

## Ballymoney Borough Council

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**Ballymoney Borough Council**

Minutes of Council Meeting No 887 held in the Council Chamber, Riada House, Ballymoney on Monday 1<sup>st</sup> September 2008 at 7.00 pm.

**IN THE CHAIR:** Councillor J Finlay, Mayor

**PRESENT:**

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

**Councillors**  
M McCamphill  
A Patterson  
E Robinson  
I Stevenson

**APOLOGIES:**

**Councillors**  
A Cavlan  
B Kennedy  
D McKay, MLA  
M Storey, MLA

**IN ATTENDANCE:**

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

**Press**

**887.1 CONDOLENCES**

The Mayor expressed condolences to the wife and family of Mr Mark Proctor from Derrykeighan, who lost his life tragically in a motorcycle accident. The Mayor has written to the family expressing his sympathy at their sad loss.

**887.2 MINUTES – MEETING NO 886 – 4<sup>TH</sup> AUGUST 2008**

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

*that the minutes of Meeting No 886 - 4<sup>th</sup> August 2008, as circulated, be adopted.*

**Matters Arising:****2.1 Island of Ireland Partnership Journey of Remembering Armistice Day Visit (886.2.6)**

At the request of Councillor Robinson, the Head of Corporate & Development Services explained that Council would not be represented at this event.

**887.3 SEAL DOCUMENTS**

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

*that the Seal of the Council be affixed to Grave Registration Certificate numbers 1112, 1113, 1114.*

**887.4 CONSULTATION COMMITTEE MEETING NO 29 – 18<sup>TH</sup> AUGUST 2009**

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

*that the minutes of Consultation Committee Meeting No 29 - 18<sup>th</sup> August 2008, as circulated, be adopted.*

**Matters Arising:****4.1 Planning Application Numbers D/2007/0410/F and D/2008/0217/0**

The Mayor requested it be noted that he had not supported Planning Services' decision to refuse the applications. Alderman Connolly had concurred with the Mayor's request at the Consultation Committee meeting that an office meeting should be granted.

**887.5 LEISURE & AMENITIES MEETING NO 347 – 19<sup>TH</sup> AUGUST 2008**

Alderman Campbell presented the report with the Head of Borough Services presenting an addendum as set out at 5.1.

### **5.1 Dunloy Changing Rooms Project - Addendum**

Council's consultants have scrutinised the tender of E. Kearney & Son (the lowest received), together with the priced Bill of Quantities. The named Sub-Contractors in respect of the mechanical and electrical installations are Martin M & E Limited and Gordon Wilson Electrical. The Council's Quality Surveyor is satisfied that the tender submitted by E. Kearney & Son, in the sum of £227,820, is considered to be competitive in current market conditions.

***IT IS RECOMMENDED*** that Council accept the tender of E. Kearney & Son, in the sum of £227,820, for the provision of new changing accommodation at McCamphill Park, Dunloy.

At the request of Councillor Robinson, the Director of Borough Services advised that the tender recommended is in excess of the estimate for the work by £8,500. Further work had been carried out subsequent to the assessment to do with obtaining a sewer connection from the mains. Council has accepted a number of tender prices for approved projects over the course of this financial year amounting to £130,000, which may not come to fruition, leaving an amount of funds available for use in other areas and which will cover the shortfall in the amount required to complete the work on the project at Dunloy.

Councillor Stevenson expressed the view that consideration be given to available monies being used for the renovation of play areas.

#### **Matters Arising:**

### **5.2 Ballymoney Museum Security Works (347.4)**

Alderman Simpson sought to clarify minute reference CM 886.2.7 in the light of minute reference LAC 347.4 on 19<sup>th</sup> August 2008. The Mayor pointed out that the minute of CM 886 on 4<sup>th</sup> August had already been adopted as a correct record while the Leisure minute was now before Council for adoption. Councillor Robinson stated that any necessary work must be carried out to the utmost quality to enable Council to avail itself of any grants.

### **5.3 Letters of Appreciation (347.16)**

The Mayor advised that he has been pleased to receive a number of complimentary remarks about staff at Drumaheglis Marina, the Joey Dunlop Leisure Centre and at Riada Stadium during the Milk Cup. He requested that the Directors of Borough Services and Central & Leisure Services pass on these comments to the staff concerned.

### **5.4 Recent Flooding (347.18)**

Councillor Stevenson requested an update on the recent flooding at Riverside Park. The Director of Borough Services advised that the park was closed for a

period of time following the flooding because of health and safety risks. All cleansing work to paths has been completed and a further update will be submitted at the September meeting of the Leisure & Amenities Committee as to the extent of the damage and the estimated cost of repairs

#### **5.5 Adoption of Minutes**

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

*that the minutes of Leisure & Amenities Meeting No 347 – 19<sup>th</sup> August 2008, as circulated, be adopted, including the recommendation as set out in the addendum at 5.1.*

#### **887.6 RESOURCES TASK GROUP MEETING – 28<sup>TH</sup> AUGUST 2008**

Alderman Simpson presented the report.

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

*that the minutes of Resources Task Group - 28<sup>th</sup> August 2008, as circulated, be adopted.*

#### **887.7 AUDIT COMMITTEE MEETING NO 5 – 14<sup>TH</sup> AUGUST 2008**

Alderman Cousley presented the report.

It was proposed by Alderman Cousley, seconded by Councillor Patterson and **AGREED:**

*that the minutes of Audit Committee Meeting No 5 – 14<sup>th</sup> August 2008, as circulated, be adopted.*

### **ENVIRONMENTAL PROTECTION**

#### **887.8 THE POLLUTION CONTROL AND LOCAL GOVERNMENT (NI) ORDER 1978 31 ASHLEY PARK, DUNAGHY, BALLYMONEY, BT53 7HG .**

Further to a complaint received and a number of inspections and electronic monitoring, Officers from this Directorate are satisfied of the existence of a noise nuisance at the above property arising from two barking dogs at 32 Ashley Park, Dunaghy, Ballymoney, BT53 7HG.

**IT IS RECOMMENDED** that Council serve an abatement notice under Article 38 of The Pollution Control and Local Government (NI) Order 1978 to prohibit recurrence of the aforementioned noise nuisance.

The Director of Borough Services responded to questions by Councillor Stevenson relating to the responsibility of offenders in adhering to abatement notices.

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

*that Council serve an abatement notice as detailed.*

## HEALTH & SAFETY

### 887.9 PETROLEUM (REGULATION) ACTS (NORTHERN IRELAND) 1929 AND 1937 PETROLEUM SPIRIT LICENCE (RENEWAL)

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

<u>Premises</u>	<u>Applicant</u>
Stranocum Service Station 4 Main Street Stranocum BALLYMONEY BT53 8PE	Mr James McFadden
Corkey Mini Market 136 Corkey Road Loughgiel BT44 9QJ	Ms. Josephine Harkin

The renewal of licences as detailed above is **RECOMMENDED** and in the case of Stranocum Filling Station subject to the receipt of a satisfactory electrical test certificate.

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

*that Council renew licences as detailed above.*

### 887.10 PETROLEUM (REGULATION) ACTS (NORTHERN IRELAND) 1929 AND 1937 PETROLEUM SPIRIT LICENCE (TRANSFER AND RENEWAL)

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

<u>Address of Premises</u>	<u>Licence No.</u>	<u>Present Licensee</u>	<u>Applicant</u>	<u>Fee</u>
136 Corkey Rd Loughgiel Loughgiel BT44 9JQ	PL026	Mary Rose Lynn 216 Corkey Road Loughgiel Ballymena BT44 9JB	Josephine Harkin 136 Corkey Road  Ballymena BT44 9JQ	£8

The transfer of licence as detailed above is **RECOMMENDED**.

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

*that Council transfer the licences as detailed.*

#### **887.11 NEBOSH GENERAL CERTIFICATE IN OCCUPATIONAL HEALTH & SAFETY**

Damian Gavin, Environmental Health Officer has achieved a Distinction in examinations for the award of the above Certificate completed in June 2008. Areas of study included, management of Health and Safety, workplace hazards and Health and Safety practical application.

**IT IS RECOMMENDED** that Council note Mr Gavin's success.

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

*that Council note Mr Gavin's success and convey Council's congratulations to him.*

#### **ENVIRONMENTAL HEALTH**

#### **887.12 CERTIFICATE OF FITNESS - THE PRIVATE TENANCIES (NORTHERN IRELAND) ORDER 2006 ARTICLE 36 (4),**

<b>Landlord</b>	<b>Dwelling- House</b>
Mr. Gerard McFadden	9 Bregagh Road Ballymoney BT53 8YW
Ms. Claire Darragh	31 Carnamenagh Rd Ballymoney BT44 9JT
Mr. John Crozier	270 Frosses Road Ballymoney BT44 9NF
Mr. & Mrs. Campbell	33 Henry Street Ballymoney BT53 6HX
Mr. Gordon Campbell & Ms. Pamela Stevenson	26 Union Street Ballymoney BT53 6HT
Mr Chris Hegarty	6 Bellisle Road

	Dervock Ballymoney BT53 8HS
Mr Colin McCann	220 Ballyveeley Road Cloughmills Ballymena BT44 9NW

Fitness inspections of the above dwellings have been conducted within the report period. The dwelling houses meet the fitness standard for human habitation as set out in Article 46 of the Housing (NI) Order 1981.

**IT IS RECOMMENDED** that the Borough Council grant an Article 36 (4) Certificate of Fitness in respect of the above dwelling houses.

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

***that Council grant an Article 36 (4) Certificate of Fitness in respect of the above dwelling houses.***

## LICENSING

### 887.13 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATION (FULL) (RENEWAL)

<u>Premises</u>	<u>Applicant</u>
Hedges Leisure Complex 141 Ballinlea Road Stranocum BALLYMONEY	Mr Ivan McCook
Joey's Bar 15 Seymour Street BALLYMONEY BT53 6JR	Mrs Linda M Dunlop
Kellys of Ballymoney 21 Church Street BALLYMONEY BT53 6HS	Jim Stevenson
Rasharkin Community Centre Drumbolcan Park Duneaney Road Rasharkin BALLYMENA	Mr Jim Graham
North Irish Horse Inn 15 Carncullagh Road Dervock	Mr Robert Stewart

BALLYMONEY BT53 8BW

The Glen Bar (Lounge)  
24 Glenbush Road  
Armoy  
BALLYMONEY BT53 8YG

Mr James P McMullan

**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 7<sup>th</sup> October 1985 the additional conditions detailed on the premise file also apply.

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

***that Council renew the Indoor Entertainment's Licence as detailed above in accordance with its 'conditions of Licence'.***

#### 887.14 LICENSING (NORTHERN IRELAND) ORDER 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Lyle Taggart, Fullerton Arms, Main Street, Ballintoy	Occasional Licence Stranocum District CA – Chestnutt Animal Feeds 1 <sup>st</sup> & 2 <sup>nd</sup> August 2008	23/6/08
D J Dixon, The Village Inn, Dunloy.	Occasional Licence Dunloy Parish Centre 8 <sup>th</sup> August 2008	29/7/08
S A Wood & J K Woods, The Northern Star, 2 Linenhall Street, Ballymoney.	Transfer of a Licence The Northern Star	4/8/08
W H Brooke Huey, 23 Church Street, Ballymoney.	Occasional Licence The Community Centre 137 Kilraughts Road, 16 <sup>th</sup> August 2008	5/8/08

**IT IS RECOMMENDED** that the Borough Council note the above applications.

**DOG CONTROL****887.15 DOGS (NORTHERN IRELAND) ORDER 1983****ARTICLE 13 – REGISTRATION OF DOG BREEDING ESTABLISHMENTS**

Applications as undernoted have been made to the Borough Council that the premises to which they refer be registered in accordance with the provisions of Article 13 of the Dogs (Northern Ireland) Order 1983 as a dog breeding establishment:-

<u>Applicant</u>	<u>Premises</u>
Mr Mervyn Dowey	23 Drumlee Road, Ballymoney, BT53 7LE.
Mrs Jennifer Dickson	24 Friary Road, Ballymoney BT53 8XZ.

**IT IS RECOMMENDED** that the Borough Council register the above-mentioned premises accordingly.

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

***that Council register the above-mentioned premises accordingly.***

**BETTING, GAMING, LOTTERIES & AMUSEMENTS (NI) ORDER 1985****887.16 ARTICLE 115 – APPLICATION FOR THE RENEWAL OF AN AMUSEMENT PERMIT**

Application for the renewal of an amusement permit under the provisions of Article 115 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, has been received from Mr Samuel Trevor Wylie, 9 Ashbrook Drive, Balnamore, Ballymoney, BT53 7TA, in respect of premises namely Rafters Snooker Club, 18 Seymour Street, Ballymoney, BT53 6JR.

**IT IS RECOMMENDED** that the Borough Council renew the said permit and that same be subject to the Council's "Amusement Permit Conditions".

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

***the Council renew the said permit and that same be subject to the Council's "Amusement Permit Conditions".***

**887.17 ARTICLE 18(1), SCHEDULE 4 – APPLICATION FOR THE RENEWAL OF A BOOKMAKING OFFICE LICENCE**

The requisite notices have been received, concerning the renewal of bookmaking office licences:

<u>Applicant</u>	<u>Address of Premises</u>	<u>Date</u>
Willstand Limited	14 High Street BALLYMONEY BT53 6AG	29/7/08
Willstand Limited	24A Main Street BALLYMONEY BT53 6AL	29/7/08

**IT IS RECOMMENDED** that the Borough Council note the above applications

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

*that the Borough Council note the above applications*

**Alderman Simpson declared an interest in item 887.18 as a tobacconist**

## **CHILDREN & YOUNG PERSONS (PROTECTION FROM TOBACCO) (NI) ORDER 1991**

### **887.18 CONSULTATION ON THE FUTURE OF TOBACCO CONTROL**

Further to HES minute 341.17 adopted by Council minute 885.14.2, members will recall that the agreed responses to Q7, 8 and 9 were option 3 to each respectively. A full response to all questions 1-17 has now been prepared with the assistance of Northern Group Systems and encompasses the responses to questions 7, 8 and 9 as previously agreed. A copy of the response was circulated. The closing date for responses is the 8<sup>th</sup> September 2008.

**IT IS RECOMMENDED** that the draft response, as circulated, be adopted as Ballymoney Borough Council's reply to the consultation document.

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

*to adopt the draft response to the consultation document, including an additional recommendation that Council be empowered to issue fixed penalty fines to those shopkeepers identified as supplying tobacco to those under the age of 18 years.*

The Mayor put the proposal to the meeting. A vote was taken with 5 members voting in favour of the motion and 2 members voting against.

The Mayor declared the motion carried.

**887.19 BUILDING CONTROL APPLICATIONS**

**IT IS RECOMMENDED** that Council note the Applications, Building Notices and Regularisation Certificates as detailed in Appendix 1, which are in accordance with the requirements of the Building Regulations (NI) 2000.

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

***that Council note the applications.***

**887.20 RATES DEFERMENT SCHEME FOR HOME OWING PENSIONERS – DEFERRED FROM AUGUST COUNCIL MEETING**

DFP are presently consulting on a rates deferment scheme for home owning pensioners, that is those who own their own home and who would not be entitled to either housing benefit or rate relief; nevertheless they may only have a fairly modest fixed income and are finding it difficult financially ... The opportunity to defer rates could therefore make a significant difference to people in these circumstances.”

“It should be remembered that deferred rates and any associated arrangement fees would be subject to an interest charge. The final debt, therefore, could be quite substantial.” Comment has been invited by 16<sup>th</sup> September 2008.

A discussion ensued following which it was **AGREED:**

***that Council respond to the consultation document expressing the view that rates be deferred without accrual of interest.***

**887.21 GUIDANCE ON THE TERMINATION OF PREGNANCY IN NI – DEFERRED FROM AUGUST MEETING**

DHSSPS has issued Guidance on the Termination of Pregnancy in NI (as required by the Court of Appeal) for consultation. Its purpose is two fold:

- clarify to health care professionals the legal position regarding the termination of pregnancy in Northern Ireland; and
- provide health care professionals with clinical and good practice guidance. The consultation period ends on 22<sup>nd</sup> September 2008.

The Mayor expressed his views against abortion unless the life of a mother is deemed to be at risk. Alderman Connolly concurred with the Mayor’s views.

It was **AGREED:**

***that Council note the consultation document.***

**887.22 THE PLANNING (NI) ORDER 1991: APPEAL AGAINST ENFORCEMENT NOTICE**

Correspondence (dated 12<sup>th</sup> August 2008) has been received from the Planning Appeals Commission regarding an appeal against an enforcement notice in respect of the alleged unauthorised use of land for the sale of vehicles at 80m SW of 36 Kirk Road, Ballymoney.

The Commission is required under the provisions of the above Order to notify Council and to take account of any representations received from Council.

Council is asked to consider whether it wishes to make any representations. It has 5 weeks from the date of the PAC letter to do so.

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

***that Council support the applicant in his appeal against Planning Service Enforcement Notice.***

- \* **The Director of Borough Services and the Director of Central & Leisure Services left the meeting at 8.10 pm.**

**887.23 STAFF MATTERS – APPLICATIONS FOR POST ENTRY TRAINING**

The Chief Executive advised of the following staff matters relating to post entry training.

**1. Borough Services:**

Environmental Health Officer (Post Ref 127) has applied for assistance to undertake an Advanced Diploma in Management Practice. The course is offered through the Local Government Training Scheme in association with the University of Ulster. It runs from September 2008 – September 2009 with time off from duties averaging one day per month. The cost is £950.00, which would be met from the current service budget.

***IT IS RECOMMENDED*** that approval be granted under the conditions of Post Entry Training to the Environmental Health Officer (Post Ref 127) and that vouched fees be paid and necessary time off from duties be granted.

**2. Central & Leisure Services**

The Sports Development Officer has applied for assistance to undertake an Advanced Diploma in Management Practice. The duration of the course is one year, with time off from duties averaging 1 day per month for 12 months. The cost is £950 and would be met from the service budget.

**It is recommended** that approval be granted under the conditions of Post Entry Training to the Sports Development Officer and that vouched fees be paid and necessary time off from duties granted.

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

***that approval be granted, under the conditions of Post Entry Training, to the aforementioned Environmental Health Officer and the Sports Development Officer and that vouched fees be paid and necessary time off from duties granted.***

#### **887.24 MOYLE DISTRICT COUNCIL – NORTHERN IRELAND AMBULANCE SERVICE**

At a recent meeting of Moyle District Council serious concern was expressed regarding NIAS' proposed changes in the provision of ambulance services in the Northern Division.

This concern was outlined in a letter to Michael McGimpsey, Minister for Health, Social Services and Public Safety as follows:

*“The Council has asked that I write to you expressing its serious concern regarding proposed changes to ambulance services in the Northern Division. In particular, members feel that the introduction of a Rapid Response Vehicle (RRV) to offset the removal of a ‘day vehicle’ from Ballymena represents a significant reduction in the level of service provided. The fact the RRVs are unable to convey patients to hospital could be critical factor in emergency situations, especially in the most remote rural areas, and could mean the difference between life or death. The Council therefore asks that the safety and welfare of patients be put before economic consideration and that this proposal be rejected outright.” – Moyle District Council*

Moyle District Council has written to Council drawing attention to the proposed changes and seeking support in opposing this serious reduction in the level of service provided for this area.

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

***that Council support Moyle District Council in opposing the reduction in the level of service provided by Northern Ireland Ambulance Service in the Northern Division.***

#### **887.25 REPORTS**

A list of reports was circulated for members' information.

**887.26 NILGA REPORTS/UPDATES**

Councillor Robinson provided members with an update from the National Association of Councillors on remunerations and retirement proposals. The Annual General Meeting of the National Association of Councillors will take place in September when it is envisaged that further information will be made available.

**This being all the business, the meeting closed at 8.30 pm.**

Appendices attached:  
Appendix 1 - Building Control Notices

**APPENDIX 1**