

Ballymoney Borough Council

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Ballymoney Borough Council

Minutes of Council Meeting No 888 held in the Council Chamber, Riada House, Ballymoney on Monday 6th October 2008.

IN THE CHAIR: Councillor J Finlay, Mayor

PRESENT:

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

Councillors
A Cavlan
B Kennedy
M McCamphill
P McGuigan
D McKay, MLA
T McKeown
E Robinson
I Stevenson
M Storey, MLA

APOLOGIES: A Patterson
R Wilson

IN ATTENDANCE: Chief Executive
Director of Borough Services
Director of Central & Leisure Services
Head of Building Control (**Item 4**)
Corporate Projects Officer
Committee Clerk

RF White, Chief Building Control Officer (**Item 4**)

Members of public (2)

888.1 CONDOLENCES

The Mayor expressed condolences to the family of Mrs McCaw from Ballymoney, who lost her life tragically in a house fire. He conveyed Council's deepest sympathy to the family for the sad loss which they have sustained and has sent a letter of condolence to her daughter. Councillor Kennedy and Councillor Stevenson associated themselves with the Mayor's remarks.

Condolence were expressed to Councillor Patterson on the sad loss of her brother in law.

888.2 MINUTES - MEETING NO 887 – 1ST SEPTEMBER 2008

Matters Arising

2.1 Ballymoney Security Works (887.5)

Alderman Simpson advised that a response has not been received to his query relating to the Museum Fit-Out (CM 886.2.7 & LAC 347.4)

2.2 Adoption of Minutes

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

that the minutes of Meeting No 887 on 1st September 2008, as circulated, be adopted.

888.3 SEAL DOCUMENTS

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

that the Seal of the Council be affixed to Grave Registration Certificate numbers 1115, 1116, 1117, 1118 and 1119.

888.4 CHIEF BUILDING CONTROL OFFICER'S ANNUAL REPORT 2007/08

The Mayor welcomed Mr RF White, Chief Building Control Officer to the meeting to present his Annual Report 2007/08.

Mr White thanked members on the Group Committee for their help over the years, Councillor McCamphill having been Chair of the Committee during the reporting period. He also extended thanks to the Head of Building Control and his staff and congratulated Council on steps they have taken to improve the staffing situation in Ballymoney.

Mr White highlighted Performance Indicators in the report, stating that these reflect the current situation and the heavy workload of the Department. Staff are working to improve the figures, particularly fee income which has decreased significantly. Mr White referred to the transfer of powers from Central Government to the new Councils stating that Officers and members are aware of the progress being made. He also advised that negotiations are under way for enforcement of energy performance certificates for the sale of houses and property rentals.

The Mayor welcomed the Head of Building Control to the meeting and thanked the Officer for the work of his Department and staff. He stated that he shared Mr White and Councillor McCamphill's concerns on the proposed amendments to building regulations, its policing and the increased workload on Council's Building Control Department. Alderman Campbell concurred with the Mayor and Councillor McCamphill expressing the view that the proposed change in regulations will be of no benefit.

At the request of Councillor Robinson and Alderman Simpson, the Chief Building Control Officer agreed to provide a copy of the report, which will be copied to members, on a recent Study Visit to Freiburg in Germany. Mr White stated that the plant, situated in an industrial estate is impressive. Waste is processed and the gas used for energy with the residue supplied to farmers and gardeners as fertiliser. Alderman Campbell and Councillor McCamphill, who attended the visit, concurred with Mr White's remarks and found the visit excellent and informative.

The Mayor thanked Mr White for his presentation.

Mr White and the Head of Building control left the meeting at 7.20 pm.

888.5 DELEGATIONS

Contact Youth Counselling has requested the opportunity to present its services to Council. The body is a voluntary not-for-profit organization, established in 1977 and providing face-to-face counselling for young people aged 11-25 years.

It was proposed by Councillor Cavlan, seconded by Councillor Stevenson and
AGREED:

to extend an invitation to Contact Youth Counselling to present its services to Council on a date to be agreed.

888.6 CONSULTATION COMMITTEE NO 30 – 15TH SEPTEMBER 2008

Councillor Kennedy presented the report.

Matters Arising:

6.1 Application 28 - D/2008/0324/F

Arising from comments by Alderman Simpson with regard to the view expressed by the planning officer the Chief Executive clarified that consultation with the NI agencies mentioned is only mandatory for 'listed buildings'. In addition the description of the building should be 'Manse' not 'Church'.

* **Councillor McGuigan arrived at 7.25 pm.**

6.2 Rose Energy (Item 30.1)

Rose Energy has written to all members clarifying points raised at the Consultation Committee meeting No 30 held on 15th September 2008.

A discussion ensued with members considering:

- The number of jobs involved in the poultry industry.
- Lack of an alternative solution for the processing of waste from poultry and chicken waste.
- Monitoring and control of harmful emissions
- Views of political parties in consideration of alternative measures.
- Lack of research into an alternative.
- Pollution in the Glenavy River.
- Support for public inquiry.
- Concerns of residents living in the area.

It was proposed by Councillor Kennedy, seconded by Alderman Cousley

that Council support Rose Energy's application to install a Biomass Power Plant in Glenavy.

A recorded vote was taken at the request of the Mayor.

VOTES FOR [10]**VOTES AGAINST [0]**

Councillor McCamphill
Alderman Connolly
Alderman Simpson
Councillor Kennedy
Alderman Campbell
Councillor Storey
Councillor Stevenson
Councillor Robinson
Councillor Finlay
Alderman Cousley

None

The Mayor declared the motion carried.

- * **Councillor Storey arrived during the discussion at 7.27.**

6.3 Planning Service – Streamlined applications

The Chief Executive advised members that the Pilot Scheme for Streamlined Council Consultation in relation to Planning Applications will commence for all applications received from Monday 13th October 2008. This was welcomed by members.

- * **Councillor Storey left the meeting at 7.37 pm.**

6.4 Adoption of Minutes

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

that the minutes of Consultation Committee Meeting No 30 – 15th September 2008, as circulated, be adopted.

888.7 DEVELOPMENT COMMITTEE NO 196 – 15TH SEPTEMBER 2008

Councillor Stevenson presented the report.

Matters Arising:

7.1 EU Interreg Programme (196.9)

Councillor Robinson updated members on four unsuccessful projects which have been reviewed and are now successful. Five projects are under review for progression through Rural Development.

7.2 International Links (196.11)

A reception will be held on Friday 10th October at 6.30 pm in the McKinley Room for visitors from Vanves, Douglas and Benbrook. Members were invited to attend.

7.3 Adoption of Minutes

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

that the minutes of Development Committee Meeting No 196 – 15th September 2008, as circulated, be adopted.

* **Councillor Storey re-joined the meeting at 7.45 pm.**

888.8 LEISURE & AMENITIES COMMITTEE NO 348 – 16TH & 22ND SEPTEMBER 2008

Alderman Campbell presented the report and addendum as set out 8.1.

8.1 Armoy Motorcycle Road Racing Club

The Chairman of the Club has advised that the establishment of Business Plans for a road race in August/September 2009 are progressing well. He advised that the Club is seeking a letter of support from both Moyle and Ballymoney Council for the road racing project. Members agreed that council send a letter of support to AMRRC as requested.

8.2 Midnight Soccer Programme (348.16)

Alderman Connolly recorded his regret at the incident, which took place at the Joey Dunlop Leisure Centre on Friday 12th September, which has caused the remainder of this programme to be abandoned. He expressed the view that some of his constituents felt that Council did not condemn the incident strongly enough. Councillor Kennedy and other members including Councillor Stevenson, Councillor Storey, Councillor Cavlan and Alderman Simpson condemned the incident. In response to members' queries regarding security at the Joey Dunlop Leisure Centre and measures which could be introduced to avoid a repeat of this incident, the Director of Central & Leisure Services advised that improvements will be considered prior to any re-launch of the Midnight Soccer League.

8.3 Recent Flooding (348.8)

Councillor Stevenson recorded his thanks to Council officers for their assistance during the recent flooding.

8.4 Riverside Park, Ballymoney (348.10)

Councillor Stevenson extended thanks to Council for undertaking work at Armour Avenue.

* **Councillor McKeown arrived at 8.10 pm.**

8.5 Appointment of Museum Working Group (348.21)

At the request of Alderman Cousley, the Director of Central & Leisure Services agreed to clarify recently re-appointed members of the Museum working Group and will report back to the next meeting of Leisure & Amenities.

8.6 Bus Shelter Provision – Clintyfinnan (348.3)

Councillor Storey thanked the Director of Borough Services for proposed bus shelter provision at Clintyfinnan.

8.7 Joey Dunlop Leisure Centre Tiling (348.25)

At the request of Alderman Simpson, the Director of Central & Leisure Services clarified the options and costs identified to replace defective tiling at the Joey Dunlop Leisure Centre. Following the last LAC meeting, members had viewed the changing rooms to ascertain the extent of tiling required following temporary, remedial work. Members discussed the options, costs, timescales of work and overall cost to ratepayers of the project to re-tile the changing rooms and undertake other work necessary to bring the changing rooms to the required health and safety standards.

It was proposed by Alderman Simpson, seconded by Councillor Kennedy

that the tiling at the Joey Dunlop Centre be referred back to Leisure & Amenities Committee to enable further discussion.

The Mayor put the motion to the meeting. Votes were recorded as follows:

FOR	AGAINST
7	4

The Mayor declared the motion carried.

8.8 Amenities Sub Committees (348.6)

The date of 14th October 2008 was set for meetings of:

1. Cloughmills Recreational Facility Sub-Committee
2. Megaw Park Sub-Committee

The first meeting will commence at 2.00 pm immediately followed by the other sub-committee.

8.9 Adoption of Minutes

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

that the minutes of Leisure & Amenities Committee Meeting No 348 – 16th/22nd September 2008, as circulated, be adopted including the addendum as set out in 8.1.

888.9 HEALTH & ENVIRONMENTAL SERVICES COMMITTEE NO 342 – 23RD SEPTEMBER 2008

Councillor Robinson advised members that this meeting had been declared inquorate.

It was proposed by Councillor Kennedy, seconded by Councillor Robinson and
AGREED:

that the minutes of Health & Environmental Services Committee Meeting No 342 – 23rd September 2008, as circulated, be adopted.

* **Councillor Storey left the meeting at 8.42 pm.**

888.10 CORPORATE & CENTRAL SERVICES COMMITTEE NO 368 – 22ND SEPTEMBER 2008

Alderman Simpson presented the report with the Chief Executive advising members of an addendum as set out at 10.1.

Matters Arising:**10.1 Addendum - Secondment Opportunity – Senior Environmental Health Officer (Environmental Protection) Northern Group Systems**

Ballymena Borough Council, on behalf of Northern Group Systems, invited applications from existing permanent employees who are suitable qualified and experienced for the above secondment. The secondment opportunity will initially be for 6 months with the possibility of extension subject to the agreement of all parties. Applications must be accompanied in writing, with confirmation that the parent organisation is willing to release the candidate should they be successful.

An Environmental Health Officer, employee reference 50127, has expressed an interest in submitting an application. The post will focus on noise control, air quality, air pollution control, contaminated land, public health and regulatory services, radiation monitoring and sustainable development. It is considered that this would be an excellent development opportunity for the successful candidate that would be of benefit to their employer particularly in the complex areas of contaminated land assessment, air quality management and noise control. These are particular areas of work, which have called for greater expertise within the Directorate over the past 24 months where the regeneration of brown field sites has increased dramatically.

IT IS RECOMMENDED that:-

- (1) The Council support this development opportunity by confirming in writing that they are willing to release the candidate should they be successful, for a period of 6 months (after which time it would be reviewed) and
- (2) The vacancy created would be filled through the Councils preferred employee provider.

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

that Council support the development opportunity as set out in points (1) and (2).

* **Councillor McGuigan left the meeting during the discussion at 8.45 pm**

10.2 Estimated Penny Product 2008/09 (368.10)

Alderman Campbell expressed concern about Council's undertaking to provide vacancy inspections on behalf of Land & Property Services, requesting clarification on the financial viability to Council of this work. A discussion took place with the Chief Executive stating that pilot projects undertaken by other Councils have been successful with 50-80% of homes being added to the database and rates obtained. Issues discussed included:

- Request to Central government for an increase in the regional grant
- Staff resources and payment of agency staff
- Vacant properties – new builds
- Payment on completion of inspection

10.3 Adoption of Minutes

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

that the minutes of Corporate & Central Services Committee Meeting No 368 – 22nd September 2008, as circulated, be adopted including the addendum as set out at item 10.1.

* **Councillor Cavlan and Councillor McKay left the meeting at 8.50 pm**

888.11 AUDIT COMMITTEE NO 6 – 11TH SEPTEMBER 2008

Alderman Cousley presented the report.

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

that the minutes of Audit Committee Meeting No 6 – 11th September 2008, as circulated, be adopted.

888.12 RESOURCES TASK GROUP – 24TH SEPTEMBER 2008

Alderman Simpson presented the report.

Matters arising

12.1 Year End Variance Report 2007/08 & Explanatory Notes (3.1)

Arising from discussion on motion at 3.1, it was proposed by Councillor Robinson, seconded by Alderman Simpson and **AGREED.**

that the following additional motion be added:

“that, at the Chairman’s request, the information sought in relation to members’ queries on certain variances be provided, in writing, by the Director responsible for the service. Members’ queries to be sent to the Chief Executive who will ensure responses are issued to members.”

12.2 Adoption of Minutes

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

that the minutes of Resources Task Group Meeting – 24th September 2008, as circulated, be adopted subject to the amendment as set out in 12.1.

888.13 REQUEST TO TRANSFER LANDFILL ALLOWANCES

On 14th August, Coleraine Borough Council requested the transfer of 126t of this authority’s surplus landfill allowances in order that it (Coleraine) might meet its NILAS obligations. The transferor’s transfer request has been authorized and the relevant proforma submitted to the NILAS Monitoring Team.

IT IS RECOMMENDED that Council endorse the transfer of 126t of its surplus landfill allowances to Coleraine Borough Council for the 2007/08 scheme year.

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

that Council endorse the transfer of 126t its surplus landfill allowances to Coleraine Borough Council for the 2007/08 scheme year.

888.14 NILAS WORKING GROUP

The 8th meeting of the Council's NILAS Working Group took place on 17th September and minutes were circulated to member's.

IT IS RECOMMENDED that Council agree the above minutes.

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

that the minutes of NILAS Working Group Meeting No 8 – 17th September, as circulated, be agreed.

888.15 NWRWM GROUP JOINT COMMITTEE

As members are aware –

- Ballymoney Borough Council is a member of the North West Region Waste Management Group for waste management planning purposes.
- The NI district councils comprising the Group are – Ballymoney, Coleraine, Derry, Limavady, Magherafelt, Moyle and Strabane.
- The NWRWM Group constituent councils have established a council Joint Committee (underpinned by a Memorandum of Understanding) with the express purposes of delivering the necessary waste infrastructure required to meet our statutory NILAS (NI Landfill Allowance Scheme) targets.

It is the case that the provision of waste infrastructure, being overseen by the NWRWM Group Joint Committee, at best will be extant at **May 2014**.

As part of the procurement preliminaries the Joint Committee must prepare and sign off on an Outline Business Case (OBC), which the Department of the Environment and the Department of Finance and Personnel would then sanction.

A necessary part of the OBC is that it makes reference to sites within the public sector which may be available (at the relevant market value) to those interested in providing the necessary waste infrastructure. The Councils land at Crosstagherty was identified in the NWRWM Group's (this Council's) current Waste Management Plan (2006) as a potential waste infrastructural site.

IT IS RECOMMENDED that Council confirm its position, that it remains content, that its land at Crosstagherty is available as a potential waste infrastructural site.

It was proposed by Councillor Kennedy, seconded by Councillor Robinson and
AGREED:

that Council confirm it remains content that its land at Crosstagherty is available as a potential waste infrastructural site.

**888.16 THE LITTER (NORTHERN IRELAND) ORDER 1994
14 QUEEN STREET, BALLYMONEY, BT53 6JA**

Further to a complaint received and a number of inspections carried out, officers from this Directorate are satisfied that the above land is defaced by litter.

IT IS RECOMMENDED that Council serve a litter abatement notice under Article 12 of the Litter (Northern Ireland) Order 1994 with a requirement that the litter be cleared and also a prohibition imposed on permitting the land to become defaced by litter.

It was proposed by Councillor Kennedy, seconded by Councillor Robinson and
AGREED:

that Council serve a litter abatement notice under Article 12 of the Litter (Northern Ireland) Order 1994, as set out above.

888.17 LOCAL AIR QUALITY MANAGEMENT GRANT 2008/2009 & 2009/2010

Following an application to the DoE Environmental Policy Unit, the Department has been offered a maximum grant of, £14,554 for 2008/2009 and £5,508 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.

It was proposed by Councillor Kennedy, seconded by Councillor Robinson and
AGREED:

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

**888.18 LOCAL AIR QUALITY MANAGEMENT PROGRESS REPORT & ACTION PLAN
UPDATE 2008**

Ballymoney Borough Council is under a statutory obligation to review and assess air quality from time to time. This is known as local air quality management (LAQM).

The Council has already completed the first round of review and assessment of local air quality in April 2001 and is now undertaking the second round. A phased approach is used to review and assess air quality. The Progress report is intended to ensure continuity in the LAQM process. Its objective is to provide an annual review and update on Air Quality issues, including developments that might be significant to Air Quality.

A progress report completed for Ballymoney was circulated to members. The conclusion of this report was that the current Air Quality Management Area in respect of PM₁₀ remains unchanged until results of further monitoring become available.

IT IS RECOMMENDED that Council notes the conclusion of the progress report.

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

that Council notes the conclusion of the progress report.

888.19 CONSULTATION RE. PROPOSALS FOR HEALTH & SAFETY (FEES) REGULATIONS (NI) 2009

HSE NI has advised of its intent to amend its single point of reference for health & safety fees. Of principal interest to Council are the proposals contained in the Consultation Document relating to fees in respect of applications for petroleum spirit licences –

<u>Purpose</u>	<u>Extant Fee</u>	<u>Proposed Fee</u>
Licence to keep petroleum spirit –		
not exceeding 2,500 litres	£39	£40
2,500 to 50,000 litres	£54	£55
exceeding 50,000 litres	£111	£115
Transfer of Licence	£8	£8

It is intended that the new rates of fee would be brought into operation in March 2009 or as soon as possible thereafter. Council has been invited to comment on the HSE NI proposals by 7th November 2008.

IT IS RECOMMENDED that Council welcomes the proposed increases in petroleum spirit licence fees.

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

that Council welcomes the proposed increases in petroleum spirit licence fees.

888.20 CERTIFICATE OF FITNESS**THE PRIVATE TENANCIES (NORTHERN IRELAND) ORDER 2006
ARTICLE 36 (4),****Landlord**

Mr John Mc Auley

Mr Vincent Gilmore

Mr Samuel Scott

Dwelling- House178 Castlecat Road
Derrykeighan
BALLYMONEY BT53 8AS7 Henry Street
Ballymoney
Co. Antrim BT53 7QY205 Finvoy Road
BALLYMONEY BT53 7JS

Fitness inspections of the above dwellings have been conducted within the report period. The dwelling houses meet the fitness standards 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 each of the above dwelling houses.

It was proposed by Councillor Kennedy, seconded by Councillor Robinson and
AGREED:

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

**888.21 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND)
ORDER 1985 - LICENCE APPLICATIONS (FULL) (RENEWAL)****Premises**Magherahoney Parochial Hall
60 Coolkeeran Road
Armoy
BALLYMONEY BT53 8XNCloughmills Primary School
Youth Centre Assembly Hall
43 Main Street
Cloughmills
BALLYMENA BT44 9LF**Applicant**

Rev Fr R Butler

NEELB
(Mr. P Crabbe)

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licences 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 files also apply.

It was proposed by Councillor Kennedy, seconded by Councillor Robinson and
AGREED:

that Council renew licences as detailed above.

**888.22 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND)
ORDER 1985 - LICENCE APPLICATIONS (FOURTEEN UNSPECIFIED DAYS)
(RENEWAL)**

Premises

Applicant

Ballyweaney Presbyterian Church Mr
Hall
128 Ballyveely Road
Cloughmills
BALLYMENA BT44 9NW

William J Logan

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licences 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 files also apply.

It was proposed by Councillor Kennedy, seconded by Councillor Robinson and
AGREED:

that Council renew licence as detailed above.

**888.23 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND)
ORDER 1985 - LICENCE APPLICATION (FULL) (GRANT)**

Premises

Applicant

Racks
Unit 9A Ballybrakes Business Park
Ballybrakes Road
BALLYMONEY BT53 6LW

Ryan, Nicola and Nigel Craig

IT IS RECOMMENDED that the Borough Council grant the Indoor Entertainment's Licence as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also applies.

It was proposed by Councillor Kennedy, seconded by Councillor Robinson and
AGREED:

that Council grant licence as detailed above.

888.24 THE HAIRDRESSERS ACT (NORTHERN IRELAND) 1939

Premises

35E & F Main Street
 Rasharkin
 BALLYMENA BT44 8PU

Applicant

Fiona Higgins

IT IS RECOMMENDED that the above-named persons and premises be registered under The Hairdressers Act (Northern Ireland) 1939.

It was proposed by Councillor Kennedy, seconded by Councillor Robinson and
AGREED:

that Council register person and premises as detailed above.

888.25 DOGS (NORTHERN IRELAND) ORDER 1983

The Directorate is currently in receipt of a complaint regarding an alleged breach of the above Order. On Tuesday 5th August a complaint was received via PSNI Coleraine alleging that a Mrs xxxxxxx had been knocked over by a dog in the Ballybogey area of Ballymoney as the dog attacked her dog. The injured woman had sustained a broken leg in the incident.

A full investigation has been carried out into the complaint.

Mrs xxxxxxx recalls walking her West Highland Terrier on a lead along the footpath on the Ballybogey Road, Ballybogey on Monday evening 4th August 2008. The complainant noticed a young man standing just ahead of her with a German Shepherd on a lead. According to Mrs xxxxxxx the German Shepherd was under control and did not pose a threat to her or her dog.

However, as she drew level with him she realised there was a young woman with him standing on some steps with a Weimaraner dog, she appeared to have the hold of her dogs collar. Mrs xxxxxxx recalls "it was growling, I was worried, the dog was going mad, I was worried for both of us, I didn't know if the dog was after me or my dog".

Mrs xxxxxxx walked on, glanced back and believes the young woman had still hold of the dog. Mrs xxxxxxx continued to walk on. Mr xxxxxxx, the dog owner, then took control of the Weimaraner and the young woman took the German Shepherd. Mr xxxxxxx then recalls "In the blink of an eye Max had his head out of the collar and lead

and went straight down the footpath for the wee dog". Mrs xxxxxxx recalls "suddenly I was knocked into the air by the dog, it then went straight for my dog".

As Mrs xxxxxxx fell to the ground she heard her leg crack. "I knew straight away it was broken", I saw the Weimaraner grab "Toby" and trail him down the road. Mr xxxxxxx retrieved the Weimaraner dog from the West Highland Terrier and the Terrier ran off. It returned home the following morning displaying several wounds to its back for which it received Veterinary treatment.

Mrs xxxxxxx was taken to the Accident & Emergency Department of Causeway Hospital, Coleraine and later transferred to Altnagelvin. Her Fibia and Tibia were both broken.

The Weimaraner dog in this case was clearly from the outset determined to attack the West Highland Terrier. Unfortunately as a consequence of this Mrs xxxxxxx did fall and did receive a serious injury. As Mrs xxxxxxx was knocked out of the way it became apparent the dog was after her dog and not her.

There has clearly been a breach of Article 29 of the Dogs (Northern Ireland) Order 1983 "Attacking a Person" which means:

- (a) Attacking a Person or
- (b) Behaving in such a manner so as to cause a person apprehension of being attacked.

There is no doubt the dog did behave in such a manner as to cause Mrs xxxxxxx apprehension of being attacked.

Due to the circumstances in this case ***IT IS RECOMMENDED*** that the owner of the dog Mr xxxxxxx receive an official caution regarding the breach of Article 29.

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

that the owner of the dog Mr xxxxxxx receive an official caution regarding the breach of Article 29

888.26 BUILDING CONTROL APPLICATIONS

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

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

that Council note the Applications, Building Notices and Regularisation Certificates attached at Appendix 1.

886.27 MUNICIPAL WASTE RETURNS

Noting from the Director's report, Councillor Robinson referred to the returns on recyclable waste during the month of September, which are still showing a satisfying trend. She extended thanks to ratepayers and citizens of the Borough for their co-operation in the separation of waste.

- * **The Director of Borough Services and the Director of Central & Leisure Services left the meeting at 9.15 pm.**

888.28 NOMINATIONS TO OTHER BODIES

The DUP has indicated that it wishes to substitute members on other bodies as follows:

Association/OtherBody	Existing member	New member
North West Regional Waste Management Group (NWRWVG)	Councillor Finlay	Alderman Cousley
Northern Ireland Housing Council	Councillor Wilson	Councillor Finlay

Members are requested to note these changes.

888.29 HONORARY CONSUL OF THE REPUBLIC OF POLAND

The Honorary Consul of the Republic of Poland, Jermone Mullen, has written to advise that he has been appointed with effect from 4th July 2008.

His office is located at City Hall Newry. Any matters relating to Poland or its citizens living in the Council area should be raised with him.

Jerome Mullen, Honorary Consul of the Republic of Poland, The City Hall, Bank Parade, Newry BT35 6HR. Tel. (0) 7836 734040 Email jerome@seafields.co.uk

888.30 PRIVATE STREETS (NORTHERN IRELAND) ORDER 1980 – DEVELOPMENT AT KIRKVIEW, STAGE 2 DEVELOPER – ARMOY HOMES LIMITED

Roads Service has adopted the streets, at the above development.

888.31 NORTHERN IRELAND HOUSING COUNCIL

The Housing Council has written to advise that at its Annual Meeting in September 2008 Councillor Robert McKee (Larne Borough Council) was elected Chair and Mr Gerry Gallagher (Fermanagh District Council) was re-elected Vice Chair for the coming year.

888.32 APPOINTMENT OF REPRESENTATIVE TO CAUSEWAY ADHD SUPPORT GROUP ADVISORY BOARD

The ADHD Support Group has invited Council to be represented on its Advisory Board.

The Group was formed in October 2003 to support families with a young person with ADHD. Its Management Committee is made up of parent volunteers and, as such, needs the support of an Advisory Board of representatives from various related professional and public organisations. The main role of the Advisory Board is advice, support, signposting and networking. A strong Advisory Board is necessary to increase the confidence of funding organisations in the professional manner in which the Support Group/ Projects operate. The Advisory Board meets quarterly, together with the Causeway ADHD Support Group Management Committee.

The Group has also provided information on its Phoenix Project. The main aim of the Phoenix Project is to help and support children and young people with ADHD and their families, at home at school and in the community. The project will offer advice and support to young people including mentoring/ befriending, self esteem building activities, time out, someone and somewhere to come to talk about their issues and seek advice without judgment. The project will also run a number of 'increasing parenting confidence classes'. These will give parents tips on how to support and encourage the young person with ADHD to change behaviours which get them into trouble at home and at school, take responsibility for their actions and understand the consequences of these behaviours.

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

that Councillor Stevenson be nominated as Council's representative on Causeway ADHD Support Group Advisory Board.

888.33 NEWRY & MOURNE DISTRICT COUNCIL**Genetically Modified Organisms**

At the District Development Committee meeting held on Monday 18th August 2008 the following Notice of Motion was considered and carried by Council:-

"That this Council reaffirms its opposition to genetically modified organisms being used in Northern Ireland agriculture and writes to the Ministers responsible for the Environment and Agriculture to inform them of the Council's opposition.

This Council further recognises that plant pollen does not recognise international boundaries and writes to the Department of the Environment and the Department of Agriculture in the Irish Republic that they do not introduce genetically modified organisms into the Republic of Ireland so that the Island of Ireland will be GMO free.”

“It was agreed to write to the above Departments to reaffirm Newry and Mourne District Council’s opposition to the introduction of genetically modified organisms and also to write to all Councils in Northern Ireland to seek their support on this issue.”

888.34 READING BOROUGH COUNCIL

Campaign for Gurkha Rights

Reading Borough Council has written to draw attention to a resolution to the above matter passed at the last full Council meeting, the text of which is set out below.

Point (3) of the resolution involved writing to all other Councils in the United Kingdom to ask you to support the Campaign for Gurkha Rights.

Resolved:

“This Council notes and welcomes the opening in Reading of the first UK office of the United British-Gurkha Ex-Servicemen’s Association.

This Council thanks the former Mayor of Reading, Councillor Chris Maskell, for hosting a reception during which representatives of the Gurkhas explained the background to the Campaign for Gurkha Rights to members of the Reading community.

This Council notes that Gurkhas have played an active front line part in the British Army’s activities in times of war and peace for nearly 200 years. In this period approximately 300,000 have fought alongside United Kingdom soldiers, with 45,000 of them being either killed or wounded.

This Council notes that the Government announced in September 2004 a change in immigration rules that allowed Gurkhas who had served in the British Army to settle in the United Kingdom with their families.

This Council notes with concern however that this offer has only been extended to cover those Gurkhas who had served at least four years and been discharged after 1st July 1997.

This Council believes that, given the exceptional service they have given to the United Kingdom, Gurkhas and their families should be given fast track eligibility for either the right to remain or citizenship.

This Council:

- 1) *Urges Reading MPs to support Early Day Motions that seek to extend Gurkha rights.*
- 2) *Instructs the Chief Executive to write to the Local Government Association asking them to lobby the Government on this matter.*
- 3) *Instructs the Chief Executive to write to all other Councils in the United Kingdom asking them to support the Campaign for Gurkha Rights.*
- 4) *Instructs the Chief Executive to write to the Prime Minister demanding that all retired Gurkhas who fought in the British Army, get the right to citizenship, as well as a fair deal on pensions.*
- 5) *Asks the Chief Executive to view sympathetically any request from Reading Gurkhas for a street collection in aid of Gurkhas living in Reading who are suffering financial hardship."*

"The resolution was passed unanimously, following a petition and presentation to full Council by members of the United British-Gurkha Ex-Servicemen's Association."

Council is asked to give consideration to supporting the Campaign.

888.35 REPORTS

A list of reports was circulated for members' information.

888.36 NILGA REPORTS/UPDATES

- Reports schedule herewith
- Review of Domestic Rating: The Rating of Empty Homes (copy herewith)
- NILGA Draft Response to Review of Domestic Rating Data Sharing (copy herewith)
- Review of Domestic Rating: Rates Deferment Scheme for Home Owing Pensioners (copy herewith)

Councillor Robinson advised members that NILGA's AGM has recently taken place and it was noted that there was a very good attendance of members from Ballymoney. Councillor Robinson advised that the Waste Committee of NILGA, on which she is a member, is now going to meet again and that the European Committee, of which she is also a member, has been reinstated under a new Director and will be meeting within the month.

* **Councillor Kennedy left the meeting at 9.20 pm**

888.37 SINGLE STATUS UPDATE

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

that Council 'move into committee' to receive an update from the Chief Executive on Single Status.

* **Members of the press left the meeting at 9.22 pm.**

In committee the Chief Executive updated members on single status negotiations with the Trade Union and in particular the buy out proposals re 35/37 hour week, recommending an improved offer of £2,000 net for full time employees. Management agreed, in order to facilitate negotiations, to delay the move to 37 hr working week for those contracted 37 hours until 1 January 2009. NIPSA had subsequently met and confirmed that the membership would accept the improved offer of £2,000, which is subject to Council approval. It was noted that the estimated cost of the improved offer was £56k, which, as agreed, was being met from reserves.

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

to make an improved offer of £2,000 for full time employees, pro-rata for part-time employees, to buy out their 35 hour contracts.

Councillor Robinson requested that her abstention be noted.

This being all the business, the meeting closed at 9.45 pm.

Appendices attached:

Appendix 1 - Building Control Applications

BUILDING CONTROL APPLICATIONS – APPENDIX 1

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

Ref No: B/2007/0051/MAST
Applicant: Mr James Murray
Agent: Trevor W Fleming The Market Studio Ballymena
Location: 3 - 3G Victoria Street Ballymoney
Description: Conversion of shop and office and extension to create 8 no apartments

Ref No: B/2007/0147/
Applicant: Mr Alan Callaghan
Agent: Hunter Associates 8 Charlotte Street Ballymoney
Location: 128A Knock Road Knockanboy Dervock Ballymoney
Description: Dwelling and garage

Ref No: B/2007/0157/
Applicant: Mr J O'Kane
Agent: R Robinson & Sons 59 High Street Ballymoney
Location: 79B Finvoy Road Ballynamoney Ballymoney
Description: Dwelling

Ref No: B/2007/0162/
Applicant: Mr & Mrs A S Barkley
Agent: Bell Architects 65 Main Street Ballymoney
Location: 92A Bravallen Road Leck Ballymoney
Description: Dwelling

Ref No: B/2007/0166/
Applicant: Mr Ivan Wilson
Agent: Rhonda M Fry 8 Whitesides Road Randalstown
Location: 117 Tamlaght Road Drumcon Rasharkin Ballymena
Description: Dwelling and garage

Ref No: B/2007/0175/
Applicant: Mr Billy Cubitt
Agent: Trevor W Fleming The Market Studio Ballymena
Location: 382 Craigs Road Drumack Rasharkin Ballymena
Description: Dwelling and garage

Ref No: B/2007/0183/
Applicant: Mr Sid McCaughern
Agent: D M Kearney Design 2A Coleraine Road Maghera
Location: 70B Mullan Road Craigs Ballymoney
Description: Dwelling and garage

Ref No: B/2007/0189/
Applicant: Mr & Mrs Robert Wilson
Agent: W J Dickson Chartered Architects Limavady
Location: 120 Tamlaght Road Drumcon Rasharkin Ballymena
Description: Dwelling and garage

Ref No: B/2007/0194/
Applicant: Miss Mairead Cuning
Agent: George Shaw 18 Sandmount Park Ballymena
Location: Bridge Road Glenbuck Dunloy Ballymena
Description: Dwelling and garage

Ref No: B/2007/0206/
Applicant: Mr Damian O'Hale
Agent: Hunter Associates 8 Charlotte Street Ballymoney
Location: 158A Garryduff Road Unshinagh Dunloy Ballymena
Description: Dwelling

Ref No: B/2007/0207/
Applicant: NI Housing Executive
Agent: Patrick F Corr Ltd 17 Catherine Street Limavady
Location: 44 Gortahar Road Rasharkin Ballymena
Description: Alterations to dwelling

Ref No: B/2007/0213/
Applicant: Mr Daniel Dixon
Agent: George Shaw 18 Sandmount Park Ballymena
Location: 110 Tullaghans Road Caldanagh Dunloy Ballymena
Description: Dwelling and garage

Ref No: B/2008/0001/
Applicant: Mr Gerard Reid
Agent: Mr Seamus Bailey 9 Glenview Ballycastle
Location: 50 Cypress Park Cloughmills Ballymena
Description: Extension to dwelling

Ref No: B/2008/0021/
Applicant: Mrs Ruth Thompson
Agent: Hunter Associates 8 Charlotte Street Ballymoney
Location: 21 North Road Ballymoney
Description: Extension to dwelling

Ref No: B/2008/0026/
Applicant: Mr J Connolly
Agent: R Robinson & Sons 59 High Street Ballymoney
Location: 30 Altarichard Road Ballymoney
Description: Extension to dwelling

Ref No: B/2008/0050/
Applicant: Mr Jack Malcolm
Agent: W M McNeill Heather Lodge Broughshane
Location: 6 The Meadows Ballymoney
Description: Garage extension to dwelling

Ref No: B/2008/0053/
Applicant: Mr Johnny Hoy
Agent: Diamond Design Studio 2D The Diamond Ballycastle
Location: 11 Ballykenver Road Stranocum Ballymoney
Description: Extension to dwelling

Ref No: B/2008/0057/
Applicant: Mr & Mrs Philip Given
Agent:
Location: 41 Lislagan Road Carneaty Ballymoney
Description: Dwelling

Ref No: B/2008/0086/
Applicant: Mr Harry Waide
Agent: Mr Michael Scullion 16 Lough Road Ballymena
Location: 176 Corkey Road Loughguile Ballymena
Description: Extension to dwelling

Ref No: B/2008/0091/
Applicant: Mr Alan McClements
Agent: Mr Dennis R Tosh 40 Nursery Avenue Coleraine
Location: 17 Lislagan Road Ballymoney
Description: Extension to dwelling

Ref No: B/2008/0114/
Applicant: Mr John Bellingham
Agent: Pro Design 43 Kilmandil Road Ballymena
Location: 126 Vow Road Ballymoney
Description: Extension and alterations to dwelling

Ref No: B/2008/0145/
Applicant: Ms Kathleen McAllister
Agent: James Anderson 22 Rathmore Heights Ballymena
Location: 54 Tamlaght Road Rasharkin Ballymena
Description: Extension to dwelling

Ref No: BN/2008/0057/
Applicant: Mr Richard McMullan
Agent:
Location: 6 Cabra Court Bendooragh Ballymoney
Description: Extension to dwelling

Ref No: BN/2008/0058/
Applicant: Mrs Kathleen Cameron
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 65 Kirk Road Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2008/0059/
Applicant: N I Housing Executive
Agent: H & A Mechanical Services 28 Fivemile Straight Draperstown
Location: 28 Strand Park Cloughmills Ballymena
Description: Installation of oil-fired central heating

Ref No: BN/2008/0060/
Applicant: NI Housing Executive
Agent: H & A Mechanical Services 28 Fivemile Straight Draperstown
Location: 11 Torrens Park Lislagan Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2008/0061/
Applicant: N I Housing Executive
Agent: H & A Mechanical Services 28 Fivemile Straight Draperstown
Location: 20 The Crescent Ballymoney
Description: Installation of gas-fired central heating

Ref No: RC/2008/0007/
Applicant: Mr Aaron Newton
Agent: Ivan McDonald 17 Lissadell Avenue Portstewart
Location: 21 Mountview Heights Ballybogey Ballymoney
Description: Sun room extension to dwelling

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

	Total
B	22
BN	5
RC	1
Total	28

