

Ballymoney Borough Council

Health & Environmental Services Committee Meeting No 354 – 24th November 2009

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BALLYMONEY BOROUGH COUNCIL

Minutes of Health & Environmental Services Committee Meeting No 354 held in the McKinley Room, Riada House, Ballymoney on Tuesday 24th November 2009 at 7.00 pm.

IN THE CHAIR Councillor E Robinson

PRESENT

Aldermen
F Campbell, Mayor
H Connolly
C Cousley, MBE, Deputy Mayor

Councillors
J Finlay
M McCamphill
A Patterson
I Stevenson

APOLOGIES Councillor A Cavlan

IN ATTENDANCE Director of Borough Services
Alderman J Simpson
Committee Clerk

354.1 MINUTES – MEETING NO 353 - 27th OCTOBER 2009

It was proposed by Alderman Connolly, seconded by Alderman Cousley and
AGREED:

that the minutes of meeting No 353 on 27th October 2009 be confirmed as a correct record.

Matters Arising

- 1. Erection of Street Nameplates in a Language other than English**
The Director of Borough Services advised that having written to the Chief Executive of the Equality Commission he had only received an acknowledgement to date.
- 2. Slieveanorra and Croaghan ASSI**
The Director of Borough Services reported that he had also written to NIEA but had as yet to receive any response.

MATTERS FOR CONSIDERATION

ENVIRONMENTAL PROTECTION

354.2 BIO-DIVERSITY OFFICER PROJECT

At its meeting on 4th August 2008 (Minute CM886.19 refers) Council agreed in principle to participate in a proposed Bio-Diversity Officer project. Members had been advised that –

- Preliminary discussions had taken place at officer level regarding the submission of an application to the NI Environment Agency under its Natural Heritage Grant Programme.
- The grant application would seek 75% funding (the maximum available) towards staff and other associated costs necessary to undertake a three year bio-diversity project – a partnership between Coleraine Borough Council, Limavady Borough Council and Ballymoney Borough Council.
- Insofar as both Limavady and Ballymoney were concerned it is envisaged that a bio-diversity audit would be undertaken with a view to producing borough bio-diversity action plans.
- The closing date for grant applications was 22nd August 2008.

Members are asked to note the following –

- Coleraine Borough Council, as the partnership lead council, has been advised that the partnership application under the NIEA Natural Heritage Grant Programme has been successful and it has now also been confirmed that £90,000 has been secured over the period: October 2009 to September 2012.
- NIEA are seeking early confirmation from the partnership that it will commence the project this year by recruiting the project officer and thereby begin to draw down the grant funding allocated.
- Coleraine Borough Council, in its capacity as employer council, has advised that the necessary match funding contribution per partner council per year is: 2009-2010 - £1,698.82, 2010-2011 - £2,193.69, 2011-2012 - £3,082.57 and 2012-2013 - £2,212.33.
- As Moyle District Council is presently in a partnership with Larne Borough Council this will mean that within the project period insofar as the new cluster council for the Causeway area is concerned, a council-wide bio-diversity audit will have been undertaken and implementation work will have been commenced on a council-wide bio-diversity action plan.

IT IS RECOMMENDED that Council confirm its agreement to work with both Coleraine Borough Council and Limavady Borough Council in partnership to undertake the bio-diversity project to be funded principally by NIEA grant, together with equal partner annual contributions as outlined above.

In response to Member questions the Director gave further information as to what was meant by bio-diversity, what it was hoped Ballymoney would gain from the project, how Council would have to work with many other landowners and interest groups to both devise and implement an action plan and made reference to where each of the other prospective members of the new Causeway cluster were in terms of addressing the bio-diversity agenda within their respective districts.

- * **Councillor Stevenson joined the meeting at 7.24pm**
- * **Councillor Finlay left the meeting at 7.29pm during discussions.**

Alderman Campbell queried where the necessary Council contribution might come from, bearing in mind recent budget discussions. The Director of Borough Services advised that in the present circumstances it would not be reasonable to expect that the additionality would come from remaining Directorate budgets. It was agreed that the funding obtained from NIEA represented a very good opportunity and that the relatively small amount of money required by way of a Council contribution in the first year ought to be able to be found.

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

to recommend that Council confirm its agreement to work with both Coleraine Borough Council and Limavady Borough Council in partnership to undertake the bio-diversity project to be funded principally by NIEA grant, together with equal partner annual contributions as outlined above.

HEALTH & SAFETY

354.3 PETROLEUM (REGULATION) ACTS (NORTHERN IRELAND) 1929 and 1937 PETROLEUM SPIRIT LICENCE (RENEWAL)

Applications have been received for the renewal of petroleum spirit licences as follows: -

<u>Premises</u>	<u>Applicant</u>
CB Fuels 33a Bridge Rd Dunloy	Mr C Bradley
Corkey Mini Market 136 Corkey Road Loughguile	Ms J Hartin
Golden Plough 86/88 Drones Rd BALLYMONEY	Mr T Coyle

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

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

to renew the licences as detailed above.

354.4 SAFETY OF SPORTS GROUNDS

As Members have been advised elsewhere “with effect from 31st December 2009 DCAL will bring into operation the remaining Articles of the Safety of Sports Grounds (NI) Order 2006”. Members should note –

- DCAL has presently designated, it is understood, 32 sports grounds throughout Northern Ireland.
- The 32 sports grounds designated are situated in 16 out of the 26 district council areas.
- 2 sports grounds have been designated with the Borough, namely that at Lough Road belonging to Loughgiel GAC and Riada Stadium, the Council's facility.
- Within the Causeway cluster no grounds have been designated in either Limavady or Moyle and only one in Coleraine – The Showgrounds. It is also the case that again only one sports ground has been designated in Ballymena – The Showgrounds.

Members need to be aware that arising from the implementation of the Safety of Sports Grounds (Northern Ireland) Order 2006 there are implications for Council –

- It is the enforcing authority for safety of sports grounds for all designated venues within the Borough.
- BSD (Borough Services Directorate) faces a considerable workload (at an already busy time) to deliver on the Council's behalf its statutory responsibilities.

IT IS RECOMMENDED that Council note its statutory obligations as a relevant enforcing authority as regards the safety of sports grounds/general safety certificate applications.

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

that Council note its statutory obligations as a relevant enforcing authority as regards the safety of sports grounds/general safety certificate applications.

354.5 ENVIRONMENTAL HEALTH GENERAL

CERTIFICATES OF FITNESS

THE PRIVATE TENANCIES (NORTHERN IRELAND) ORDER 2006 ARTICLE 36 (4)

Landlord

Mr. Robert Wilmot

Dwelling- House

31 Union Street,
BALLYMONEY,
BT53 6HT.

Fitness inspection of the above dwelling has been conducted and the dwelling house meets the fitness standard for human habitation as set out in Article 46 of the Housing (NI) Order 1981.

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

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

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

LICENSING

354.6 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATIONS (FULL) (RENEWAL)

Premises

Hedges Leisure Complex
141a Ballinlea Road,
Stranocum,
BALLYMONEY,
BT53 8PX.

Manor Hotel,
69 Main Street,
BALLYMONEY,
BT53 6AN.

Blackwater Bar & Restaurant,
250/252 Castlecatt Road,
Dervock,
BALLYMONEY,
BT53 8BP.

Applicant

Mr. Ivan McCook

Mr. Danny Coulter

Mr. Stephen and Mrs. Sharon
McKillop

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 Alderman Campbell, seconded by Councillor McCamphill and **AGREED:**

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.

354.7 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATION (FOURTEEN UNSPECIFIED DAYS) (RENEWAL)

Premises

Applicant

Dunloy and Hannah McCracken
Memorial Hall

Ms. Anne Allen,
12 Station Road,
Dunloy,
BALLYMENA,
BT44 9AU.

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 applies.

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

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 applies.

354.8 THE BUSINESS OF TATTOOING, EAR PIERCING AND ELECTROLYSIS – REGISTRATION OF PERSONS AND PREMISES – PART V PROVISIONS

Applicant

Premises

Ms. Dympna Mone
(Ear Piercing & Electrolysis)

Trim Tone Tan,
49B Queen Street,
BALLYMONEY,
BT53 6JD.

Mr. Walter Wylie
(Tattooing)

Ink Freak,
12 Castlecroft,
BALLYMONEY,
BT53 6TD.

Ms. Selina Stewart
(Ear Piercing & Electrolysis)

2 Drumnamallaght Road,
BALLYMONEY BT53 7QX.

Mr. Glenn Cole
(Tattooing)

Ink Well,
5 Edward Street,
BALLYMONEY,
BT53 6JE.

IT IS RECOMMENDED that the above persons and premises be registered.

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

that the above persons and premises be registered.

STREET TRADING

354.9 STREET TRADING ACT (NI) 2001 TEMPORARY STREET TRADING LICENCE

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

<u>Purpose</u>	<u>Applicant</u>
Sale of Glow in the Dark Products at Christmas Lights Switch On Ceremony on 26 th November 2009	Mr Aaron Ferguson
Sale of Flashing Lights Switch On Ceremony on 26 th November 2009	Mrs May Yang

IT IS RECOMMENDED that the Borough Council grant the Temporary Street Trading Licences, as detailed above.

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

that the Borough Council grant the Temporary Street Trading Licences as detailed above.

354.10 BETTING, GAMING, LOTTERIES AND AMUSEMENTS (NORTHERN IRELAND) ORDER 1985

Application has been received from the undernoted Society for registration by the Borough Council (Article 136 of the 1985 Order refers):-

<u>Society</u>	<u>Lottery Promoter</u>	<u>Fee</u>
Lislagan Primary School	Ms. Karolyn Robinson, 1 St. James's Park, BALLYMONEY, BT53 6FD.	£35.00

Ballymoney United Youths Mr David Cunningham, £35.00
16 Castlehill Terrace,
BALLYMONEY,
BT53 6RY

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

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

that the Borough Council register the above-mentioned Societies.

HOME SAFETY

354.11 CITY & GUILDS: IMPLEMENTING HOME SAFETY CHECKS CITY & GUILDS: CHILD SAFETY IN THE HOME.

David Adams, Home Safety Officer has recently passed the above qualifications with respect to home safety.

IT IS RECOMMENDED that a letter of congratulations be forwarded to the Home Safety Officer recognising his success.

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

that a letter of congratulations be forwarded to the Home Safety Officer recognising his success.

HEALTH & WELLBEING

354.12 CYCLEScheme

Work is currently being undertaken to review the Borough Council's Sustainability Strategy "People, Places, Products and Resources (2000) in light of the statutory requirement to ensure that public authorities act in a manner that best contributes to the objectives of sustainable development. (Northern Ireland (Miscellaneous Provisions) Act 2006 section 25 refers). Six priority areas have been identified in the document "First steps towards sustainability: A Sustainable Development Strategy for Northern Ireland" (DOENI 2006). One of these priorities is climate change and energy. The following scheme has been identified as one that would make a contribution towards this key area.

To promote healthier lifestyles and reduce environmental pollution, the 1999 Finance Act introduced a tax exemption, which allows employers to cooperate with employees on the purchasing of bicycles, and associated equipment, which can then be used for travel to work. The legislation enables employees to purchase a bike at a reduced cost through a salary sacrifice scheme. The employee savings arise from two key elements:

- VAT savings.
- The fact that deductions are made monthly on gross salary, allowing for savings on normal tax and national insurance payments.

The tangible benefits would be a reduction in car journeys to and from work, for those participating a healthier lifestyle which may in turn result in a reduction in overall absenteeism for the organisation, and promotion of the cycle route infrastructure within and around the town. The following is an outline of the current scheme to which numerous public authorities and Government Departments including DOENI subscribe to.

Cyclescheme is an independent company created to help employers and employees implement the Government's Green transport Plan initiative. It is anticipated that the internal administration of the scheme should not be overly onerous being similar to that for the current 'Give As You Earn' contributions made by employees.

Who can benefit?

Employees paying PAYE, who have a contract that outlasts the duration of the salary sacrifice period are eligible, provided they are over 18 years old, earn more than the National Minimum Wage after the loan repayment has been deducted, and have completed the employer's probationary period (if applicable).

What can be purchased?

The scheme allows for the purchase of bicycles and associated safety equipment up to an approximate value of £1000. Payments are then deducted over a 12 month period. The definition of associated equipment is generally taken to mean things like helmets, locks and lights but can include cycle carriers.

Where can bicycles be purchased?

Bicycles can be purchased at a number of participating stores, one of which is located within Ballymoney.

Who actually owns the bike? What happens if it is stolen?

The bike and goods remain the property of the employer until the hire period finishes, unless the employer uses finance; in this case the finance company will own the bikes during the hire period. At the end of the hire period the employee may be given the opportunity to buy the bike for a fair market value payment. If the bike gets stolen the employee will be liable for any outstanding monies without any tax exemptions. It is the employee's responsibility to ensure the bike is insured. Safety equipment, including Home Office-approved 'Sold Secure' D-locks and cable locks, may be purchased as part of the scheme.

What happens at the end of the loan period?

Most employers opt to sell employees the bike and accessories, and they will pay the fair market value; this is the amount that a buyer would pay to a seller to

purchase the bike and equipment. Each bike is assessed separately, but experience shows values to be around 5% of the original voucher value (sale price) plus VAT. The fair market value cannot be stated before or during the scheme as this could be considered a benefit in kind as hire-purchase does not warrant any tax-relief.

Do employees have to use the bike for work?

A bike purchased under Cyclescheme should be used for work journeys at least 50% of the time. You don't have to cycle to work for a specified number of days throughout the year and you don't have to record your trips or mileage. However, business mileage allowance will not be eligible if using a Bicycle hired to an employee by an employer.

What happens if an employee leaves during a repayment period?

The employee will have to repay the outstanding amount in full.

Members discussed the implications of Cyclescheme to Council.

IT IS RECOMMENDED that Ballymoney Borough Council register with Cyclescheme, and to promote the scheme throughout the organisation. ***IT IS FURTHER RECOMMENDED*** that the identification/installation of secure and covered storage facilities at Riada House, the Joey Dunlop Leisure Centre, Town Hall and Knock Road depot should also be considered.

Following the Director's presentation of this item a discussion ensued. In response to the question - would Councillors be able to avail of the scheme, the Director advised that, although not employees, he could see no reason why the scope of the scheme could not be extended to include members. He stated that given he would withdraw his recommendations and suggested that the business be deferred to the Committee's December meeting in order to give members more time to consider the matter.

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

that the matter be deferred to Health & Environmental Services Committee meeting in December 2009.

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

EU SERVICES DIRECTIVE

354.13 INTRODUCTION

1. What is the European Services Directive?

The European Services Directive aims to break down barriers for cross border trade in services. The Services Directive does not relate to procurement.

2. What do Councils have to do to implement the Services Directive?

Councils need to ensure that their interaction with the service sector complies with the Services Directive by **28th December 2009**. To do this Councils need to –

(a) Online processing of licence applications

- Ensure licence applications can be completed online.
- Ensure licence payments can be completed online.
- Check licence fees charged are proportionate and transparent.
- Set timescales for processing licensing applications and ensure that they are met.

(b) Local byelaws, licence applications and authorisation schemes

- Review local byelaws and any locally set licence/authorisation schemes that impact on service providers to ensure that they are non-discriminatory, transparent, necessary and proportionate.

(c) Information Technology

- Ensure that information about Council is available on the national website established by BERR (Department for Business, Enterprise and Regulatory Reform).

(d) Communication

- Provide a contact point for BERR to liaise with, known as a Primary Liaison Point (PLP). (The Director of Borough Services presently acts as the Councils PLP).
- Register for liaison with other regulators across Europe.

Implementation

Work, on the Council's behalf, to implement its statutory obligations under the EU Services Directive is being undertaken as necessary information, advice and systems become available.

In order that Council can use the Electronic Licence Management System (ELMS) forms service to comply with the EU Services Directive it needs to ensure that any associated fees can be collected online. To do this Council (notwithstanding it has similar services presently in place) must use one or other of the payment solutions that have been integrated with ELMS, namely: Capita (Axis), Civica (Icon), Northgate (Paris) or RBS Worldpay. Having liaised with Finance, ***IT IS RECOMMENDED*** that in order to facilitate the improvements to Council services required by the EU Services Directive that it set up online banking services with RBS Worldpay.

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

that in order to facilitate the improvements to Council services required by the EU Services Directive that Council set up online banking services with RBS Worldpay.

The costs of this facility are – Monthly Fee £19.95. (This allows up to 350 transactions per month, each additional transaction will cost 28p each). ***IT IS FURTHER RECOMMENDED*** that the administrators of this service are the Director of Central & Leisure Services and the Head of Finance & IT as this is simply another banking service and both the named officers are signatories on the other Council bank accounts.

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

that Council accept that the administrators of this service are the Director of Central & Leisure Services and the Head of Finance & IT as this is simply another banking service and both the named officers are signatories on the other Council bank accounts.

BUILDING CONTROL

354.14 BUILDING CONTROL APPLICATIONS

IT IS RECOMMENDED that Council note the **Applications, Building Notices and Regularisation Certificates** as detailed in Appendix 2 (page 17) to this report, which are in accordance with the requirements of the Building Regulations (NI) 2000.

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

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.

354.15 ENERGY PERFORMANCE CERTIFICATE ENFORCEMENT

The Finance Minister has recently announced –

- For some months now officials from my Department (DFP) and Building Control have been working together to develop protocols and procedures to allow the transfer to district councils of enforcement duties under the Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008.
- On 11th November 2009 a new Statutory Rule was made that will transfer the enforcement authority for Energy Performance Certificates, Display Energy Certificates and Air Conditioning Inspections from DFP to district councils.
- DFP will continue to enforce the Regulations in respect of council buildings.
- The legislation will come into operation on 3rd December 2009.

Members discussed the Energy Performance Certificate and enforcement of the regulation. Further information was not available on the team as officers are currently being recruited.

IT IS RECOMMENDED that Council note its new statutory enforcement duties under the Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008, operative from 3rd December 2009.

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

that Council note its new statutory enforcement duties under the Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008, operative from 3rd December 2009.

354.16 BUILDING REGULATION CHARGES FOR ENERGY EFFICIENCY IMPROVEMENTS

Correspondence (dated 16th October 2009) has been received from the Head of the Energy Savings Trust in Northern Ireland who advises –

- One of the Trust's mandates is to help motivate the 735,000 NI householders to make their homes more energy efficient.
- The Trust is in discussion with DFP about the administration and delivery of new financial incentives for householders to install and upgrade cavity wall and loft insulation. The incentive is a one-off rebate on domestic rates on completion of one (or both) measure).
- The installation of cavity wall and loft insulation is work that requires approval from Councils under the NI Building Regulations.
- Whilst the insulation of existing cavity walls is exempt from fees (under the Building (Prescribed Fees) Regulations (NI) 1997, the insulation of lofts attracts a minimum fee of £60.
- The Trust views the requirement for the payment of a fee as a disincentive to householders in the current economic climate.
- It is aware that some Councils, on the strength of legal advice, have already decided to waive the fee for loft insulation to encourage people in their area to do the work and enjoy the benefits that it brings.
- The Trust has written to ask if all Councils would be prepared to adopt a similar policy to help ensure the widest possible take-up of these energy efficiency measures.
- It is envisaged that the scheme and associated rates rebate would run from April 2010 to March 2015.
- The Trust is asking Councils to agree to waive the fees for a similar period.

- It is also envisaged that payment of the rates rebate will be dependent on the issue of a Building Regulations Completion Certificate by the relevant Council.

It is considered that the loss of Building Regulation fee income, should the Council deem it important to support the Energy Saving Trust (NI) proposal, will be insignificant. It is our experience that most people are unaware of the need to obtain Building Regulations approval for this type of work and so there have been very few applications for it. On the other hand, were Council (and others) to publicise the fact that the work can be legally carried out without incurring a Building Regulations fee more people may be encouraged to do it in a properly authorized way.

Members discussed the energy efficient measures in relation to the building regulations and the possible source of the rates rebate.

IT IS RECOMMENDED that Council adopt the proposal that the work of adding additional insulation to roof areas in buildings should be exempt from Building Regulations Fees.

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

that Council adopt the proposal that the work of adding additional insulation to roof areas in buildings should be exempt by Council from Building Regulations Fees.

MATTERS FOR INFORMATION

ENVIRONMENTAL SERVICES

354.17 MUNICIPAL WASTE RETURNS

<u>Waste Type</u>	<u>Oct 2008</u>	<u>Oct 2009</u>	<u>Apr– Oct 08</u>	<u>Apr – Oct 09</u>
Mixed Residual Waste (waste direct to landfill)	828.30t	752.78t -9.12%	6,158.72t	5,411.85t -12.13%
Mixed Dry Recyclables (blue bin recycling)	139.48t	131.92t -5.42%	961.74t	937.64t -2.51%
Garden Waste (brown bin recycling)	90.86t	104.36t +14.86%	956.62t	1,091.94t +14.15%
Waste Recovery* (segregated CA site waste)	59.08t	73.22t +23.93%	153.32t	646.84t +321.89%
Cardboard Recycling*	7.54t	6.92t -8.22%	15.44t	51.64t +234.46%

* Commenced August 2008.

Councillor Robinson commented on the pleasing decrease in mixed residual waste and the fact that tonnage of mixed dry recyclables was also down. She also welcomed the increase in garden waste recycling.

354.18 TIDY NORTHERN IRELAND SURVEY RESULTS 2009

In January 2009, Tidy Northern Ireland conducted a survey of all councils in the province with regard to litter. The questionnaire sought information on street cleansing costs, campaigns, training needs and enforcement. Following on from this, Tidy Northern Ireland published a report on 2nd October 2009 outlining its findings.

The Survey Results, which can be found as Appendix 3, page 18 to this report, revealed that councils in Northern Ireland spent over £28 million on street cleansing in 2008, with an average spend per head of population of £16.15. In Ballymoney during the corresponding period, the approximate annual spend on street cleansing was £207,750 (ranked 26 out of 26 councils) and average spend per head of population was £7.11 (rank 25 out of 26 councils). During 2008, 18 fixed penalty notices were issued in Ballymoney (rank 18 out of 26 councils).

The report concluded that considerable variation exists in expenditure between council areas and that councils have vastly different approaches to their enforcement of the Litter (Northern Ireland) Order 1994. All councils expressed interest in running an anti-litter campaign that targeted the entire province, however, a possible obstacle to running such a campaign would be the financial commitments required of councils.

Members referred to comments they had received from the general public on the cleanliness of the Borough. The Mayor commended the Director of Borough Services on the very satisfactory performance of the Council's Street Cleansing Service.

* **Alderman Connolly left the meeting at 8.45pm**

354.19 CHRISTMAS / NEW YEAR HOLIDAY ARRANGEMENTS

Refuse Collection

The following refuse collection arrangements will operate over the Christmas / New Year period:

Public Holiday	Alternative Collection
Friday 25 th December 2009	Householders / traders to be notified
Monday 28 th December 2009	Unchanged
Friday 1st January 2010	Unchanged

The brown bin collection service is suspended to Monday 1st March 2010.

Civic Amenity Sites

Knock Road and Crosstagherty Civic Amenity sites will be closed on –

Christmas Day	Friday 25 th December 2009
Boxing Day	Saturday 26 th December 2009
New Years Day	Friday 1 st January 2010

and will have limited opening times on the following date:

Thursday 24 th December 2009	8.30am – 1.00pm
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Civic amenity sites will be open as normal at all other times.

Crosstagherty Waste Handling & Transfer Facility will be closed on –

Christmas Day	Friday 25 th December 2009
Boxing Day	Saturday 26 th December 2009
Bank Holiday	Monday 28 th December 2009
New Years Day	Friday 1 st January 2010

Street Cleansing

No street cleansing will be undertaken on 26th December 2009 and this service will be curtailed on 25th December 2009 and 1st January 2010.

354.20 THE MOTOR VEHICLES (CONSTRUCTION AND USE) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2009

The DoE Road Safety Policy Branch advised on 5th October 2009 that the above Regulations were made and would come into operation on 2nd November 2009. They amend the 1999 Regulations to implement Directive 2007/38/EC to require “all large goods vehicles registered since 1st January 2000 and over 3.5 tonnes gross vehicle mass to be equipped with improved mirror systems on the passenger side, where those vehicles are not already subject to the requirements of Directive 2003/97/EC (as amended).

Members are asked to note that to ensure compliance with statutory duty approximately £600 has been spent on necessary environmental services vehicle upgrade.

354.21 THE LANDFILL SCHEME (NI) REGULATIONS 2004 SCHEME YEAR 2008-2009 – FINAL RECONCILIATION

NIEA has advised that “from the quarterly returns submitted through WasteDataFlow NIEA have calculated the amount of Biodegradable Municipal Waste (BMW) sent to landfill by each District Council for the scheme year 2008-2009.

I am pleased to confirm that the total amount of BMW sent to landfill in 2008-2009 by Ballymoney Borough Council was 7,171 tonnes and consequently the Council did not exceed its allowance for this scheme year.”

The Council's allowance for 2008-2009 was 10,550 tonnes.

Councillor Robinson commented on this welcome trend which is necessary for future years.

ENVIRONMENTAL PROTECTION

354.22 DRINKING WATER QUALITY IN NORTHERN IRELAND 2008

On 6th November 2009 a copy of the above document, a report by the Drinking Water Inspectorate for Northern Ireland was received. The Executive Summary has been reproduced at Appendix 4 (page 19) to this report for the benefit of Members.

It is perhaps useful to remind Members that with the discontinuance of the Drumabest borehole, the Ballymoney water supply now comes from Ballinrees Water Treatment Works situated at Windyhall Road, Coleraine and operated by Dalriada Water, a private company under contract with NI Water.

354.23 HIGH HEDGES BILL/CLEAN NEIGHBOURHOODS BILL

As Members are probably aware the DoE Minister has announced plans for two new pieces of legislation to be enforced by NI district councils. He has stated that “the high hedges bill will help people adversely affected by nuisance high hedges bordering their domestic property. The clean neighbourhoods bill will give district councils power to deal more effectively with a wide range of local environmental problems issues such as graffiti, fly-posting, dog fouling and litter – to name but a few.

Members are asked to note the DoE Ministers intention that the proposed Bills can be included in the Assembly’s current legislative programme and that it is probable that no new resources will be made available to implement the measures other than those made available by Councils themselves.

In response to Councillor McCamphill, the Director of Borough Services affirmed that whilst the Minister has announced new powers for Councils he was not minded to grant any additional resources.

FOOD CONTROL

354.24 THE FOOD LABELLING (NUTRITION INFORMATION) REGULATIONS (NORTHERN IRELAND) 2009

The above Regulations, which came into operation on 30th October 2009, implement in Northern Ireland Commission Directive 2008/100/EC on nutrition labelling for food stuffs as regards recommended daily allowances, energy conversion factors and definitions.

354.25 THE FOOD LABELLING (DECLARATION OF ALLERGENS) REGULATIONS (NORTHERN IRELAND) 2009

The above Regulations, which will come into operations on 4th December 2009, implement in Northern Ireland, the amendment made to Directive 2007/68/EC by Commission Regulation No. 415/2009/EC as regards certain food ingredients – those that are likely to cause an allergic reaction in some consumers.

ENVIRONMENTAL HEALTH GENERAL

354.26 ENVIRONMENTAL HEALTH BUDGET – SAMPLING

It has been necessary to suspend the sampling programme insofar as chemical analysis for foodstuffs (composition and labelling) and consumer goods as this budget has been almost expended. This will impact on the Food Safety plan previously agreed, and subsequently with the service level agreement with the Public Analyst. Microbiological sampling of foodstuffs and the testing of private water samples will continue at present as the Public Health Laboratories do not levy a charge for this service. However, this service will be reviewed monthly as there are transportation and purchase costs involved.

The Director of Borough Services informed members that to retain the Public Analyst in Northern Ireland a baseload of work was agreed. If every Council was to reduce the budget, the service may be withdrawn from NI. Samples would then have to be sent to England which would increase costs. Further reduction in sampling may be required e.g. private well samples.

COMMUNITY SAFETY

354.27 MAKIN' SENSE

The Makin' Sense project took place from the 2nd – 5th November 2009. Approximately 300 secondary school children and 310 primary school children participated in the project. A total of 50 individuals attended the evening session in the Town hall on Wednesday 4th November.

Tailored workshops were provided in the secondary schools by NIFRS & PSNI on anti social behaviour; CRUN & Dunlewey Substance Advice Centre on alcohol & drugs; Re-solv on solvent abuse (thanks to funding secured from the Policing with the Community Fund); NEELB on internet safety and HIV Support Group on healthy relationships.

Early feedback has been positive.

354.28 YOU, YOUR CHILD AND ALCOHOL

The CSP in partnership with Dunlewey Substance Advice Centre, CRUN and Health Promotion hosted a stand in Tesco on Thursday 29th October from 10am – 2pm promoting the 'You, your child and alcohol' campaign. A total of 650 leaflets were distributed during this time.

Alderman Campbell commended the CSP Manager for her work with this event.

FUEL POVERTY

354.29 FUEL POVERTY EVENT

The Northern Neighbourhoods Health Action Zone in partnership with Ballymoney, Coleraine and Moyle Councils hosted a fuel poverty seminar on 23rd October in Tilly Molloy's Community Centre in Armoy. The main aim of the seminar was to increase the understanding, skills and knowledge of frontline staff, local elected representatives and community leaders who come into contact with people at risk of, or living in, fuel poverty.

Guest speakers included Professor Christine Liddell from the University of Ulster who spoke about fuel poverty and its impacts on health as well as Paul Wallace from National Energy Action who illustrated the importance of energy efficiency measures to ensure we get the most out of the fuels that we use.

Barbara Gray, Energy Efficiency Adviser for Ballymoney and Moyle Councils, and Angela Welch of Causeway CAB made a joint presentation on some of the work they have undertaken with local clients to make their homes more energy efficient and increase their household incomes. All presentations are available to download from the NNHAZ website at: www.nnhaz.co.uk.

TOBACCO CONTROL

354.30 UNDERAGE SALES TEST PURCHASE EXERCISE

The Directorate carried out an under age sales exercise on Saturday 14th November 2009 in relation to the Children and Young Persons (Protection from Tobacco) (NI) Order 1991 and also The Cigarette Lighter Refill (Safety) Regulation 1999. This was to ascertain the level of compliance within the Retail Trade in the Borough. A total of 14 premises were tested, 8 of these under the Children and

Young Persons (Protection from Tobacco) Order and 6 under The Cigarette Lighter Refill Regulations. I am pleased to report that all premises complied insofar as the sale of tobacco was concerned. However, one sale was made under The Cigarette Lighter Refill (Safety) Regulation 1999. Upon completion of the investigation, a further report will be provided for consideration.

This being all the business, the meeting closed at 8.59 pm.

Appendices:

Appendix 1 Building Control Applications

APPENDIX 1

**Ballymoney Borough Council
Building Control Department
Approvals Report for October 2009**

Ref No: B/2006/0267
Applicant: Mr William Kane
Agent: Diamond Design Studio, 2d The Diamond, Ballycastle
Location: 19 Kirk Road, Ballymoney
Description: Garage

Ref No: B/2007/0133
Applicant: Mr Bryan Barr
Agent: R D Architectural Design Services, 75 New Row, Coleraine
Location: 20 Lisconnan Road, Lisconnan, Ballymoney
Description: Dwelling and garage

Ref No: B/2007/0174
Applicant: Mr Gordon Campbell
Agent: M C Design, 43 Glenhugh Park, Ballymena
Location: 38 Burnquarter Road, Burnquarter, Ballymoney
Description: Dwelling and garage

Ref No: B/2007/0218
Applicant: Mr Patrick McFadden
Agent: Pro Design, 43 Kilmandil Road, Ballymena
Location: 108b Garryduff Road, Garryduff, Ballymoney
Description: Dwelling and garage

Ref No: RC/2009/0014
Applicant: Mr Robert Smyth
Agent:
Location: 4 Millar Avenue, Dervock, Ballymoney
Description: Installation of unvented hot water storage system

Ref No: B/2009/0023
Applicant: Mr Paul Darragh
Agent: Mr F A Wheeler, 201 Garron Road, Ballymena
Location: 18a Lisheegan Road, Lisheegan, Ballymoney
Description: Dwelling and garage

Ref No: B/2009/0026
Applicant: NI Housing Executive
Agent: N I Housing Executive, Twickenham House, Mount Street, Ballymena
Location: 12 The Crescent, Ballymoney
Description: Extension to dwelling

Ref No: BN/2009/0053
Applicant: Mr Samuel Lamont
Agent: H & A Mechanical Services, 28 Fivemile Straight, Draperstown
Location: 39 Bann Road, Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2009/0054
Applicant: Mr & Mrs Paul Christie
Agent:
Location: 2 Westoncroft Avenue, Ballymoney
Description: Alterations to dwelling

Ref No: BN/2009/0055
Applicant: Mrs Margaret Nutt
Agent: HTC Mechanical Services, 220 Mountjoy Road, Stewartstown
Location: 6 Richmond Crescent, Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2009/0056
Applicant: Mr William McLean
Agent: H & A Mechanical Services, 28 Fivemile Straight, Draperstown
Location: 314 Moyarget Road Lisnabrough Mosside Ballymoney
Description: Installation of oil-fired central heating

Ref No: B/2009/0057
Applicant: Mr Norman McConaghie
Agent: Mr Stephen Atkinson, 18 Milltown Road, Ballymoney
Location: 7 Ballykenver Road, Stranocum, Ballymoney
Description: Extension and alterations to dwelling

Ref No: BN/2009/0057
Applicant: Mr Graham McIntyre
Agent: H & A Mechanical Services, 28 Fivemile Straight, Draperstown
Location: 126 Knock Road, Dervock, Ballymoney

Description: Installation of oil-fired central heating

Ref No: BN/2009/0058
Applicant: Mr Hubert Carton
Agent: H & A Mechanical Services, 28 Fivemile Straight, Draperstown
Location: 102 Loughabin Road, Dunloy, Ballymena
Description: Installation of oil-fired central heating

Ref No: BN/2009/0059
Applicant: NI Housing Executive
Agent: H & A Mechanical Services, 28 Fivemile Straight, Draperstown
Location: 25 Clontyfinnan Road, Armoy, Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2009/0060
Applicant: Mr James Heggarty
Agent: Heat Ltd, 27 - 29 Sydenham Road, Belfast
Location: 1 Millrace Terrace, Armoy, Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2009/0061
Applicant: Mr Paul Rogan
Agent: H & A Mechanical Services, 28 Fivemile Straight, Draperstown
Location: 43 Main Street, Rasharkin, Ballymena
Description: Installation of oil-fired central heating

Ref No: BN/2009/0062
Applicant: Mr Leslie Hicks
Agent: H & A Mechanical Services, 28 Fivemile Straight, Draperstown
Location: 2 Richmond Park, Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2009/0063
Applicant: Mr Trevor Dunlop
Agent: HTC Mechanical Services Ltd, 220 Mountjoy Road, Stewartstown
Location: 12 Bann Road, Ballymoney
Description: Installation of oil-fired central heating

Ref No: B/2009/0070
Applicant: Mrs Isobel Barkley
Agent: Hunter Associates, 8 Charlotte Street, Ballymoney

Location: 8 Dehra Gardens, Ballymoney

Description: Extension to dwelling

Ref No: B/2009/0072

Applicant: Mr & Mrs S Wright

Agent: Mr Stephen Atkinson, 18 Milltown Road, Ballymoney

Location: 70 Kilraughts Road, Ballymoney

Description: Extension and alterations to dwelling

Ref No: B/2009/0088

Applicant: Triangle Housing Association Ltd

Agent:

Location: 2 Garryduff Road, Ballymoney

Description: Alterations to create office area

Ref No: B/2009/0090

Applicant: Mr James McKeefry

Agent:

Location: 184 Garryduff Road, Unshinagh, Dunloy, Ballymena

Description: Dwelling and garage

Ref No: B/2009/0093

Applicant: Mrs Elizabeth Aitcheson

Agent: Mr Brian Russell, 48 Lismurn Park, Ballymena

Location: 19 Eastburn Crescent, Ballymoney

Description: Extension to dwelling

Ref No: B/2009/0094

Applicant: Mr Charlie King

Agent: Mr Stephen Atkinson, 18 Milltown Road, Ballymoney

Location: 38 Stuart Park, Ballymoney

Description: Extension to dwelling

Ref No: B/2009/0101

Applicant: Mr Thomas Lavery

Agent: Mr George Shaw, 18 Sandmount Park, Ballymena

Location: 68 Galdanagh Road, Caldanagh, Dunloy, Ballymena

Description: Dwelling and garage

Ref No: B/2009/0104
Applicant: Mr Cecil Warwick
Agent: Ivan McClean, 64 Old Portglenone Road, Ballymena
Location: 6 Glenlough Road, Glenlough, Ballymoney
Description: Dwelling and garage

Ref No: B/2009/0105
Applicant: Mr John Traynor
Agent: Mr Stephen Atkinson, 18 Milltown Road, Ballymoney
Location: 48 Ballyveely Road, Pharis, Ballymoney
Description: Extensions and alterations to dwelling

Ref No: B/2009/0134/MAST
Applicant: Mrs Aileen Hardy
Agent: Diamond Architecture, 77 Main Street, Maghera
Location: 45a Friary Road, Ballyveely Lower, Armoy, Ballymoney
Description: Dwelling and garage

<u>Application Type</u>	Total
B/ Full Plans	17
BN/ Building Notice	11
RC/ Regularisation Application	1
Overall Total	29