ballycastle. Proposed housing development incorporating 96 dwellings. (Recommended for refusal)

The above application was to be held for 2 weeks to allow for additional information.

E/2013/0123/F William McCauseland, c/o Paul McAlister Architects Ltd, The Barn, 64a Drumnacanvey Road, Portadown, Craigavon, BT63 5LY. Location: 279 Whitepark Road, Ballymoy, Bushmills, Co Antrim, BT57 8SN. Proposed replacement dwelling. (Recommended for approval)

The above application was approved.

E/2014/0122/F S McAuley and M McNeill, c/o Gary McNeill, 14 Cave Road, Cushendun, BT44 0PN. Location: No 30 Cushleake Road, Cushendun. Proposed demolition of existing sub-standard dwelling in poor condition and replacement dwelling and detached garage/storage building on existing site. (Recommended for approval)

The above application was approved.

E/2014/0124/F Mr H McMahon , c/o O N Wheeler, F A Wheeler, 201 Garron Road, Glenariffe, Ballymena, BT44 0RA. Location: Adjacent to 230 Garron Road, Glenariffe, Ballymena. Proposed application to vary condition 6 of E/2012/0165/O (Relocation of green hatched area to a position of 35m east of approved site). (Recommended for approval)

The above application was approved.

E/2014/0141/O Mr Neal McQuaige, c/o W M McNeill, 30 Knowehead Road, Broughshane, Ballymena, BT43 7LF. Location: 120m South West of 89 Glendun Road, Cushendun. Proposed new dwelling and garage on the farm. (Recommended for approval)

The above application was approved.

It was agreed that the Office Meeting would be held on Thursday 5th March 2015.

Reference was made to the urgency of a footpath at the bottom of Leyland Road in Ballycastle. Members felt that this was a tragedy waiting to happen and that if the matter was not resolved by the end of Moyle District Council then it should be brought to the CC&G Council.

ENVIRONMENTAL SERVICES REPORT

The Environmental Services Report having been circulated was taken as read.

After discussion,

Councillor MA McKillop proposed,
Seconded by Council Baird and resolved,
“That the Meeting continued In Committee.”

Legal and Confidential Matters – Underage Sale of Cigarette Lighter Refill Cases

Reference was made to three cases relating to the illegal sales of cigarette lighter refills to children aged 15 years of age, in the course of an underage sales test purchase exercise undertaken by Moyle District Council in November 2014.

Case 1

Reference was made to the underage sales test purchase of cigarettes exercise undertaken by the Councils Tobacco Control Officer (TCO) at approximately 12.25pm on 15th November 2014, and the illegal sale of a cigarette lighter refill to a child 15 years of age.

After discussion,

Councillor McIlroy proposed,
Seconded by Councillor Cunningham and resolved,
“It was agreed that the shop owner had fallen short in their responsibilities in exercising all due diligence, and after taking into account all available information that the shop owner be given a **Written Warning** for the illegal sale of a butane gas lighter refill canister to a young person under 18 years of age.

It was also agreed that the sales assistant who made the illegal under-age sale, had fallen short of their responsibilities in ‘taking all reasonable precautions’ and taking into account all available information be given a **Written Warning.**”

Case 2

Reference was made to the underage sales test purchase of cigarettes exercise undertaken by the Councils Tobacco Control Officer (TCO) at approximately at 11.00am on 15th November 2014, and the illegal sale of a '151' butane gas lighter refill to a child.

After discussion,

Councillor D McAllister proposed,

Seconded by Councillor Cunningham and resolved,

"It was agreed that the shop owner had fallen short in their responsibilities in exercising all due diligence, and after taking into account all available information, that the shop owner be given a **Written Warning** for the illegal sale of a butane gas lighter refill canister to a young person under 18 years of age.

Case 3

Reference was made to the underage sales test purchase of cigarettes exercise undertaken by the Councils Tobacco Control Officer (TCO) at approximately 11.17am on 15th November 2014, and the illegal sale of a 'Swan' butane gas lighter refill to a child.

After discussion,

Councillor MA McKillop proposed,

Seconded by Councillor McIlroy and resolved,

"It was agreed that the shop owner had fallen short in their responsibilities in exercising all due diligence, and after taking into account all available information that the shop owner be given a **Written Warning** for the illegal sale of a butane gas lighter refill canister to a young person under 18 years of age.

It was also agreed that the sales assistant who made the illegal under-age sale, had fallen short of their responsibilities in 'taking all reasonable precautions' and taking into account all available information be given a **Written Warning.**"

Legal and Confidential Matters – Underage Sale of cigarette Cases

Reference was made to two cases relating to the illegal sales of cigarettes to a child 15 years of age, in the course of an underage sales test purchase exercise undertaken by Moyle District Council in November 2014.

Case 1

Reference was made to the underage sales test purchase of cigarettes exercise undertaken by the Councils Tobacco Control Officer (TCO) at approximately 1.20pm on 15th November 2014, and the illegal sale of a packet of 10 Mayfair cigarettes to a child

After discussion,

Councillor D McAllister proposed,
Seconded by Councillor McIlroy and resolved,
“It was agreed that the shop owner had fallen short in their responsibilities in exercising all due diligence, and after taking into account all available information that the shop owner be given a **Written Warning** for the illegal sale of cigarettes to a young person under 18 years of age.

It was also agreed that the sales assistant who made the illegal under-age sale, had fallen short of their responsibilities in ‘taking all reasonable precautions’ and taking into account all available information be given a **Written Warning.**”

Case 2

Reference was made to the underage sales test purchase of cigarettes exercise undertaken by the Councils Tobacco Control Officer (TCO) at approximately 12:05pm on 15th November 2014, and the illegal sale of a packet of 10 Mayfair cigarettes to a child.

Discussion included non-enforcement of recommendations following the previous test exercise, the use of children in test exercises and legislation.

After discussion,

Councillor McIlroy proposed,
Seconded by Councillor Cunningham,
“That the shop owner had fallen short in their responsibilities in exercising all due diligence, and after taking into account all available information, that **Legal Proceedings be instigated** against the shop owner for the illegal sale of a cigarettes to a young person under 18 years of age.

That the sales assistant who made the illegal under-age sale, had fallen short of their responsibilities in ‘taking all reasonable precautions’ and taking into account all available information be given a **Written Warning.**”

Some members were not in agreement with the proposal.

On a vote being taken on the proposal there were 4 votes in favour of and 5 votes against the proposal which was lost.

After further discussion, which included non-enforcement of the regulations and sanctions to be imposed for a repeat offence,

Councillor McDonnell proposed,

Seconded by Councillor Baird,

“That the shop owner had fallen short in their responsibilities in exercising all due diligence, and after taking into account all available information, the shop owner be given a **Final Written Warning** for the illegal sale of cigarettes to a young person under 18 years of age.

That the sales assistant who made the illegal under-age sale, had fallen short of their responsibilities in ‘taking all reasonable precautions’ and taking into account all available information be given a **Written Warning**.”

On a vote being taken on the proposal there were 5 votes in favour of and 4 votes against the proposal which was carried.

Councillor MA McKillop left the meeting.

Proposed Arbitration, Rathlin Island Ferry Ltd and Moyle District Council

Reference was made to the proposed arbitration - Rathlin Island Ferry and Moyle District Council and Appendix 1 of the Environmental Services Report. The DES reported that no Statement of Case had yet been received and that members would be kept informed.

Councillor MA McKillop returned to the meeting.

The meeting continued out of Committee.

Ballycastle Town Market

After discussion, it was agreed that Council would grant Ballycastle Town Market permission for the market to set up on the Green and Seafront on 3rd May, 23rd-25th May, 14th June, 28th June, 12th & 13th July, 19th July, 2nd August and 23rd August 2015, as per Item 2.3, Appendix 2 of the Environmental Services Report 23rd February 2015.

Hamill Terrace, Centenary Fields

After discussion, it was agreed that Council would install a commemorative item or signage to commemorate the Centenary of World I on the land at Hamill Terrace, which would then be eligible for dedication as a Centenary Field (subject to confirmation of legal documentation).

The DES reported that parts or whole of a site could be disposed of with Fields In Trust’s prior consent but Council must then provide a suitable alternative of at least equal size and quality as stated in Appendix 3 of the Environmental Services Report.

The Local Government (Miscellaneous Provisions) (NI) Order 1985 – New Application for Full Annual Entertainments Licence.

The application for a Full Annual Entertainments Licence for Mr J McNaughton of 6 Tavnaghan Terrace, Cushendall, for The Central Bar, 7 Bridge Street, Cushendall from Monday to Sunday 11.30am to 1.30am, was approved.

After discussion,

Councillor D McAllister proposed,
Seconded by Councillor McIlroy and resolved,
“That the Environmental Services Report and be adopted.”

15/04:07

THAT THE COUNCIL NOW AGREES TO PROGRESS IN PARTNERSHIP WITH GLENARIFFE RESIDENTS GROUP THE PLANS FOR A PLAY PARK AT IS NA LARRAGH

(Requested by Councillor C McShane)

This item was withdrawn.

15/04:08

CONFERENCES AND COURSES

There were no conferences and courses.

15/04:09

NOTICES OF APPLICATIONS UNDER THE LICENSING (NI) ORDER 1996 AND BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NI) ORDER 1985

There were no objections to the application for an Occasional Licence for Darrel Stevenson & Stephanie Gray of 22 Main Street Ballintoy, Ballycastle, Co Antrim for a social, charitable, benevolent, cultural activity and fundraising evening for Ballinlea LOL 1511 at Ballinlea Orange Hall, 76 Straid Road, Ballycastle, Co Antrim, BT54 6NQ between the hours of 7pm and midnight on Saturday 28th February 2015.

There were no objections to the application for an Occasional Licence for William Huey of The Rooks Nest, 19 Main Street, Armoy for a Lodge Installation Dinner & Dance for Armoy Orange Lodge at Armoy Orange Hall, Carrowreagh Road, Armoy, between the hours of 8pm on Friday 6th March and 1am Saturday 7th March 2015.

15/04:10

SEALING OF DOCUMENTS

There were no documents for signing and sealing.

15/04:11

CORRESPONDENCE

- (a) Letter dated 9th February 2015, from David McIlveen MLA with reference to a consultation Private Members' Bill – Protection of Property.

The above correspondence was marked as read.

The meeting concluded at 19:57


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CHAIRMAN


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CLERK & CHIEF EXECUTIVE