

BALLYMONEY BOROUGH COUNCIL

Table of Contents

865.1	Loughgiel Irish Dancers	<i>Congratulations expressed.</i>
865.2	Minutes – Meeting No 864 – 2nd July 2007	<i>Approved</i>
865.3	Seal Documents	<i>Seal of Council affixed to Grave Registration Certificate numbers 1069, 1070, 1071, 1072, 1073.</i>
865.4	Consultation Committee No 17 – 16th July 2007	
4.1	Consultation on Review of Revised Council Consultation Procedures on Planning Applications (min 17.1)	<i>Draft consultation response to the review of revised council consultation procedures, prepared by Bearingpoint following a meeting with Council on 16th July 2007 was discussed and adopted, in accordance with the details set out in Appendix 1.</i>
4.2	Proposed Waiting Restrictions at John St and Rectory Avenue, Ballymoney (17.4)	<i>Council are in agreement with proposed waiting restrictions.</i>
4.3	Proposed abandonment of area of road at Bann Road, Ballymoney (min 17.5)	<i>Land within Garden of No. 28 and maintained by owner.</i>
4.4	Adoption of Minutes	<i>Adopted.</i>
865.5	Development Committee No 184 – 16th July 2007	
5.1	Addendum: Structures for Delivery of Future EU Programmes	<i>Development Committee be authorised at its next meeting to approve the structures and delivery arrangements on Council's behalf.</i>
5.2	Adoption of Minutes	<i>Adopted.</i>
865.6	Leisure and Amenities Committee No 333 – 17th July 2007	
6.1	Castle Community Association (min 333.5)	<i>Funding application withdrawn.</i>
6.2	Ballybogey Community Association	<i>Further clarification sought.</i>

(min 333.5)

6.3	Adoption of Minutes	<i>Adopted.</i>
865.7	Reports from Officers	
7.1	Local Air Quality Management Grant 2007 – 2010	<i>Accept the offer of grant for Air Quality monitoring made by DoE Environmental Policy Unit.</i>
7.2	Food Complaint No. Fc/805/C/09/06 – Insect In Bag Of Rice	<i>No further action taken.</i>
7.3	Petroleum (Regulation) Acts (Northern Ireland) 1929 And 1937 Petroleum Spirit Licence (Renewals)	<i>Renew licences.</i>
7.4	Rent (Northern Ireland) Order 1978 As Amended Private Tenancies (Northern Ireland) Order 2006	<i>Regulated Rent Certificate revoked, Certificate of Fitness issued.</i>
7.5	Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 - Licence Application (Full) (Renewal)	<i>Renew Licence.</i>
7.6	Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 - Licence Application (Fourteen Unspecified Days) (Renewal)	<i>Renew Licence.</i>
7.7	Street Trading Act (Ni) 2001 Mobile Street Trading	<i>Renew Licence.</i>
7.8	Street Trading Act (Ni) 2001 Temporary Street Trading Licence	<i>Grant Temporary Street Trading Licence.</i>
7.9	Building Control Applications	<i>Application, Building Notices and regularisation Certificates noted.</i>
7.10	Officer Authorisations	<i>Formally revoke stated Officers instrument of appointment.</i>
7.11	Appointment of Smoke Free Environment Officer	<i>Appoint Mr Walter Holmes.</i>

7.12	Licensing (NI) Order 1996	<i>Applicants noted.</i>
7.13	Article18(1), Schedule 4 – Application for the Renewal of a Bookmaking Office Licences	<i>Applicants noted.</i>
7.14	Rating Review	<i>For information.</i>
7.15	NILGA Monthly Update	<i>For information.</i>
7.16	NILGA/SOLACE Regional Meetings	<i>Support the NILGA/SOLACE Regional Meeting at the Ecos Centre, Ballymena on Tuesday 21st August from 7-9pm.</i>
7.8	RPA Focus Group	<i>Confirm appointment of Mayor and Councillor Simpson to attend the RPA Focus Group on 13 August.</i>
865.8	Correspondence	
8.1	Roads Service	<i>For information.</i>
8.2	Post Office	<i>For information.</i>
8.3	Audit of Accounts	<i>For information.</i>
8.4	NILGA Monthly Update	<i>For information.</i>
8.5	Ballymoney Health Centre	<i>Invitation accepted.</i>
865.9	Reports	<i>For information.</i>

Ballymoney Borough Council

Minutes of Council Meeting No 865 held in the Council Chamber, Riada House, Ballymoney on Monday 6th August 2007 at 7.30 pm.

IN THE CHAIR: Councillor J Finlay, Mayor

PRESENT:

Aldermen
F Campbell
H Connolly, Deputy Mayor
C Cousley
J Simpson

Councillors
A Cavlan
B Kennedy
M McCamphill
P McGuigan
A Patterson
E Robinson
I Stevenson
M Storey, MLA
R Wilson

APOLOGIES:

Councillors
D McKay, MLA

IN ATTENDANCE:

Chief Executive
Director of Borough Services
Director of Central & Leisure Services
Head of Corporate & Development Services
Committee Clerk

Press

865.1 CONGRATULATIONS: LOUGHGIEL IRISH DANCERS

Councillor Finlay expressed his pleasure at the success achieved by Loughgiel Irish Dancers and Folk Dancers at a recent international dance event in Wales, winning three world titles and two seconds. Addressing the meeting he said, "I know Irish Dancing is very competitive and the win by the local group is no mean achievement. It is always pleasing to see local people and local clubs achieve success. I wish to extend Council's congratulations to the Loughgiel Irish Dancers, one and all, on their outstanding success. In recognition of their achievements I plan to host a reception in their honour." Councillor Robinson concurred with Councillor Finlay's comments. Councillor Cavlan thanked Councillor Finlay for agreeing to her request to host a reception for the Loughgiel Irish Dancers and Folk Dancers.

865.2 MINUTES – MEETING NO 864 – 2nd JULY 2007

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

that the minutes of Meeting No 864 on 2nd July 2007, as circulated, be confirmed as a correct record.

865.3 SEAL DOCUMENTS

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

that the seal of Council be affixed to Grave Registration Certificate numbers 1069, 1070, 1071, 1072 and 1073.

865.4 CONSULTATION COMMITTEE NO 17 – 16th JULY 2007

Councillor Wilson presented the report together with the addendum as outlined at 4.1.

4.1 Consultation on Review of Revised Council Consultation Procedures on Planning Applications (minute 17.1 refers)

Director of Borough Services commented that officer time spent processing Planning Applications has increased due to the nature of the planning applications.

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

that the draft consultation response to the review of revised council consultation procedures, prepared by Bearingpoint following a meeting with Council on 16th July 2007 was discussed and adopted, in accordance with the details set out in Appendix 1.

Matters Arising**4.2 Proposed Waiting Restrictions at John St. and Rectory Avenue, Ballymoney (minute 17.4 refers)**

The Roads Service Office, Ballymena has confirmed that all local traders have been consulted and are in agreement with the proposed waiting restrictions. The waiting restrictions are being put in place because of representations from the local businesses. Council are in agreement with the proposed waiting restrictions.

4.3 Proposed Abandonment of area of road at Bann Road, Ballymoney (minute 17.5 refers)

The Lands Office, Coleraine has advised that the piece of land is already within the Garden of No. 28 and maintained by the owner. This process is to formalize what exists on the ground.

4.4 Adoption of Minutes

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

that the minutes of Meeting No 17 – 16th July 2007 and the addendum be adopted.

865.5 DEVELOPMENT COMMITTEE NO 184 – 16TH JULY 2007

Councillor McCamphill presented the report together with the addendum as outlined at 5.1.

5.1 Addendum: Structures for Delivery of Future EU Programmes

Various discussions have taken place with the relevant arrangements for delivery of the next round of EU programmes. We are now in a position to put proposals before the Development Committee. In view of the timescale for submitting strategies and action plans **IT IS RECOMMENDED** that the Development Committee be authorised at its next meeting to approve the structures and delivery arrangements on Council's behalf.

Councillor Storey noted that serious consideration would need to be given to the structures for delivery of future EU Programmes as this Council will not have a delivery mechanism under any new arrangements, having no Local Strategy Partnership (LSP).

5.2 Adoption of Minutes

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

- (1) that the minutes of Meeting No 184 – 16th July 2007, as circulated, including the addendum be adopted and the recommendations therein approved;***
- (2) that the Development Committee be authorised at its next meeting to approve the structures and delivery arrangements on Council's behalf.***

* ***Alderman Connolly left the meeting at 8.00pm.***

865.6 LEISURE AND AMENITIES COMMITTEE NO 333 – 17TH JULY 2007

Alderman Campbell presented the report.

Matters Arising

6.1 Castle Community Association (minute 333.5 refers)

Castle Community Association funding application has been withdrawn.

6.2 Ballybogey Community Association (minute 333.5 refers)

Further clarification is sought prior to the proposed release of funding.

6.3 Adoption of Minutes

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

that the minutes of Leisure and Amenities Committee No 333 – 17th July 2007, be adopted and the recommendations therein approved.

* ***Councillor Wilson left the meeting at 8.05pm.***

865.7 REPORTS FROM OFFICERS

Director of Borough Services delivered the Health & Environmental Services report and addendum as follows:

Environmental Protection

7.1 Local Air Quality Management Grant 2007 – 2010

Following an application to the DoE Environmental Policy Unit, by letter dated 27th April 2007 for financial assistance; the Department has offered a maximum grant of £6471 for 2007/2008, £14,996 for 2008/2009 and £6521 for 2009/2010. These monies defray expenses incurred by continuation of the current monitoring and a portion of staff costs for time spent on air quality activities.

IT IS RECOMMENDED that Council accept the offer of grant monies for Air Quality monitoring made by DoE Environmental Policy Unit.

Food Hygiene

7.2 Food Complaint No. Fc/805/C/09/06 – Insect In Bag Of Rice

During the report period 1 no. formal food complaint investigation was completed. The complainant will be advised in writing as to the outcome of the department's investigation.

Ref. No.	Nature of Complaint
FC/805/C/09/06	Insect in bag of rice

IT IS RECOMMENDED that no further action be taken other than to inform the complainant, distributor and manufacturer of the outcome of the complaint in writing.

Health & Safety

7.3 Petroleum (Regulation) Acts (Northern Ireland) 1929 And 1937 Petroleum Spirit Licence (Renewals)

Premises	Applicant
11 Main Street Cloughmills BALLYMENA BT44 9LE	Mr. Dennis Moore
Paints & Components Wallace 13-17 Seymour Street Ballymoney BT53 6EQ	Mr. Raymond
Premises	Applicant
20 Garryduff Road (UK) Manufacturing Ltd Ballymoney BT53 7AP	Tyco Healthcare
2 Ballymena Road Ballymoney BT53 7AB	Mr. Patrick Trolan

The renewal of licences as detailed above is
RECOMMENDED.

Public Health General

7.4 Rent (Northern Ireland) Order 1978 As Amended Private Tenancies (Northern Ireland) Order 2006

46 Union Street, Ballymoney.

Due to the implementation of the Private Tenancies (Northern Ireland) 2006 a regulated rent certificate for the above property was issued erroneously. It is now appropriate to issue a Certificate of Fitness.

IT IS RECOMMENDED that the Regulated Rent Certificate for the above property is revoked and a Certificate of Fitness is issued.

Licensing

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

Premises	Applicant
Pound Bar Lounge 18 Corkey Road Loughgiel BALLYMENA BT44 9JJ	Hannah Ita McGarry
Kellys of Ballymoney 21 Church Street BALLYMONEY BT53 6HS	Jim Stevenson

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 apply.

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

Premises	Applicant
St. Patricks Parochial Hall (Main Hall and Front Amenity Room) 77 Castle Street BALLYMONEY BT53 6JT	Rev. Peter Oliver Forde, PP

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 apply.

Street Trading

**7.7 Street Trading Act (NI) 2001
Mobile Street Trading**

Application has been received for the renewal of a Mobile Street Trading Licence as follows:-

Name	Address	Articles to be Sold	Fee Paid
Mr Stephen Laverty	9 Royal Terrace Balnamore BALLYMONEY BT3 7PZ	Hot Food	£130-00

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

7.8 Street Trading Act (NI) 2001

Temporary Street Trading Licence

Application for the grant of Temporary Street Trading Licence has been made to this Department as follows:-

Purpose	Applicant
Hot Food Trading Van on 12th July 2007 in Cloughmills	Mr Ernest Thompson
Hot Food Trading Van on 30th June 2007 at Riada Avenue	Mr Eammon Gibson

IT IS RECOMMENDED that the Borough Council grant a Temporary Street Trading Licences in retrospect.

Building Control

7.9 Building Control Applications

IT IS RECOMMENDED that Council note the Applications, Building Notices and Regularisation Certificates as detailed in Appendix 2, (page 5) to this report, which are in accordance with the requirements of the Building Regulations (NI) 2000.

7.10 Officer Authorisations

Cancellation Of Officer Authorisation

Members are advised that Helen Dowds, Smoke Free Environment Officer (shared post with Ballymoney, Coleraine, Moyle and Limavady) has been transferred by her employing authority Omagh District Council.

IT IS RECOMMENDED that Council formally revoke this officers instrument of appointment, Committee Minute 328.9 and Council minute 861.9 refer.

7.11 Appointment Of Smoke Free Environment Officer

Further to the above item, Mr Walter Holmes has been assigned to the aforementioned group of Councils from 6th August to 31st October 2007 for the purposes of compliance building with respect to the Smoking (Northern Ireland) Order 2006. Members will recall that this post is fully funded by DHSSPS and is in addition to the Tobacco Control Officer post as reported previously Committee Minute 330.17 refers.

Powers to authorise officers for the purposes of the Smoking (Northern Ireland) Order 2006 are contained in Article 11(2) of the Order.

IT IS RECOMMENDED that Ballymoney Borough Council appoints and authorise the following person to exercise the powers, functions

and duties under the Smoking (Northern Ireland) Order 2006 and any regulations made thereunder on behalf of the Council:-

Walter Holmes

The officer named in this paragraph shall be duly authorised under Section 124 of the Local Government Act (NI) 1972 to authenticate notices, orders or other documents arising from the above powers and duties and indemnified as provided for by Section 48 of the said Act.

7.12 LICENSING (NORTHERN IRELAND) ORDER 1996

Council is asked to note the undernoted Notices which have been received:-

Applicant	Purpose	Date
William H B Huey Glynns Bar 23 Church Street BALLYMONEY	Renewal of Licence	19/6/07
Jacqueline Blair Imperial Bar 58 Main Street BALLYMONEY	Transfer and Renewal of Licence	26/6/07
Jacqueline Blair Imperial Bar 58 Main Street BALLYMONEY	Additional Permitted Hours	28/6/07
Anna M Woods & Simon A Woods 2 Linenhall Street BALLYMONEY	Renewal of Licence	22/7/07
Seymour Sweeney 10/12 & 14/16 Carcullagh Road Dervock BALLYMONEY	Final Grant of Licence	23/7/07
Tesco Stores Ltd Castle Street BALLYMONEY	Renewal of Licence	23/7/07
William H B Huey Glynns Bar 23 Church Street BALLYMONEY	Occasional Licence (John Bartlett's Barn Killyrammer 11/8/07)	19/6/07
Daniel Coulter & Derek Morrison Manor Hotel	Renewal of Licence	26/7/07

69 Main Street BALLYMONEY		
James Craig Black The Bush Tavern 15017 Market Street BALLYMONEY	Renewal Of Licence	26/7/07
Daniel Joseph Dixon The Village Inn 2 Bellaghy Road DUNLOY	Renewal of Licence	26/7/07
Samuel Mullan Molly's Restaurant 25 Main Street BALLYMONEY	Renewal of Licence	26/7/07
LIDL Meetinghouse Street BALLYMONEY	Renewal of Licence	26/7/07
Daniel G Gillan The Tower Bar 41 Church Street BALLYMONEY	Renewal of Licence	31/7/07
Donna Martin Se Og's Bar 15 Main Street RASHARKIN	Renewal of Licence	1/8/07
Mr Anthony C O'Hanlon The Corner House 2 Culcrum Road CLOUGHMILLS	Renewal of Licence	2/8/07
Mr Daniel J McFerran The Bridge DUNLOY	Renewal of Licence	2/8/07

7.13 Article 18(1), Schedule 4 – Application for the Renewal of a Bookmaking Office Licences

Council is asked to note the undernoted notices which have been received concerning the renewal of bookmaking office licences:

Applicant	Address of Premises	Date
Willstand Limited	14 High Street BALLYMONEY BT53 6AG	5/7/07
Willstand Limited	24A Main Street	5/7/07

BALLYMONEY
BT53 6AL

* **Councillor McGuigan left the meeting at 8.10pm**

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

that the Officers' Report and recommendations therein as outlined at items 7.1-7.13 above be adopted.

Chief Executive delivered reports 7.14 – 7.17 below.

7.14 Rating Review

Members' attention is drawn to the recently publicised consultation relating to the review of the new domestic rating system in Northern Ireland. The consultation period will last 12 weeks and will end on 31 August 2007. The Rating Division will also facilitate any meeting requests and thus afford organisations the opportunity to expand on any issues during the consultation period.

The review was launched by the Minister of Finance and Personnel, Peter Robinson MP, MLA on 11 June 2007 in the Northern Ireland Assembly. The aim will be to examine ways in which the system can be improved and made fairer in time for rate bills issuing in April next year, as well as reviewing the options for reforming the system in the longer term.

The following link will provide you with access to the full terms of reference as well as other information relating to the review:-

<http://www.ratingreviewni.gov.uk/>

Responses should be made by one of the following methods -

By writing to:

*2007 Executive Review of Domestic Rating Reform
Rating Policy Division,
Department of Finance and Personnel
Room D12, Rathgael House
43 Balloo Road, Bangor
BT19 7NA.*

By Email to : ratingpolicy.cfg@dfpni.gov.uk

7.15 NILGA Monthly Update

The NILGA Monthly Update for July 2007 has been circulated to members. The updates will be tabled on the reports schedule in future, thus providing members with the opportunity to raise issues

with Council's representatives and for the representatives to draw particular issues to Council's attention.

7.16 NILGA/SOLACE Regional Meetings – Developing our Influencing Strategy

It has been agreed that NILGA/SOLACE should work together to develop an influencing strategy which will consist of three interrelated elements:

- a manifesto for strong local government
- a detailed paper presenting the economic and technical issues underpinning the manifesto
- a series of meetings and PR activities designed to promote these views.

Regional meetings will be held at venues as detailed below. The proposals for the influencing strategy will be presented to councils to invite wider comment and further develop the strategy and seek support of councils in the campaign. 10-12 representatives (members & officers) from each council.

Region (with suggested attendance from)	Venue	Date
South Craigavon Newry and Mourne Down Banbridge Armagh Dungannon	Craigavon District Council, Lakeview 1	Wednesday 15 th August 7pm -9pm
West Omagh Fermanagh Strabane Derry Limavady Magherafelt Cookstown	Omagh District Council, Training Room	Thursday 16 th August 7pm – 9pm
East Belfast Newtownabbey Carrickfergus Lisburn Castlereagh Ards North Down	Belfast City Council, Reception Room, Belfast City Hall	Monday 20 th August 7pm – 9pm
North Ballymena Larne Moyle Ballymoney Coleraine Antrim	The Ecos Centre, Ballymena	Tuesday 21 st August 7pm – 9pm

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

that Council support the NILGA/SOLACE Regional Meeting at The Ecos Centre, Ballymena on Tuesday 21st August from 7pm-9pm. Members wishing to attend to advise Office of Chief Executive.

7.17 RPA Focus Group

PriceWaterhouse Coopers have been commissioned by DOE to coordinate and facilitate a process of consultation and stakeholder engagement to “develop and articulate a shared vision for local government in Northern Ireland”

A series of focus groups for council representatives are being held during August. The Chief Executive together with the Mayor and Chair of the relevant council committee is invited to attend.

The Mayor and Central & Corporate Services Chair will attend a workshop on 13th August in Armagh.

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

that Council confirm the appointment of the Mayor and Councillor Simpson to attend the RPA Focus Group on 13th August.

865.8 CORRESPONDENCE

8.1 Roads Service

Roads Service has given public notice of publication of the Finvoy Road, Ballymoney (Abandonment) Order (NI) 2007

8.2 Post Office

The Post Office has provided an update on its Network Change Programme (copy circulated). Relevant information for Council's perspective is being collated for transmission to the Post Office. In respect of the borough the planning preparation is scheduled for January 2008 with public consultation in April 2008.

8.3 Audit of Accounts

Public Notice has been given on the audit of the Council's Accounts for the year ended 31st March 2007, pursuant to Articles 17 & 18 of the Local Government (NI) Order 2005 and the Local Government (Accounts and Audit) Regulations (NI) 2006. A copy was issued to members on 9th July (ref: OCE252/07). During the period 3rd – 31st August, between 9 am and 4.15 pm, Monday – Friday, any member of the public,

on application in writing to the Director of Central and Leisure Services, may inspect the Council's accounts for that year.

8.4 NILGA Monthly Update

A copy of the June 2007 update was circulated to members on 10th July. Issues covered include Manifesto for Strong Local Government, Strategic Leadership Board Meeting, Waste and Planning, Workforce challenges response and support for lottery bid.

8.5 Ballymoney Health Centre – Telephone System

In response to Council's representations about the new telephone system operating at Ballymoney Health Centre has provided an explanation about the new system introduced and the reasons for its installation (copy circulated).

The other practice operating from Ballymoney Health Centre, "Ballymoney Family Practice" who operate a different communication system have extended an invitation to members to visit the centre on a mutually convenient date for an explanation on their system. Members agreed to accept the invitation.

865.9 REPORTS

A list of reports was circulated for members' information. These can be obtained on request from the Office of the Chief Executive.

This being all the business, the meeting closed at 8.15 pm.

Appendix 1 Draft Consultation response to the review of revised council consultation procedures, prepared by Bearingpoint.

Appendix 2 Building Control Applications

APPENDIX 1

Ballymoney Borough Council – 16 July 2007

In attendance: Alderman Frank Campbell
Alderman Harry Connolly
Alderman James Simpson
Councillor Anita Cavlan
Councillor Malachy McCamphill
Councillor Philip McGuigan
Councillor Evelyne L Robinson
Councillor Mervyn Storey MLA
Councillor Roy Wilson

Iris McCleery (Director of Central and Leisure Services)
Jean McPherson

1. Current process – planning applications where a deferral is requested

Context / General

Planning Service consultation with Councils

- What is the legal basis for this?
- Perception that Planning Service could not consult with Councils if they wished
- What is the role of Planning Service consultation?
 - o Purpose to get Council's views on applications
 - o Ensure that applications are consistent with policies (PPSs, Area Plans, etc)
- Councillors' role
 - o Council as a corporate body is a consultee in the planning process
 - o Should adopt same role as EHS, Roads Service, etc, as a statutory consultee
 - o Role is to ensure that all policies are fully explored in relation to specific applications before a decision is reached
 - o Should not be as an advocate for individual applicants – this is the role of architect / planning agent; however some Councillors do act as advocates of applicants; may effectively do some of the work of architects
 - o One Councillor expressed the view that particularly in the case of rural developers, Councillors should not be advocates for the applicant – linked to PPS14, speculative development and 'abuse' of the planning system
 - o Councillors are not given the respect due to them under the current system
 - o Councillors have a right / duty to represent constituents whether applicant or objector
 - o If client pays for planning application, they are entitled to representation – need to ensure value for money to applicant

Neighbour notification

- Require consultation within 90m of proposed development
- Is there a statutory requirement to consult all those within this area?

+Different issues for rural and urban cases

- Urban areas:
 - o site meetings rarely arise
 - o occasionally there are objectors
 - o there is a weakness in the planning system: no legislative role for 3rd party objectors (although this exists in other parts of the UK)
 - o Not all Councillors are in favour of third party appeals: this would increase delays in decision making
- Rural areas:
 - o Main issue is PPS14

Planning Agents

- Some agents are poor
 - o submit applications that are unlikely to be approved
 - o know they will get their fee
 - o encourage applicants to approach Councillors / 'using' Councillors
 - o the buck stops with them: have to 'mop up' when there is a problem difficulty
 - o more information / better communication could resolve this earlier, particularly if Councillor knows the applicant
- Some agents are better
 - o tell applicants realistic chances (even if the likelihood is refusal)

Planning Service workload and resources

- Rationale for change in procedures was to reduce workload for planners – not necessarily

- to produce the 'best' result
- Planning Service decision-making process very slow
- Fewer applications being dealt with now yet waiting time for a decision is more than 6 months
- Aware that a lot of Planning Service time spent on appeals
- Due to get more staff in Coleraine

Other agencies:

- EHS: poor decisions with regard to countryside / wetland
- Inconsistency in Roads Service)

Use of 14-day period when schedule issued prior to Council meeting

Councillors do not necessarily see schedule (decisions) 14-days prior to Council meeting
Schedule of new applications appears on Planning Service website 7 days before Council meeting

Once schedule received, Councillors look for refusals (in their area) and contact applicants or applicants may approach Councillors

Have to travel to Coleraine Planning Office to see files, if wish to do this

Planning 'clinic' /Pre meeting prior to Council meeting

Planning Service did pilot a clinic

Came to Ballymoney for 0.5 day every week but this did not work / limited use

Sent a junior planner who could only deal with relatively straightforward/ basic queries

Requesting a deferral

Information brought to Council meeting by Planning Service is minimal

Approvals are rarely discussed in planning meetings

Deferrals are formally requested in Council meeting by individual Councillor, generally other members support this

- Rural Councillors have local knowledge of areas and sites: can put forward arguments that meet Planning Service needs
- If request deferral on the basis of additional information, bring this to the office meeting
- Moving now to situation where deferrals are on approvals / deferral sought by objectors

Deferrals granted at discretion of planning officer; generally these are allowed

Few office meetings / no site meetings in Ballymoney

Use of five criteria (valid planning reasons)

Have to use the criteria.

Mostly use Criteria 5

Deferrals: Office meetings

Organised by Council in conjunction with planners (Planning Service make up schedule)

Council invites all Councillors / planning agents / applicants / objectors

Planning Service send case officer

Meetings held in Council premises; normally all held on the same day

A lot of office meetings relate to reserved matters; relatively few new applications

Time spent by Council dealing with deferred planning applications

Decreased owing to fewer site meetings

But this has more to do with new planning policies than new system for deferrals

Volume of Deferrals

Previously: in some cases > 100 applications on the monthly schedule; typically 60-70
July 2007: 52 applications; many are reserved matters; 8 are refusals
Generally get all office meetings that are requested

Outcome of Deferrals

% of decision overturned is 40%; sometimes greater
Planning Service statistics: 52% overturned

Management Board Referrals

MBRs free whereas there is a fee associated with appeal
50% success rate

Appeals largely related to Outline Planning Permission, rural areas, pre-PPS14; greater success rate on these

2. Changes in Deferral Process (compared to pre-October 2005)

Request for deferrals

Previously: All requests for deferrals were granted
Site meetings were automatically granted, if requested.

Organisation of site / office meetings

Organised by individual Councillors in liaison with planners

Site meetings (previously)

Attended by applicant / agent planner and Councillor
Looked at specific requirements of application

Now no longer get site meetings and some Councillors rarely attend office meetings

Loss of site meetings is an issue: office meetings do not afford same opportunities: looking at maps, cannot appreciate all of the issues

Previously: some office meetings; opportunity for site meetings; option for office meeting after site meeting; in some cases could have had 2 site meetings and then meeting involving MP / MLA

Outcome of site meetings

Better results from site meetings than office meetings: overturn planning decision to the benefit of applicant

Perception: prior to October 2005 (changes in procedures) estimate that many more (how many?) cases were overturned

Impact that the change in deferral process had on:

i) Time spent by Councillors on planning applications

Decrease Same Increase

Decreased owing to fewer site meetings

But this has more to do with new planning policies than new system for deferrals

On the other hand, the nature of applications is changing:

- e.g. development of apartments / townhouses, etc
- Not straightforward
- Each case may take up more time

ii) Time spent by Council Officers on planning applications

Decrease Same Increase

iii) Speed of decision making for the applicants

Slower Same Faster

Not related specifically to deferral process:

Planning Service decision-making process very slow

- Fewer applications being dealt with now yet waiting time for decision is > 6 months
- Aware that a lot of Planning Service time spent on appeals
- Due to get more staff in Coleraine

iv) Quality of Planning Service decisions

Poorer Same Better

v) % of deferrals that lead to Planning Service changing its original decision

Decrease Same Increase

Perception: prior to October 2005 (changes in procedures) – sample information provided in Bearingpoint information questionnaire.

3. Council perception of the Planning Service's performance

a) Planning Service responsiveness to requests for information?

- 1 consistently miss targets for responding
- 2
- 3 miss some targets , but meet others
- 4
- 5 consistently meet response time targets set with the quality/quantity of information needed

Lack of service / poor service is a problem

- Difficulty in contacting case officer
- Cannot contact at all on Wednesdays
- Leave messages
- Calls are not returned / generally poor at responding
- Quicker response from case officers by e-mail
- Depends on individual: variable experience
- As a public body /publicly funded service – should be accessible

As elected representatives, should have greater priority, and even a direct line number
But Council has no authority over Planning Service

b) Planning Service ability to take decisions in line with policy?

- 1 Planning Service do not appear to be implementing policy
- 2
- 3 sometimes they do and sometimes they don't implement it accurately
- 4
- 5 they implement the policy, even though on occasions it is the policy we would disagree with

Policy is not an exact science

Inconsistency in individual Planning Officers e.g. may stick to policy at one meeting, but vary it at the next meeting

c) Planning Service transparency about how they have made the decision?

- 1 v poor/ not clear at all how the decision was arrived at
- 2
- 3 parts of the decision clear/others are unclear
- 4

5 it is clear why the decision has been reached, even if Council doesn't agree with the decision

Lack of information about how decision is reached

'Arbitrary' decision comes to Council: don't understand how it has been arrived at

Information on file could be improved e.g.:

- Councils don't see EHS response; this should be on Planning Service file, but Council has to request it from EHS office
- Retrospective planning application: not noted on file

d) Your Council's confidence in the planning system?

1 not at all confident in the planning system

2

3 neither / nor

4

5 total confidence in planning system

e) The extent to which your Council has the ability to influence the Planning decisions (and thus improve the quality of decision-making) in your local council area?

1 v little ability to influence local Planning decisions

2

3 some ability to influence local Planning decisions

4

5 significant ability to influence local Planning decisions

Had greater influence in the past: only way to influence planning decisions is through site meetings

Planning Service does not respect Councillors with regard to their potential influence in changing planning decisions

Councillors feel that their role has been diminished to provide input to office meetings only

Difficult to get office meetings when decision is approval: Planning Officer does not understand why office meetings are requested when the decision is approval

4. Planning Service consistency across NI

a) How important do you feel that it is that people across NI receive the same service from Planning Service and Council regarding Planning?

1 not at all important

2

3 Neither / Nor

4

5 Very important

There should be consistent policy across all 26 Council areas

b) What experience/ knowledge do you have of how other councils in NI work with the Planning Service?

Travel with colleagues in other boroughs

Sense that there is no consistency in how planning policies are applied across all areas

Within Coleraine Division, there are inconsistencies e.g.:

- Ballymoney could get site meetings when others could not
- Coleraine (Council) difficulty in getting any office meetings

At last planning meeting, several examples were quoted from Coleraine Borough; but planner's response was that there was a different approach in Coleraine

Aware that Omagh could not get office meetings

c) How would you rate the level of consistency across Council areas in NI with regard to the Planning Service Council consultation process (and hence decisions made)?

- 1 *Wide variety of consultation processes used in all Councils (not at all consistent)*
- 2
- 3 *Consultation processes have some common elements, but also local differences*
- 4
- 5 *Same consultation processes used in all Councils (consistent)*

Wide degree of variation/inconsistency within the Planning Service across Councils areas and within Council area:

One local example:

- House built/ should not have been
- Applied/ refused twice
- Applied under different name / approved
- Where is the enforcement?

Planning Service said they would bring all into line; but this has not happened

Brings into question the issue of legal / statutory requirement to consult

Council feels that they have no direct say in consultation process, however, planners need to take Council views on board

d) Thinking about the level of consistency in the Planning Service, has this changed in any way as a result of the Revised Council Consultation Procedures i.e.:?

Less Consistent Same More Consistent

??

5. Planning Service resource

A lot of staff turnover in Planning Service; a lot going into the private sector

Leads to situation where there are more younger, less experienced staff in the Service

When staff move on, it is not clear where their casework goes

No evidence of positive impact of revised guidelines in terms of Planning Service resources being freed up to tackle other areas / improve Planning Service performance.

6. Summary: Maintaining Current Council Consultation Procedure

Perceived Benefits
(financial / non financial)

Perceived Costs
(financial / non financial)

<p><i>What are the benefits to you / your constituents of keeping the existing procedure?</i></p> <ul style="list-style-type: none"> • Free up some time for Councillors – but constituents are less content • In theory should free up time for Planning Service staff – but no evidence of this and their time is being used for other things e.g. appeals 	<p><i>What are the cost implications of keeping the existing procedure?</i></p> <ul style="list-style-type: none"> • Loss of site meetings. Currently limited in what can be done / achieved through office meetings. (Reasons for refusal can relate to e.g.: build up, integration, etc. <ul style="list-style-type: none"> - From map, cannot see hedges, visibility of neighbouring properties, etc. - At site meeting, issues much clearer)
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Improvement opportunities: if the current Procedure is maintained

- Councils should be involved earlier in the process
 - earlier consultation (prior to decision)
 - information that accrues after decision made has the potential to change it
- Opportunity for consultation prior to application e.g. pre-submission meeting with planners
 - Would need senior planner to be involved
 - Would give a fee to Planning Service; maybe not pay architect fee at this stage
- Address quality of applications submitted by planning agents
 - Planning Service need to put more pressure on agents to ensure applications are of an acceptable level
 - Architects/ planning agents have to take some responsibility: in some cases advise applicants that sites will be approved when this is unlikely
- In the case of refusals where a deferral is sought, the onus should be on the architect / agent to provide sufficient / adequate information to secure a deferral
- Site meeting facility should be reinstated
- Information management / communication needs to be improved:
 - Need to ensure information added into the system in a way that it can be dealt with
 - Example: information requested by Planning Service in August 2006 and assurance that if it was provided within 6 weeks a decision would be issued. Information has been provided and decision has not yet been issued.
- Need for Planning Service to make better linkages/ connection with Council's Environmental Health department
 - Example: change of use applications where EHO concerns regarding provision of space for segregated waste i.e. there may not be enough thought being put into provision of communal space for bins etc/ need to link with Waste Strategy
 - Example of development on a private road with 17 dwellings: this would mean up to 34 bins all at one corner (owing to Council waste collection service)
 - Planning Service not open to this

BUILDING CONTROL APPLICATIONS

The following *Applications and Building Notices* are in accordance with the requirements of the Building Regulations (N.I.) 2000.

Ref No: B/2006/0189/
Applicant: Mr Martin Blair
Agent: Bell Architects 76 Main Street Ballymoney
Location: 12 Drumlee Road Drumlee Ballymoney
Description: Dwelling

Ref No: B/2006/0232/
Applicant: Mr Davis Kernohan
Agent: Architectural Design Services 107 Rathkeel Road Broughshane Ballymena
Location: 120A Bendooragh Road Shanaghy Upper Ballymoney
Description: Dwelling with integral garage

Ref No: B/2006/0280/
Applicant: Mr&Mrs J Hamill
Agent: Bell Architects 76 Main Street Ballymoney
Location: 172 Seacon Road Ballygobbin Ballymoney
Description: Dwelling and garage

Ref No: B/2006/0283/
Applicant: Mr Martin Mullan
Agent: Dominic McTague 36 Tullaghans Road Finvoy Ballymoney
Location: 76B Tullaghans Road Tullaghans Dunloy Ballymena
Description: Dwelling with attached garage

Ref No: B/2006/0316/
Applicant: Mr Stephen Pollock
Agent: Gary Gaston 133 Finvoy Road Ballymoney
Location: Ballymacfin Road Ballymacfin Ballymoney
Description: Dwelling and garage

Ref No: B/2006/0394/
Applicant: Mr Tom Coyle
Agent: Hunter Associates 8 Charlotte Street Ballymoney
Location: 88 Drones Road Armoy Ballymoney
Description: Replacement shop

Ref No: B/2006/0398/
Applicant: Mr Jonathan Voyce
Agent: Diamond & Hughes Architecture 77 Main Street Maghera
Location: 9 Greenhill Road Ballymoney
Description: Extension and alterations to dwelling

Ref No: B/2006/0402/
Applicant: Bann Valley & District Community Assoc.
Agent: Patrick F Corr Ltd 17 Catherine Street Limavady
Location: 17 Killymaddy Road Ballymoney
Description: Extension & alterations to hall

Ref No: B/2007/0008/
Applicant: Mr Thomas Laverty
Agent: George Shaw 18 Sandmount Park Galgorm Ballymena
Location: 249 Kilraughts Road Ballymoney
Description: Installation of new septic tank

Ref No: B/2007/0029/
Applicant: Mr John McLernon
Agent: Hunter Associates 8 Charlotte Street Ballymoney
Location: 35 Beechcroft Ballymoney
Description: Sun room extension to dwelling and erection of garage

Ref No: BN/2007/0063/
Applicant: Ms Jane Cusick
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 186 Drones Road Pharis Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2007/0064/
Applicant: Mr Keith Marshall
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 53 Finvoy Road Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2007/0065/
Applicant: Ms Joyce Stewart
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 180 Ballinlea Road Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2007/0066/
Applicant: Mr John Atkinson
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 60 Finvoy Road Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2007/0067/
Applicant: Mr John Dowey
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 16 Hillcrest Gardens Killyrammer Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2007/0068/
Applicant: Ms Jennifer Morrow
Agent: O'Kane Plumbing & Heating 46 Dunamore Road Cookstown
Location: 36 Hamilton Park Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2007/0069/
Applicant: Mr Thomas McGilligan
Agent:
Location: 3 Hillview Park Dunloy Ballymena
Description: Extension to dwelling

Ref No: BN/2007/0070/
Applicant: Mr Keith Liggett
Agent: Mr Robert Semple RIBA Byfield House 62 Dromore Road Ballynahinch
Location: 63 Tober Road Ballymoney
Description: Garage with playroom

Ref No: BN/2007/0071/
Applicant: Mr Christopher Lewis
Agent:
Location: 16 Riverview Park Ballymoney
Description: Garage

Ref No: BN/2007/0072/
Applicant: Ms Analena Rafferty
Agent:
Location: 10 Church Lane Rasharkin Ballymena
Description: Structural alterations to bedroom floor

Ref No: BN/2007/0073/
Applicant: Ms Christine Elliott
Agent: HGS Building & Mechanical Services Ltd Victoria House 1 - 7 Hall Street Maghera
Location: 12 Coldagh Cottages Balnamore Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2007/0074/
Applicant: Mr John McKinley
Agent:
Location: 23 Bendooragh Road Ballymoney
Description: Alterations to provide dormer windows

Ref No: BN/2007/0075/
Applicant: Ms Cecilia Martin
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 9 Galdanagh Road Dunloy Ballymena
Description: Installation of oil-fired central heating

Ref No: BN/2007/0076/
Applicant: Mr Frank McGowan
Agent: CFM Ltd 65 Deerpark Road Castledawson
Location: 11 Benvardin Road Ballymoney
Description: Installation of oil-fired central heating

B - Full Plans Applications
BN - Building Notice Applications
RC - Regularisation Certificate Applications

	Total
B	10
BN	14
Total	24

