

**Ballymoney Borough Council
Council Meeting No 912 – 4th January 2010**

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Ballymoney Borough Council

Minutes of Council Meeting No 912 held in the Council Chamber, Riada House, Ballymoney on Monday 4th January 2010 at 6.30 pm.

IN THE CHAIR: Alderman F Campbell, Mayor

PRESENT: **Aldermen**
H Connolly
C Cousley, MBE, Deputy Mayor
J Simpson

Councillors
J Finlay
M McCamphill
T McKeown
A Patterson
I Stevenson
M Storey, MLA

APOLOGIES: **Councillors**
A Cavlan
R Halliday
E Robinson

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

Sustrans – Connect 2 (Items 1-3)

Ms C Pollock (Area Manager)
Ms P Wallis (Volunteer & Community Liaison Officer)

Press

912.1 CONDOLENCES

Cardinal Cahal Daly

The Mayor referred to the numerous tributes paid to Cardinal Cahal Daly who died over the holiday period following a short illness. Many recognised his contribution to Northern Ireland life and his peace building work, particularly his stance against violence.

The former Roman Catholic Cardinal was a native of rural North Antrim from the village of Loughgiel.

The Mayor stated that Cardinal Daly is deeply mourned by people throughout Northern Ireland, but that he had a special place in the hearts of those in his native parish where he is very fondly remembered. He said, "As first citizen of this borough, I sympathise with all who grieve his passing".

Mr Frank Lindsay.

The Mayor stated that he was saddened to learn of the passing of Frank Lindsay, husband of Mrs Beth Lindsay who serves on the district policing partnership. He conveyed to Beth and the family circle, Council's deepest sympathy.

912.2 CONGRATULATIONS - NEW YEAR HONOURS

The Mayor acknowledged local citizens who have been recognised in the New Year's Honours List.

Jean and Rodney Hayley received the MBE for services to children and families in Northern Ireland. The local couple, who also recently received the foster carers of the year award by leading charity Foster Network have, to date, provided foster care for some 50 children. The Mayor said that it is pleasing that their contribution to this worthy work has been so suitably recognised.

The Mayor also congratulated Mrs Diane Poole, Chair of Causeway Coast and Glens Tourism, who has been awarded the OBE for services to the Tourism Industry.

912.3 SUSTRANS – CONNECT 2

The Chair welcomed representatives from Sustrans to the meeting to give a presentation on the progress to date of the Connect 2 programme.

Ms Pollock advised that while funding had been committed by Big Lottery/Sustrans Connect, NIEA, Council and Roads Service, Translink funding of £350,000 is currently unconfirmed. Whilst this funding is included in their capital plan for 2010-2011, expected budget cuts may prevent availability of funding to enable the project to be completed and delivered by the end of 2012. Road Service has put schemes in place in Seymour Street and the next stage is to progress plans to remove the level crossing.

Ms Pollack advised members of their volunteer programme and the work of the steering group. She emphasized the need to broaden the group and invited town councillors to lend their support in helping to take the project forward. A chairperson and champion for

this broader group are required to complement the community involvement plan and to work alongside health and transport groups in the local area to encourage a shift in methods of travel. The programme is entering its third year of the five-year project and Ms Pollack urged urgent community involvement. Council's assistance is sought in securing the committed funding to ensure sure the project is delivered within the timescale of the project.

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

that Council writes to the DRD Minister requesting support in securing the committed funding from Translink.

At the request of Alderman Simpson, Ms Pollack advised that without Translink's contribution to the project of £350,000, lottery funding, secured until 2012, cannot be drawn down.

At the invitation of the Mayor, the Director of Borough Services advised members that all agencies have been working diligently to progress the scheme and that those closely associated with the project are anxious that it proceeds. He agreed that Council writes to the Minister without prejudice to the hard work on the part of Translink officials to fulfill their funding obligation. He stated that it will be the responsibility of Sustrans to make a decision as to whether this project is capable of being delivered within the timescale, taking into consideration the 20 back up projects on the current waiting list.

Councillor Stevenson indicated his willingness to join the Steering Group.

- * **Councillor McCamphill arrived at 6.50 pm during the presentation.**
- * **The Chief Executive joined the meeting at 7.00 pm.**
- * **Councillor Storey joined the meeting at 7.02 pm.**

The presentation concluded at 7.03 pm when representatives from Sustrans left the meeting.

912.4 SNOW & ICE ON TOWN CENTRE FOOTWAYS

A report was circulated on the meeting that the Chief Executive had facilitated, at the request of Councillor Storey, MLA, with representatives from the Chamber of Commerce, DRD Roads Service, Council officials and Councillor Storey, MLA. This followed a substantial level of representations from town businesses and shoppers about the severe conditions, with temperatures as low as minus ten degrees Celsius, the worst in almost 30 years. The meeting identified the concerns and issues, not least the question of liability where others take action to clear the footways and the need to seek a satisfactory resolution to the problem.

Arising from the meeting a number of matters need further clarification and a report will be brought to Corporate & Central Services Committee. Among the issues to be clarified are:

1. What is the current legislative position as regards responsibility for removal of snow and ice from footways?
2. What are the implications for other people (e.g. local traders) if they get involved in clearing snow and ice from footways?
3. How might Council tie into the external contract arrangements operated by Roads Service, if it was minded to do so?

A discussion ensued on the problems incurred by the recent inclement weather conditions and the role and responsibility of DoE in clearing roads and footways of snow and ice. Councillor Finlay extended sympathy to those who suffered injuries due to the condition of the footways. Councillor Storey commended Roads Services officials for the work they have done highlighting their main priorities of main roads, support to emergency services and farmers. The Director of Borough Services stated that Council has been commended by the Chamber of Commerce for clearing the streets of broken glass and litter following the Christmas festivities. He advised members that Council has no resources to go beyond its legal remit for street cleansing so did not take action to remove snow and ice. At the request of Alderman Simpson he clarified Council's remit in street cleansing and advised that Council does have obligations to ensure that Council premises are kept safe which resulted in snow and ice being cleared from entrances to Council premises on Charles Street and High Street. He also highlighted the problems encountered by refuse collection vehicles during the current severe weather conditions.

Thanks were extended to Councillor Storey on his initiative in instigating a meeting with agencies to look at the issues raised by town business and shoppers. Members agreed that the legal position of Council and other agencies requires clarification and await a further report from the Chief Executive at the January meeting of Corporate and Central Services Committee.

* **Councillor Patterson joined the meeting during the discussion at 7.06 pm.**

912.5 MINUTES - MEETING NO 910 – 2ND DECEMBER 2009

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

that the minutes of meeting No 910 on 7th December 2009, as circulated, be confirmed as a correct record.

912.6 MINUTES - MEETING NO 911 – 9TH DECEMBER 2009

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

that the minutes of meeting No 911 on 9th December 2009, as circulated, be confirmed as a correct record.

912.7 CONSULTATION COMMITTEE NO 45 – 21st DECEMBER 2009

Alderman Connolly presented the report.

The minutes of meeting No 44 on 16th December 2009, as circulated, were received.

* **Councillor Storey left the meeting at 7.40 pm.**

912.8 DEVELOPMENT COMMITTEE NO 210 – 21ST DECEMBER 2009

Councillor Finlay presented the report.

Matters Arising:

8.1 Cloughmills Community Project (210.12)

Councillor McCamphill advised members that he had had discussions with the Parish Priest relating to the project, which, while located on parish lands would be available for community use and he saw no reason why Council could not offer a letter of support. Councillor Finlay expressed his concern that support could compromise Council's own development proposal for the area. Councillor Stevenson and Alderman Simpson concurred with Councillor Finlay, Alderman Simpson stating that issue would best be dealt with by the Rural Development Partnership, on which Council is represented.

It was proposed by Councillor McCamphill, seconded by Alderman Connolly:

that Council provides a letter of support to the application by Cloughmills Community Project to the Rural Development Partnership for fit out of the new community hall in Cloughmills.

The Mayor put the motion to the meeting, three members voting in favour and three members voting against. The Mayor used his casting vote against the motion.

The motion was declared lost.

8.2 Adoption of Minutes

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

that the minutes of Development Committee Meeting No 210 on 21st December 2009, as circulated, be adopted and the recommendations therein approved.

* Councillor McKeown left the meeting at 7.50 pm.

912.9 LEISURE & AMENITIES COMMITTEE NO 367 –15TH DECEMBER 2009

Councillor Stevenson presented the report.

Matters Arising:

9.1 Armoyle Motorcycle Road Racing Club (357.1)

Councillor Finlay congratulated the club on its success in organising a road race in Armoyle in 2009 and commended the Clerk of the Course and his team on an exceptional event. The Mayor concurred with Councillor Finlay stating that the event brought increased tourism to the North coast.

9.1 Adoption of Minutes

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

that the minutes of Leisure & Amenities Committee Meeting No 366 – 17th December, as circulated, be adopted and the recommendations therein approved.

912.10 HEALTH & ENVIRONMENTAL SERVICES COMMITTEE NO 354 – 22ND DECEMBER 2009

In the absence of the Chair and Vice Chair of the Committee, the minutes were tabled. The Director of Borough Services clarified issues concerning refuse collection and the difficulties which have arisen in collecting bins in some areas due to the condition of roads caused by the present weather conditions. He advised members that all available staff and vehicles are being used to maintain services and daily assessments made to ensure safety for all. Councillor Finlay, Councillor Stevenson and Alderman Connolly congratulated the work of the Director and his department for their diligence in service delivery despite the current severe weather conditions.

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

that the minutes of Health & Environmental Services Meeting No 355 on 22nd December 2009, as circulated, be adopted and the recommendations therein approved.

912.11 AUDIT COMMITTEE MEETING NO 17 - 18TH DECEMBER 2009

Alderman Simpson presented the report .

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

that the minutes of Audit Committee held on 18th December 2009, as circulated, be adopted and the recommendations therein approved.

- * **The Director of Borough Services and the Director of Central & Leisure Services left the meeting at 8.05 pm.**
- * **Members of the press left the meeting at 8.05 pm.**

912.12 CORPORATE & CENTRAL SERVICES COMMITTEE NO 381 – 22ND DECEMBER 2009

It was proposed by Councillor Finlay, seconded by Alderman Connolly and **AGREED.**

that Council move 'into committee' to discuss the report on item 381.10.1.

- * **Councillor Stevenson left the meeting at 8.05 pm.**

Alderman Simpson presented the committee report.

Matters Arising:

Council moved into committee to consider the Chief Executive's report.

12.1 Job Evaluation: Directors (381.10.1)

The Chief Executive referred to committee minute and provided members with the information requested in relation to cost to council of Director posts and advised that a copy of their current Terms and Conditions of employment would be available in the Members' room.

The Chief Executive responded to questions from members.

It was proposed by Councillor McCamphill, seconded by Alderman Connolly.

to recommend that the job evaluation exercise on the two Director posts be carried out by the Hay Group at an estimated cost of £2,500 and implemented in accordance with the recommendation put to committee, as in committee minute 373.9.2 dated 23.2.09.

The Mayor put the motion to the meeting with two members voting against, three members voting in favour of the motion and three abstentions.

The Mayor declared the motion carried.

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

that Council move 'out of committee' to continue its business.

* **Councillor Stevenson returned to the meeting at 8.30 pm.**

12.2 Police (NI) Act 2000 (380.9 and 381.9)

The meeting discussed the public consultation on temporary 50:50 recruitment provisions applying to the appointment of police officers and police support staff, to expire on 28th March 2010, unless the Secretary of State decides to renew them was discussed.

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

that Council respond to the consultation document stating its view that the arrangement should expire on 28th March 2010 as it was discriminatory against large numbers in the community who, despite being suitably qualified and meeting the criteria, were not being appointed on grounds of their religion, holding to the belief that appointment should be on merit alone.

A vote was taken on the motion with six members voting in favour and two members voting against the motion.

The Chair declared the motion carried.

Councillor McCamphill recorded his vote against the motion.

12.3 2010 Somme Pilgrimage for 94th Anniversary (12.2)

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

that Council reserves two places to attend the 94th anniversary of the Battle of the Somme, 28th June – 2nd July 2010 at an estimated cost of £550 per person, names to be confirmed by the committee.

12.4 Adoption of Minutes

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

that the minutes of Corporate & Central Services Committee Meeting No 380 on 24th December 2009, as circulated, be adopted and the recommendations therein approved.

912.13 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 number 1189.

912.14 LOCAL GOVERNMENT REFORM - UPDATE

NILGA have provided various updates on Local Government Reform as circulated which includes information on:

- Continuing engagement in developing the way forward
- Update from the 9 December SLB Meeting
- NILGA response on the Economic Appraisal of Options for Local Government Service Delivery and overview table of local government responses.

Continuing Engagement

With regard to continuing engagement in developing the way forward NILGA President, on behalf of the four Office Bearers, has invited Council to proactively consider the important issues, outlined below, to ensure local government can demonstrate to the Minister that councils are committed to improvement and to taking the necessary steps to securing more modern and efficient services for citizens, in line with best practice in other regions.

The Minister has welcomed the views put forward in response to service delivery options and requested that further work be undertaken to address two key issues and NILGA has agreed to seek views of Councils on these.

The two key issues included in the documents circulated are:

Firstly, the Minister accepted the preference of local government to have a small Improvement Service (enabling organisation) as opposed to a statutory BSO. He asked however that the sector would demonstrate that there is willingness and commitment to support joint working and to articulate how such a voluntary model would support regional collaboration to ensure the necessary efficiencies, as described in the PwC report, could be made.

Secondly, the Minister outlined issues around the current economic environment and asked councils to consider how the reform process could be supported with funding from the sector itself.

NILGA will hold a meeting of the RPA Working Group on 13th January to give focused attention to the issue, in consultation with officer groupings. The issues will be fully discussed at the NILGA Full Meeting on 29th January, before agreeing a response to submit to the Minister at the next SLB meeting in early February.

Council is invited to submit its early views to the NILGA RPA Working Group by 4 pm on 12th January.

The final paper will not be presented to the Minister until early February and therefore NILGA will be able to accommodate written responses up until Friday 5th February.

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

that Council responds to point 1 of the consultation document (Commitment and Methodology to support Council Collaboration), stating Council does not agree with the Statutory Business Services Organisation model proposed, but has no objections to a voluntary, regional arrangement for some central services if these could be delivered in a more economic and effective way through voluntary collaboration pointing to relevant examples of current collaborative arrangements of council working, including the Regional Waste Groupings

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

that Council responds to point 2 of the consultation document (Consideration of the Funding Model to support Reform), stating Council's view that funding to support the Reform should be borne by Central Government, as the reorganisation was their initiative.

912.15 PUBLIC TRANSPORT REFORM CONSULTATION

NILGA and The Consumer Council held an event to consider the above consultation. Some 50 delegates attended with representation from 15 of the 26 councils.

A number of issues were raised at the consultation event, which NILGA will be discussing with councils prior to submitting a response to the consultation. The particular concerns raised were:

- Accountability of the proposed Public Transport Agency and transparency of decision-making.
- Better communication of decisions, the reasons for these decisions, and of service information.
- Better accessibility and integration of services, particularly between towns and cities other than Belfast.
- Better forward planning and integration of strategic policies and service delivery across government

- Ensuring value for money and provision of a quality service by all operators.

The public consultation on Public Transport Reform commenced on 9th November 2009 and will close at 5.00pm on 5th February 2010. Further information is available on the DRD website at:

http://www.drdni.gov.uk/index/public_transport/pt-publictransportreform.htm

912.16 ROADS SERVICE – COMBINED FOOTWAY/CYCLEWAY, BALLYMONEY

Work is now complete on various stretches of a new shared Footway/Cycle way in Ballymoney as follows:

1. Seymour Street/Castle Street
2. Raceview Drive/Road
3. Rodeing Foot/Armour Avenue
4. Seacon Road/Frosses Road

A Traffic Regulation Order must now be processed to formally legislate for the new route. Maps are available from the Office of the Chief Executive showing the routes involved. Comments are invited. No comments were offered.

912.17 HOUSING EXECUTIVE – HOUSING RESEARCH

The Chief Executive of the Housing Executive has written on this subject forwarding a copy of a Housing Research Bulletin.

The Bulletin summarises a number of short reports on the sector, produced by the University of Ulster for the Housing Executive. The findings point towards a sector that fulfils a vital role in catering for a range of needs, and raise questions on how best to support the quality private rented sector that will continue to be a very necessary part of Northern Ireland's housing market.

On a similar, sustainability-related theme, other articles in this edition of the Research Bulletin consider the impacts of second homes north and south of the border in Ireland, new evidence on the level of segregation in Housing Executive estates outside Belfast, and the measurement of 'social assets' at local level in Northern Ireland.

This edition of the Bulletin, along with a wide variety of other research publications is available on the Housing Executive's website
www.nihe.gov.uk/index/sp_home/research-2.htm

912.18 NILGA ANNUAL CONFERENCE 2010

The 2010 conference will be held on 18th & 19th February in Newcastle, Co Down. Details are included in the weekly conference schedule.

912.19 STRABANE DISTRICT COUNCIL – EU REGULATIONS ON SPREADING OF SLURRY

At the meeting of Council held on 8th December 2009, the Council passed the following Motion:

“This Council calls on the Environment Minister, Edwin Poots to relax the regulations which apply to the spreading of slurry on farms. Due to the prolonged period of prolonged rainfall over recent months, slurry tanks have become filled with rainwater and thus the storage capacity for slurry has been drastically reduced. Many farmers will therefore be unable to provide storage up until the end of the specified closed period of 31 January 2010. It is critical that this closed period is reduced to allow farmers to lower the level in their tanks, through the spreading of slurry, when ground conditions are suitable.”

Northern Ireland has suffered a significant volume of rainfall in recent months and if this occurrence is to become typical in future years, then the EC Regulations governing the spreading of slurry will require an immediate review. A compromise must be found which will both ensure protection of the environment but which will also ensure the sustainability of the farming industry in Northern Ireland.

Strabane District Council seeks Council's support on this important issue.

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

that Council support Strabane District Council on its representation to the Minister on EU Regulations on the spreading of slurry.

912.20 REPORTS

A list of reports was circulated for members' information.

912.21 NILGA REPORTS & UPDATES

A list of reports was circulated for members' information.

The meeting closed at 9.00 pm.