

**BALLYMONEY BOROUGH COUNCIL
HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE MEETING No. 321
26th September 2006**

SUMMARY OF RECOMMENDATIONS

321.2 Minutes of Meeting No 320 – 22nd August 2006 – adopted

321.3 Director's Report, together with the recommendations contained therein be adopted –

- 1. Local Air Quality Management Grant Scheme 2006/2007 – accept offer of grant monies.**
- 2. Water (NI) Order 1999 – note application for consent to discharge effluent.**
- 3. Petroleum (Regulations) Acts (Northern Ireland) 1929 and 1937 – renew licences.**
- 4& 5 Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 – renew indoor entertainment licences.**
- 6. Mobile Street Trading – renew licence.**
- 7. Dogs (Northern Ireland) Order 1983 – register dog breeding establishment.**
- 8. Re-homing of Dogs Service - Donate £10 per dog to Wildlife NI for each dog that organization would take from Council to rehome.**
- 9. Opening of Tenders – Council grant authority to the Committee Chair or Vice Chair together with the Director of Borough Services or his nominee to open tenders received following their specified deadline for evaluation and report to Council.**
- 10. The Rent (Northern Ireland) Order 1978, as amended – institute legal proceedings against the owner of the property concerned in respect of an alleged illegal eviction.**
- 11. Public Health Act 1878, as amended – serve abatement notice on the landlord/owner of the premises.**
- 12. Officer Authorisation – Mr James O'Kane**
- 13. Officer Authorisation – Miss Stacey Thompson**
- 14. Safety of Sports Grounds (NI) Order 2006 – Officer Authorisations – Mr John Michael, Mr Bryan Edgar, Ms Judith Carolyn Freeburn and Ms Lynne O'Brien.**

- 15. Conditional Approve Standalone Cold Store at Fleming Poultry Limited, under Regulation (EC) Nos. 852/2004, 853/2004 and 882/2004**
- 16. Provide Community Recycling Centre in conjunction with Ballybogey Centra and also provide and maintain a flowerbed on land opposite that shop.**
- 17. Building Control Applications – Note applications, etc.**
- 18. Name Housing Development – Chatham Mill**

[This summary of recommendations has been provided to assist Members. The text is neither comprehensive nor definitive and ought not to be considered as such.]

**Committee Meeting No: 321 held in the McKinley Room, Riada House,
Ballymoney, on Tuesday, 26th September 2006 at 5:00 pm**

IN THE CHAIR

Councillor E. Robinson

PRESENT

Aldermen

F. Campbell
C. Cousley

Councillors

A. Cavlan
J. Finlay
B. Kennedy
M. McCamphill
D. McKay
A. Patterson
M. Storey

IN ATTENDANCE

Director of Borough Services
Clerical Assistant
Alderman Simpson

321.1 APOLOGIES

Apologies were received from Councillor McKeown, Councillor Stevenson and Councillor Wilson.

321.2 MINUTES OF MEETING NO. 320 – 22nd August 2006

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

that the minutes of Committee Meeting No. 321 held on 22nd August 2006, as circulated, be confirmed as a correct record.

321.3 DIRECTOR OF BOROUGH SERVICES' REPORT TO THE HEALTH & ENVIRONMENTAL SERVICES COMMITTEE, BALLYMONEY BOROUGH COUNCIL 15TH SEPTEMBER 2006

MATTERS FOR CONSIDERATION

ENVIRONMENTAL PROTECTION

1. Local Air Quality Management Grant Scheme 2006/2007

Following an application to the DoE Environmental Policy Unit, by letter dated 1st September 2006 for financial assistance; the Department has offered a maximum grant of £6035. 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 Alderman Campbell, seconded by Councillor McCamphill and ***AGREED:***

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

2. **Water (NI) Order 1999 – Application for Consent to Discharge Effluent**

Notification has been received from EHS Water Management Unit advising that the undernoted application for consent to discharge effluent to the underground stratum has been made.

Mr. J. Reid re. 2 dwellings adjacent to 188 Kilraughts Road and 1 dwelling opposite 2 Navery Road, Ballymoney.

As EHS will set levels as to the quality of effluent to be discharged ***IT IS RECOMMENDED*** that Council note the application.

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

to recommend that Council note the application

HEALTH & SAFETY AT WORK

3. **Petroleum (Regulation) Acts (Northern Ireland) 1929 and 1937** **PETROLEUM SPIRIT LICENCE (RENEWAL)**

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

<u>Premises</u>	<u>Applicant</u>
Hugh Taggart & Sons Ltd Meetinghouse Street BALLYMONEY	Mr H C Taggart
Robert Logan Hardware 36 Drumadoon Road Cloughmills BALLYMENA	Mr C Logan

The renewal of licences as detailed above is ***RECOMMENDED.***

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

to renew licences as detailed above.

LICENSING

4. Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 - LICENCE APPLICATION (FULL) (RENEWAL)

<u>Premises</u>	<u>Applicant</u>
McLaughlin's Corner 60 Bann Road Rasharkin BALLYMENA BT44 8TE	Mr. J. P. McLaughlin
The Anglers' Rest 139 Vow Road BALLYMONEY BT53 7NU	Mrs. L. Savoury obo Athenas Ltd
The Kosy Korner 22 Linenhall Street BALLYMONEY BT53 6DP	Mr William Noel Peacock
Hedges Leisure Complex 141a Ballinlea Road Stranocum BALLYMONEY BT53 8PX	Armoy Homes Ltd.

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.

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

to recommend that 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.

5. Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 - LICENCE APPLICATION (FOURTEEN UNSPECIFIED DAYS) (RENEWAL)

<u>Premises</u>	<u>Applicant</u>
Ballyweaney Presbyterian Church Hall 128 Ballyveely Road Cloughmills BALLYMENA BT44 9NW	Mr William J Logan
Cloughmills Primary School	North Eastern Education

Youth Centre and Assembly Hall
43 Main Street
Cloughmills
BALLYMENA

and Library Board

Premises

Applicant

Magherahoney Parochial Hall
60 Coolkeeran Road
Armoy
BALLYMONEY
BT53 8XN

Rev Fr R Butler

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licences as detailed above. In the case of Ballyweaney Presbyterian Church Hall subject to an Emergency Lighting Electrical Test Certificate being received and in the case of Cloughmills Primary School subject to Fire Alarm and Emergency Lighting Electrical Test Certificates being received. 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.

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

to recommend that the Borough Council renew the Indoor Entertainment's Licences as detailed above. In the case of Ballyweaney Presbyterian Church Hall subject to an Emergency Lighting Electrical Test Certificate being received and in the case of Cloughmills Primary School subject to Fire Alarm and Emergency Lighting Electrical Test Certificates being received. 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

6. **Mobile Street Trading Licence**

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

<u>Name</u>	<u>Address</u>	<u>Articles to be Sold</u>	<u>Fee Paid</u>
Mr Samuel Stewart	44 Margaret Avenue BALLYMONEY BT53 6BY	Ice Cream/ Confectionery	£130-00

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

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

to recommend that the Mobile Street Trading Licence be renewed

DOG CONTROL

7. DOGS (NORTHERN IRELAND) ORDER 1983

Article 13 – Registration of Dog Breeding Establishment

Application as undernoted has been made to the Borough Council that the premise to which it refers 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>
Mrs Ann McNally	101 Loughabin Road, Ballymena, BT44 9BY.

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

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

to recommend that Council register the above mention premise accordingly.

8. Donation of Monies for Rehoming of Dogs to Wildlife NI, Benvardin Road, Derrykeighan

Members will recall that a decision was taken to make a donation to the operators of Oaktree Farm, 19 Drumnacannon Road, Upperlands, Maghera, for each dog that they were able to take from Council for rehoming. Unfortunately due to personal circumstances Oaktree Farm are unable to continue this service currently but may in the future be able to again offer this service. Wildlife NI, Benvardin Road, Derrykeighan, has been approached and are willing, subject to availability of spaces, to accommodate Council in rehoming dogs where possible. The current minimum cost to Council of casting and disposal of a dog is £20.

IT IS RECOMMENDED that a donation of £10 per dog be made to Wildlife NI, as was the case with Oaktree Farm, for those dogs each organisation would take from Council to rehome.

IT IS FURTHER RECOMMENDED that these arrangements are reviewed on an annual basis.

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

to recommend to Council that a donation of £10 per dog be made to Wildlife NI, as was the case with Oaktree Farm, for those dogs each organisation would take from Council to rehome.

GENERAL MATTERS

9. Opening of Tenders

The following policy recommendation is made to Council. In respect of matters falling within the remit of the Borough Services Directorate which are also dealt with by the Councils Health & Environmental Services Committee, ***IT IS RECOMMENDED*** that when tenders are invited, Council grant authority to the Committee Chair or Vice Chair together with the Director of Borough Services or his nominee to open the tenders received following their specified deadline for evaluation and report to Council.

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

to recommend to Council that when tenders are invited, Council grant authority to the Committee Chair or Vice Chair together with the Director of Borough Services or his nominee to open the tenders received following their specified deadline for evaluation and report to Council.

10. The Rent (Northern Ireland) Order 1978 as amended

The Rent (NI) Order 1978 states that private tenants (regardless of whether they are restricted, regulated or uncontrolled tenants) have five basic rights.

Briefly, these are as follows:

- The right to a rent book
- The right to claim housing benefit
- The right of notice to quit
- The right to due process of law
- The right to freedom from harassment and illegal eviction.

On 26th June 2006 the Department received a complaint from an occupier of a premises located in Ballymoney alleging illegal eviction.

What is Illegal Eviction?

Article 54(1) of the Order states that *“if any person unlawfully deprives the tenant of a dwelling-house of his occupation of the dwelling-house or any part thereof, or attempts to do so, he shall be guilty of an offence”*.

The key phrase in this definition is *“unlawfully deprives”*. The landlord **must** have regard to the tenant’s basic rights to notice to quit (Article 62) and due process of law (Article 56) i.e. the landlord **MUST** give the tenant 4 weeks notice to quit

AND, after the notice period has expired

obtain a court order permitting the landlord to repossess. Any failure by the landlord to fulfil both of these obligations will result in an illegal eviction.

In order to claim protection under the 1978 Order, the general rule is that the individual must be a tenant.

A tenant is someone who has: -

- (i) Exclusive possession of
- (ii) identifiable property
- (iii) for a term
- (iv) at a rent
- (v) within the context of an intentional legal agreement between the landlord and tenant
- (vi) where no other special circumstances are involved.

Complaint Details

The tenant complained to this department via telephone on 6th June 2006 and provided a witness statement on 8th June 2006 saying that on 27th April 2006 the complainant returned to the dwelling, after a 2-week holiday, to find that the locks on the property had been changed. The complainant contacted the landlord who said that he believed that the complainant had been getting ready to leave the property and that there had been a discrepancy with the rent. The complainant then went to the Housing Executive and collected copies of payment statements and returned to the property and phoned the landlord to show that the rent was not in arrears, however, the landlord refused to accept these statements and to allow the complainant access to the dwelling.

The complainant then states that he returned to the Housing Executive when it reopened after the Bank Holiday weekend whereby an officer of the NIHE contacted the landlord directly and reviewed rent payments. The landlord then reviewed his records and contacted the complainant approximately 10 days later on 12th May 2006 to inform that he had made a mistake and that the rent was not overdue. At this stage the complainant asked to return to the property and was refused as the landlord stated that he already had installed a new tenant. Arrangements were then made between the landlord, complainant and new tenant for the complainant to collect his belongings that were still in the property.

Officers of this department interviewed the landlord under caution, in the presence of his solicitor, on 21st June 2006. The landlord confirmed that he had entered the property in April 2006 and that he believed that the tenant had moved out as the only things left in the house were a single bed in the spare room, the settee downstairs and table and chairs in the kitchen. When questioned the landlord stated that on discovering this he did not attempt to contact the tenant to find out what was happening and changed the locks. The landlord confirmed that the complainant contacted him on 27th April 2006 asking for the keys to the property, which he denied. On further questioning the landlord admitted that he did not give the complainant notice to quit the property and that the rent was only in arrears until the complainants housing benefit had been processed. The landlord was also not aware of the correct legal process by which a landlord can regain property from a tenant.

The facts of the case have been discussed with the Borough Councils solicitors who are of the opinion that on the information provided within the witness statements there would be a prima facie case to answer in this instance.

IT IS RECOMMENDED that the Borough Council institute legal proceedings against the owner of the property concerned under Article 54(1) of the Rent (Northern Ireland) Order 1978 with respect to alleged illegal eviction.

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

to recommend that Council institute legal proceedings against the owner of the property concerned under Article 54(1) of the Rent (Northern Ireland) Order 1978 with respect to alleged illegal eviction.

11. **Public Health (Ireland) Act 1878 as Amended**

Following inspection of the undernoted premises high levels of internal dampness were noted to the ground floor rear room due to inherent building defects.

Property

13 Union Street
BALLYMONEY
BT53 6HT

Defect

Rising and Penetrating Dampness
to Ground Floor Rear Elevation and Party
Wall

IT IS RECOMMENDED that an abatement notice (under Section 110 of the 1878 Act) is served on the landlord/owner of the premises with a time period of compliance of 56 days to remedy such matters considered to be prejudicial to health.

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

to recommend to Council that an abatement notice (under Section 110 of the 1878 Act) is served on the landlord/owner of the premises with a time period of compliance of 56 days to remedy such matters considered to be prejudicial to health.

OFFICER AUTHORISATIONS

12. Mr. James O'Kane, Student Environmental Health Officer (UUJ) commenced his third year placement with the Department on 1st September 2006. He will gain practical work experience under the supervision of the Deputy Director of Borough Services and District Environmental Health Officers.

In order to make effective use of this additional staff resource ***IT IS RECOMMENDED*** that the Borough Council gives effect to the following resolution:-

“The Ballymoney Borough Council in exercise of those powers conferred upon it authorises James O'Kane to exercise the powers of an authorised officer in respect of:-

The Local Government Act (Northern Ireland) 1972
 The Dogs (Northern Ireland) Order 1983
 The Litter (Northern Ireland) Order 1994
 The Street Trading Act (Northern Ireland) 2001
 All Council Byelaws

and furthermore hereby indemnifies the above Officer as provided for by Section 48 of the Local Government Act (Northern Ireland) 1972.

IT IS FURTHER RECOMMENDED that the said officer be provided with a duly authenticated warrant card as proof of identification and authorisation when carrying out official duties.

It was proposed by Councillor Storey, seconded by Councillor Finlay and
AGREED:

to recommend to Council that Mr James O’Kane, Student (UUJ) Environmental Health Officer be authorised as above.

13. Miss Stacey Thompson has been selected via Hays Recruitment as a Temporary District Environmental Health Officer. The appointment was effective from the 29th August 2006.

IT IS RECOMMENDED that the Borough Council gives effect to the following resolutions:-

That **Stacey Thompson**, District Environmental Health Officer

be authorised generally to exercise within the Ballymoney Borough the functions powers and duties exercisable by persons so authorised contained in the undernoted legislation or any amendment thereof made from time to time, or in any statutory instrument, regulation or byelaw made thereunder:-

The Public Health (Ireland) Acts 1878-1967
 The Rag Flock Act 1911
 The Rats and Mice (Destruction) Act 1919
 The Petroleum (Regulation) Acts (Northern Ireland) 1929 and 1937
 The Hairdressers Act (Northern Ireland) 1939
 The Caravans Act (Northern Ireland) 1963
 European Communities Act 1972
 The Local Government Act (Northern Ireland) 1972
 The Poisons (Northern Ireland) Order 1976
 The European Communities Poultry Meat (Hygiene) Regulations (Northern Ireland) 1977
 The Pollution Control and Local Government (Northern Ireland) Order 1978
 The Rent (Northern Ireland) Order 1978
 The Clean Air (Northern Ireland) Order 1981
 The Dogs (Northern Ireland) Order 1983
 The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985
 The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985
 The Materials in Contact with Food Regulations (Northern Ireland) 1987
 The Cinemas (Northern Ireland) Order 1991
 The Food Safety (Northern Ireland) Order 1991
 The Litter (Northern Ireland) Order 1994

Imported Food Regulations (NI) 1997
 Shops (Sunday Trading &c.) (Northern Ireland) Order 1997
 The Waste and Contaminated Land (Northern Ireland) Order 1997
 The Products of Animal Origin (Import and Export) Regulations 1998
 The Street Trading (Northern Ireland) Act 2001
 The Products of Animal Origin (Third Country Imports) (NI) Regulations 2002
 Safety of Sports Grounds (NI) Order 2006
 All Council Byelaws

and furthermore hereby indemnifies the above officer as provided for by Section 48 of the Local Government Act (Northern Ireland) 1972.

HEALTH & SAFETY

The Ballymoney Borough Council in exercise of the powers conferred on it by Article 21(1) of **The Health & Safety at Work (N.I.) Order 1978** hereby appoints

Stacey Thompson, District Environmental Health Officer

as Inspectors of Health & Safety for carrying into effect the relevant statutory provisions (as defined in that order) within the Councils field of responsibility and specifies that she may in that connection exercise the powers conferred on an inspector by Article 22(2)(a) to (m) inclusive and furthermore hereby also indemnify the aforesaid officer as provided for by Article 28 of the said order.

FOOD and ENVIRONMENT PROTECTION ACT

Having been authorised by the Department of Agriculture for Northern Ireland under Section 19(1) of **The Food and Environment Protection Act 1985** to enforce part III of the Act the Ballymoney Borough Council in exercise of its powers under Section 47(A) of the Local Government Act (Northern Ireland) 1972 hereby delegates to the undernoted officer.

Stacey Thompson, District Environmental Health Officer

all those powers conferred upon it by the aforesaid authorisation, and furthermore hereby also indemnifies the aforesaid officers as provided for by Section 48 of the 1972 Act.

INDUSTRIAL POLLUTION CONTROL

IT IS RECOMMENDED that Ballymoney Borough Council in exercise of the powers conferred on it by Article 16(5) of the Industrial Pollution Control (NI) Order 1997, that the undernoted officers are appointed as inspectors having suitable qualifications as necessary for carrying the Pollution Control Statutory provisions (as defined by Article 17(12)) and which include the above Order and any statutory instrument or Regulation made under such provisions) into effect in relation to prescribed processes for local control and that they may exercise all the powers conferred on an inspector by Articles 17 and 18 of the said Order.

Stacey Thompson, District Environmental Health Officer

IT IS FURTHER RECOMMENDED that Ballymoney Borough Council in exercise of its powers under Section 47(A) of the Local Government Act (Northern Ireland) 1972 as amended by Article 26 of the Local Government (Miscellaneous Provisions) (N.I.) Order 1985 hereby delegates to the undernoted officers being

proper and competent persons to exercise the delegated powers or duties, the following powers and duties of the Council under the Industrial Pollution Control (N.I.) Order 1997.

Stacey Thompson, District Environmental Health Officer

- (a) Articles 6 to 12 inclusive, where no objections or representations have been received from any person (duty to determine applications for authorisations, applications for variation of conditions, and power to issue, revoke or vary authorisations).
- (b) Article 13 (service of enforcement notices)
- (c) Article 14 (service of prohibition notices)
- (d) Article 19 (service of information notices)
- (e) Article 20 (public register maintenance)
- (f) Article 22 (commercial confidentiality determination within fourteen days)

The officers named in this paragraph shall be duly authorised under Section 124 of the Local Government Act (N.I.) 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.

CONSUMER PROTECTION

The Ballymoney Borough Council in exercise of the powers conferred on it by virtue of the Consumer Protection Act 1987, the Construction Products Regulations 1991 and the General Product Safety Regulations 1994 (the latter two measures having been made under the provisions of the European Communities Act 1972) hereby appoints:

Stacey Thompson, District Environmental Health Officer

and generally authorises the said officers to exercise the powers of an authorised officer and specifically authorises the aforesaid officer in accordance with Section 28 of the Consumer Protection Act 1987 to:

- (a) make any purchases of any goods; and
- (b) secure the provision of any services, accommodation or facilities;

and in accordance with Regulation 16 of the Construction Product Regulations 1991 to make any purchase of any construction products;

and furthermore that Ballymoney Borough Council in exercise of its powers under Section 47A of the Local Government Act (Northern Ireland) 1972 delegates to the undernoted officers:

Stacey Thompson, District Environmental Health Officer

the power to serve suspension notices in accordance with the provisions of Section 14 of the Consumer Protection Act 1987 and Regulation 10 of the Construction Products Regulations 1991 and indemnifies the aforesaid officer as provided for by Section 48 of the Local Government (N.I.) Act 1972.

IT IS FURTHER RECOMMENDED that the said officer be provided with a duly authenticated warrant card as proof of identification and authorisation when carrying out official duties.

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

to recommend to Council that Ms Stacey Thompson, District Environmental Health Officer, be authorised as above.

14. Safety of Sports Grounds (NI) Order 2006

Further to Committee Minute 316.3.17 it is necessary to amend existing officer authorisations to ensure the proper enforcement of the above Order.

IT IS RECOMMENDED that the undernoted officers be appointed to exercise all the powers of an authorised officer in respect of Articles 22 and 23 of the aforesaid Ordinance together with any orders or regulations made under it:

**John Campbell Michael
Bryan Edgar
Judith Carolyn Freeburn
Lynne O'Brien**

And furthermore hereby indemnifies the above officers as provided for by Section 48 of the Local Government Act (Northern Ireland) 1972.

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

to recommend to Council that the named officers be appointed to exercise all the powers of an authorised officer in respect of Articles 22 and 23 of the aforesaid Ordinance together with any orders or regulations made under it.

FOOD CONTROL

15. Application for Conditional Approval of a Standalone Cold Store under Regulation (EC) Nos. 852/2004, 853/2004 and 882/2004.

Premises: Fleming Poultry Ltd, 31 Ballymena Road, Ballymoney, BT53 7EX

As from 1st January 2006 the enforcement of food safety in standalone cold stores transferred from the department of Agriculture and Rural Development NI to District Council control. It is therefore necessary to re-approve the above premises due to this change. An application for re-approval was received from the operators of the above business on the 15th August 2006.

An inspection of the premises has been completed and determined that it structurally complies with the relevant food hygiene legislation. However some documentation was found to be outstanding as detailed below:

- Reviewed HACCP

- Traceability System
- Cleaning Schedule
- Pest Control Plan
- Training Details of Staff
- Waste Disposal Arrangements
- List of Suppliers

Article 31 (2) (d) of Regulation 882/2004 permits the granting of conditional approval to an establishment following an onsite visit, which does not fully comply with the requirements of food law, but only if the establishment meets all the infrastructure and equipment requirements. A further visit must be carried out within three months of the grant of any conditional approval to ensure compliance with outstanding matters.

IT IS RECOMMENDED that Council grant Conditional Approval under Article 31 (2) (d) of Regulation 882/2004 for Fleming Poultry, 31 Ballymena Road, Ballymoney and that both the food business operator and the Food Standards Agency NI be notified accordingly.

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

to recommend that Council grant Conditional Approval under Article 31 (2) (d) of Regulation 882/2004 for Fleming Poultry, 31 Ballymena Road, Ballymoney and that both the food business operator and the Food Standards Agency NI be notified.

ENVIRONMENTAL SERVICES

16. Community Recycling Centre at Ballybogey

The Director reminded Members that it was Council policy to provide community recycling facilities at Ballybogey were a suitable site to be available. He advised that the proprietor of Ballybogey Centra was willing to make land within the cartilage of his business premises available on condition that a flower bed be located and maintained by Council on Roads Service land opposite the shop to enhance the amenity of the village. He further advised that discussions had been held with Roads Service and that that organization would permit a flower bed to be provided by Council in the location identified. The Director **RECOMMENDED** that Council provide, in conjunction with Ballybogey Centra, the same type of community recycling centre as it had provided with businesses in Ballymoney namely can, glass and textile banks, and that a flower bed be located and maintained by Council on Roads Service land opposite the shop to enhance village amenity.

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

to recommend to Council that it provide a community recycling centre in conjunction with Ballybogey Centra and that a flower bed is also provided and maintained by Council on land opposite that shop.

BUILDING CONTROL

17. Building Control Applications

IT IS RECOMMENDED that Council note the **Applications, Building Notices and Regularisation Certificates** as detailed in Appendix 1 (page 16) to this report, which are in accordance with the requirements of the Building Regulations (NI) 2000.

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

to recommend that Council note the Applications, Building Notices and Regularisation Certificates as detailed in Appendix 1 (page 16) to this report, which are in accordance with the requirements of the Building Regulations (NI) 2000.

18. NAMING OF HOUSING DEVELOPMENT

4 Dwellings at Chatham Road, Chathamhall, Armoy, Ballymoney, for Armoy Homes Ltd, 78 Ballykenver Road, Armoy, Ballymoney.

The developers have written by letter dated 11/08/2006 requesting that Council name the above new housing development.

The name suggested by the developer is “**Chatham Mill**”.

The name is in accordance with the general policy that street names should have some connection with the local area in which they are located (the development is on the site of a former flax mill), and therefore **IT IS RECOMMENDED** that Council approve the name “**Chatham Mill**” for the overall development.

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

to recommend that Council approve the name “Chatham Mill” for the overall development.

*The meeting was adjourned at 5:30pm
The meeting was recommenced at 5:45pm*

MATTERS FOR INFORMATION

ENVIRONMENTAL SERVICES

19. Municipal Waste Returns

<u>Waste Type</u>	<u>August 2006</u>	<u>Year to Date</u>
Mixed Residual Waste (waste to landfill)	1,001.02t +4.10%	4,993.36t +1.39%
Mixed Dry Recyclables (blue bin recycling)	142.72t +13.61%	631.46t +6.25%

In the ensuing discussion the Director responded to Members questions regarding how the Council’s recycling performance could be further improved and the amount of mixed residual waste to be dealt with via landfill reduced. Mention was made regarding ‘black’ bin monitoring, further leafleting of householders as to what can be placed in the ‘blue’ bin, further separation of waste at the Council’s Civic Amenity sites [such as cardboard and timber]. The Director advised that as up to one third of the mixed residual waste Council presently disposed of to landfill was deposited at its CA Sites the introduction of a presorting service was under investigation. Such a step was now more viable given the increasing cost of waste disposal via landfill.

20. Expansion of street recycling facilities.

The provision of street recycling banks for the collection of aluminium cans and plastic bottles has recently been extended with an additional three sites in Ballymoney town. Each of the sites have been strategically located on the approach to the three secondary schools in the town, namely Ballymoney High, Dalriada and Our Lady of Lourdes and supplement the already well used street recycling facilities in the town centre.

21. Introduction of Waste Electrical and Electronic Equipment (WEEE) collection service.

A new collection facility for waste electrical and electronic equipment (WEEE) will be operational at Knock Road Civic Amenity Site from the week commencing Monday 25th September, 2006. This service will be provided by Avenue Recycling Ltd. who specialise in the collection, treatment and recycling/reuse of WEEE.

22. NILAS Draft Reconciliation Scheme Year 2005-2006

Correspondence, dated 31st August, has been received from Dr. S. McGuckin from the Northern Ireland Landfill Allowances Scheme (NILAS) Monitoring Team setting out the Team's draft reconciliation for Ballymoney Borough Council for the year 2005-2006.

The Landfill Allowance Scheme (NI) Regulations 2004 came into operation on 1st April 2005.

Under Article 13 of the above regulations, the Monitoring Authority (EHS) are required to prepare a draft reconciliation in relation to each district council no later than 5 months after the end of the scheme year. The methodology for the mass balance calculation is set out in Article 13.

Article 14 requires the Monitoring Authority as soon as reasonably practicable after the end of the reconciliation period to reconcile the allowances available with the amount of biodegradable municipal waste sent to landfill as calculated under Article 13.

EHS have received returns from Ballymoney Borough Council, through WasteDataFlow, for the scheme year 2005/06.

From the returns submitted EHS have calculated the amount of Biodegradable Municipal Waste (BMW) sent to landfill by each District Council for the scheme year 2005/06.

The total amount of BMW sent to landfill by Ballymoney Borough Council for the scheme year 2005-2006 was 8,119 tonnes.

Council is asked to note that this figure was well within the Council's NILAS allocation for 2005-2006 of 12,968 tonnes.

ENVIRONMENTAL PROTECTION

23. Noise Complaint Statistics Northern Ireland 2005/06

The Department of Environment has recently published a report on noise complaint statistics for the financial year 05/06. The document has been prepared based on data returns supplied by all 26 NI Councils and is the third such report for Northern Ireland.

Tables 1 and 2 – Total Noise Complaints received and Total Notices served by District Councils from the report are reproduced for the benefit of Members and can be found at Appendix 2, page 17 to this report.

Noise complaints received related to the following sources –

Domestic 85%	Commercial and Leisure 6%	Construction 4%
Industrial 2%	Noise in Street 2 %	Transport 1%

These figures are broadly similar to the previous year 04/05. However, the total complaints received by Councils increased by 13% during 05/06 and over the last three years by 35%.

An analysis of domestic noise complaints revealed that 42% related to animal noise (barking dogs etc.), 41% music, television and parties, 13% other neighbour noise, 3% house alarms and 1% associated with DIY.

With respect to Ballymoney the total complaints received increased slightly from 81 (03/04), 125 (04/05) to 128 (05/06) respectively. This had previously been reported, Committee Minute 316.3.7 (23rd May 2006 refers).

ENVIRONMENTAL HEALTH GENERAL

24. Revisions to the NI Houses in Multiple Occupation (HMO) Statutory Registration Scheme

The Housing Executive has recently furnished a copy of the revised version of the Northern Ireland HMO Statutory Registration Scheme.

FOOD

25. The Food (Emergency Control) (Revocation) Regulations (Northern Ireland) 2006

These Regulations, operative from 1st October 2006, revoke five statutory rules which implemented Commission Decisions imposing conditions on the import of specific products that could be contaminated with excessive levels of aflatoxins.

HEALTH & SAFETY

26. The Agriculture (Safety of Children and Young Persons) Regulations (NI) 2006

The above Regulations made on the 15th August with an effective date 31st October 2006, revoke and replace the Agriculture (Safety of Children) Regulations (NI) 1981 and the 1983 amendment Regulations of the same title.

The Regulations place a duty on those in control of agricultural activities to prevent children from gaining access to hazardous areas on a farm and prohibit children under the age of 13 years from driving, towing or operating agricultural machinery, or riding on tractors or trailers. They are also not permitted to maintain agricultural machinery and young persons (16-17 year olds) are restricted from maintaining such machinery unless supervised by a competent adult. The use of agricultural

machinery by children over 18 years is restricted by certain conditions to minimize risk.

CONSUMER PROTECTION

27. Direction re. Child Resistant Lighters and Novelty Lighters

The Department of Trade & Industry (DTI) has issued a DIRECTION to local authorities (correspondence dated 11th September refers) relating to the enforcement of the European Commission Decision on child-resistant lighters and novelty lighters.

The Commission Decision calls for the applications of General Product Safety Directive (GPSD) measures to prevent the placing on the market of lighters that do not meet specific child-resistancy requirements and to prevent the placing on the market of novelty lighters (irrespective of child-resistancy). These requirements are to apply from 11th March 2007, as are new documentation requirements for producers and importers of lighters.

HOME SAFETY

28. Members will be pleased to learn that Warner Kirkpatrick has been appointed Chairman elect for the second year in succession for Home Accident Prevention Northern Ireland (HAPNI).

LICENSING (NORTHERN IRELAND) ORDER 1996

29.	<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
	Noel Peacock	Occasional Licence for Stranocum Hall on 9/9/06 – organisers are Coleraine and Ballymoney Round Table	23/8/06
	James Stevenson	Occasional Licence for Ballymoney Town Hall on 7/10/06 – organisers are Ballymoney Borough Council	12/9/06

30. Liquor Licensing – The Way Forward

Correspondence has been received from the Department for Social Development confirming what the Minister of State plans to do to reform liquor licensing law in Northern Ireland. Firstly –

- The police are to be given the power of immediate temporary closure of premises;
- There is to be a penalty points system for licensees and registered clubs who break the law;
- Later opening to 2.00am will be available to those licensed premises entitled under the existing law to open to 1.00am and to registered clubs;
- Sunday opening hours and opening hours for off-licensed premises will remain unchanged;
- To cater for special occasions of national or international significance such as major sporting or other events provision is to be made for later opening beyond 2.00am; and
- There will be more flexibility to allow young people under 18 to attend functions in certified licensed premises and registered clubs until 10.00pm when accompanied by an adult.

It is anticipated that these reforms will come into effect by Christmas 2007, with draft legislation being consulted on this Autumn.

Later (linked with RPA and due for completion in 2009) –

- The licensing system will transfer from the courts to the new district councils established under RPA; and
- Then the current twelve categories of licence will be replaced with a dual system of personal and premises licences.

It is also been announced that the present licence surrender provision will remain meantime, with the Minister to commission an assessment of the business impact of abolition before making any further decision on the way forward.

COMMUNITY SAFETY

31. Criminal Justice (2005 Order) Commencement No. 2) Order (Northern Ireland) 2006

The above legislation comes into effect on 18th September 2006.

This Order commences articles 2 to 8, article 24 and article 27 (in so far as it relates to the repeal of provisions in the Anti-Social Behaviour (NI) Order 2004) of the Criminal Justice (NI) Order 2005. Articles 2 to 8 make a number of amendments to existing law on anti-social behaviour orders; article 24 makes provision in relation to evidence given by live links from outside the UK; and article 27 effects the repeal of an existing ASBO provision which has been superseded by the provisions being commenced.

32. Ballymoney Safer Bonfire Competition

Further to committee minute 315.3.24, the 2nd competition has been assessed, with the following prize winners –

- | | |
|-----------------|--|
| 1 st | Stranocum Ulster Scots Cultural & Heritage Society |
| 2 nd | Bendooragh and District Community Association |

The prizes were awarded on the 7th September 2006 to the respective winners. 3rd and 4th prizes were not awarded as it was considered that no other bonfires met the judging criteria.

The second phase of this years competition is open to bonfires held in October. Full details may be accessed via the Councils website under Community Safety at www.ballymoney.gov.uk.

FUEL POVERTY**33. Warmer Ways to Better Health – NIE Levy Scheme**

Ballymoney Borough Council is to contribute £7,000 towards this scheme which offers grants to home owners and private landlords for insulation and central heating systems. In an attempt to increase the number of referrals, the Glebeside estate and surrounding HAZ as well as the Loughgiel area will be targeted. The Glebeside estate is an Air Quality Management Area (AQMA) largely as a result of the high number of domestic solid fuel central heating boilers in the area. Any referrals to the scheme can be made by contacting Lynne O'Brien or Jacqui Frazer on 2766 0257.

34. Fuel Poverty Strategy Co-Ordinator

Jacqui Frazer has been appointed as Fuel Poverty Strategy Co-Ordinator for the Northern Investing for Health Partnership area and will be particularly targeting Ballymoney, Antrim and Magherafelt Council areas as these have the highest levels of fuel poverty. She is based in Ballymoney Borough Council offices.

35. Ballymoney Affordable Fuel Scheme

This scheme enables householders who use central heating oil to budget and save effectively. £5.00 oil saving stamps can be purchased from a number of local outlets and put on a card. These stamps will then be accepted in payment by a selection of local oil companies. Ballymoney Warm Homes Group will launch this scheme in the Town Hall on Wednesday, 27th September at 7.00pm. Invitations have gone out to all Councillors, Community Groups and Churches.

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This being all the business the meeting closed at 6:30 pm