

MAGHERAFELT DISTRICT COUNCIL

Minutes of Proceedings of a Meeting of Magherafelt District Council held in the Council Chamber, 50 Ballyronan Road, Magherafelt on Tuesday, 9 May 2006. The meeting commenced at 7.30 pm.

Presiding

J F Kerr

Other Members Present

P McLean

P J Bateson

J Campbell

T J Catherwood

J Crawford

Mrs E A Forde

P E Groogan

O T Hughes

Miss K A Lagan

Rev Dr R T Wm McCrea, MP

Mrs K A McEldowney

J J McPeake

I P Milne

G C Shiels

Apology

J P O'Neill

Officers Present

J A McLaughlin, (Chief Executive)

C W Burrows (Director of Environmental Health)

T J Johnston (Director of Operations)

Mrs A Junkin (Chief Executive's Secretary)

Representatives from Other Bodies in Attendance

Ms Fiona McCaffrey – PAPA NI

Mrs Cecilia O'Hagan – Chairperson, PAPA Mid-Ulster

Mrs Anne McIlvenny – Secretary, PAPA Mid-Ulster

Mrs D McShane - Planning Officer, DoE Planning Service

Mr C McCarney – Magherafelt Area Partnership (Item 15)

1 MINUTES

1.1 It was

PROPOSED by Councillor O T Hughes

Seconded by Councillor I P Milne, and unanimously

RESOLVED: that the Minutes of the Council Meeting held on Tuesday, 11 April 2006 (copy circulated to each Member), be taken as read and signed as correct.

2 **MATTERS ARISING OUT OF THE MINUTES**

The Chief Executive stated that there were no matters as such arising out of the Minutes.

- 2.1 Submitted letters of thanks from Mid-Ulster Branch of the Talking Newspaper, The William Keown Trust and Special Olympics Ulster for donations made by the Council.

Noted.

- 2.2 Submitted a joint letter from Mr Paddy McIntyre, Chief Executive, and Mr B Rowntree, Chairman of Northern Ireland Housing Executive clarifying the Housing Executive's position with regard to the Secretary of State's announcement on the Review of Public Administration on 21 March. The letter also set out the number of housing functions which would transfer to the new Councils in 2009. However, it was emphasised that despite much adverse media publicity that the Housing Executive would be abolished, David Hanson, MP, Minister of State had given reassurances to the Northern Ireland Housing Executive that it would be the Strategic Housing Authority in the meantime and in the foreseeable future.

Noted.

3. **CONGRATULATIONS**

- 3.1 **Councillor P E Groogan** referred to the recent achievements of St Patrick's College's, Hurling Team, Maghera in winning the O'Keefe Cup and proposed that the hurling team be given a reception by the Council.

- 3.1.1 Accordingly, it was

PROPOSED by Councillor P E Groogan
Seconded by Councillor Miss K A Lagan, and

RESOLVED: that the Council host a Reception for the hurling team of St Patrick's College, Maghera to mark their achievement.

- 3.2 **Councillor O T Hughes** also requested that the Chairman host a small reception for Mr William McConnell who had resigned as a journalist with the Northern Constitution. Mr McConnell had attended and reported on Council Meetings in recent months and been very respected by both the staff and the Members.

- 3.2.1 On consideration it was

PROPOSED by Councillor O T Hughes
Seconded by the Chairman, Councillor J F Kerr, and

RESOLVED: that a small reception be hosted by the Chairman for Mr William McConnell.

The Chairman, Councillor J F Kerr welcomed Ms Fiona McCaffrey, Deputy Chief Executive, PAPA Northern Ireland, Mrs Cecilia O'Hagan – Chairperson and Mrs Anne McIlvenny – Secretary (PAPA Mid-Ulster Branch) to the meeting.

The Chairman explained that PAPA had been invited to come to this meeting to address issues surrounding 'The Bamford Review of Mental Health and Learning Disability (NI): "Human Rights and Equality of Opportunity" Report' and in particular that the Council would be better informed to make its response to this consultation report (copy of consultation report previously circulated to each Member).

Ms McCaffery thanked the Council for the opportunity to address the meeting on such an important document at short notice. She stressed that throughout this document there was no mention or provision for Autism. As such, PAPA (Parents and Professionals and Autism) Northern Ireland had to speak out.

Ms McCaffery pointed out that the report was deficient with regards to individuals with autism having equal access to services. This was not mentioned on Page 11 of the report. Also on Page 11 in the Carers Section there was no provision made for those with autism. In the Education Rights section (Chapter 5) there was no provision made for those with autism, despite the Department of Education Northern Ireland's Task Group Report admission to injustice in 2002. In the Involuntary Detentions Section (Chapter 7) again no consideration is given to those with autism despite critical mistakes having been made in the past due to lack of experience.

Ms McCaffery said that it was important to note that statistics showed that the number of individuals with Autistic Spectrum Disorder (ASD) in Northern Ireland was higher than the combined total of Downs Syndrome, Parkinsons and MS. The waiting time for diagnosis had reached a peak at 35 months. The prevalence rates had tripled between 2001 and 2004 and yet there was no regional strategy. Ms McCaffery said that the first money from Department of Health, Social Services and Public Safety had been allocated in 2004 for ASD. She further stated that before the Bamford Review of Mental Health and Learning Disability Report had been published, the Committee had failed to consult on autism, therefore there was a denial of the rights of those with autism and lost opportunities to provide support.

Ms McCaffery explained that PAPA continued to be the main voluntary organisation associated with Autism in Northern Ireland and is held as the lead organisation in Autism in Northern Ireland. She advised that PAPA had been parent led since 1990; it was partnership lead and professionally equipped. PAPA had therefore launched a campaign for an Autism Specific Programme of Care and as such PAPA was requesting a new NI Autism Act which would guarantee the future security and rights of those with ASD and combat the social injustice being perpetrated through the lack of funding. Ms McCaffery explained how PAPA Northern Ireland had joined with Autism Cymra (Wales) in seeking new Government legislation for Autism, and their partnership had been launched by the Secretary of State for Northern Ireland at Whitehall in March 2006.

Finally, Ms McCaffery asked that the Council consider her comments and respond to the report before 31 May 2006.

The Chairman thanked Ms McCaffery for her presentation and asked Mrs O'Hagan and Mrs McIlvenny to join her in order that any Member wishing to ask questions might receive answers or clarification.

The Chairman further said that it was very important to note that Autism had been ignored in the report and trusted that this would be prevented. He promised his support in lobbying for a new specific programme of care for Autism in Northern Ireland.

Councillor J J McPeake referred to the need for early diagnosis and intervention so that the current 3 years waiting time might be reduced. He felt that this long period would be detrimental to the development of anyone waiting for diagnosis particularly in light of the current statistics and it would be very necessary to have a new Autism Act.

Councillor Miss Lagan stated that until quite recently she had been unaware of Autism and the need for training especially for teachers in the rights of the child with autism. She said that PAPA deserved the Council's support in opposing the Bamford report and in seeking new legislation for Autism.

Councillor Rev Dr R T Wm McCrea congratulated PAPA on bringing these important issues to the fore. He spoke of his contact with the Mid-Ulster PAPA group and how he had met with them on their visit to Whitehall. He said that the rights and needs of the child with autism and their parents had to be recognised and not neglected by Government or "pigeonholed" in the Department of Education. He referred to the Statement made by the Secretary of State and said that he had been hoping for some new breakthrough and wondered what it would mean in practice.

In reply, Ms McCaffery said that there was a moratorium. PAPA had requested a copy of Peter Hains statement so that they could read it but this had not been received. What PAPA wanted was an autism specific programme of care for all those diagnosed with ASD or Aspergers Syndrome and their carers.

Councillor G C Shiels said that it was only quite recently at an awareness evening held by the local group that he had become aware of autism. Autism was a life long disability and the efforts made by PAPA and the local group should be supported by all parties and as Councillors they would lobby as best they could for new legislation and recognition of autism in the Bamford Report.

Mrs O'Hagan, Chairperson of the local PAPA group thanked the Council for its support in the past and trusted that they would continue to support them in the future.

The Chairman said that the Council would do all it could to help PAPA in its campaign.

Representatives from PAPA retired from the meeting at 8.10 pm.

The Director of Building Control presented the Department's report for the period from 5 April to 2 May 2006 (copy circulated to each Member).

During the period of the report thirty-seven applications had been recommended for approval. A total of ninety-one applications required amending by architects and agents before granting approval. There were eight Notices and three Regularisations issued.

During this period there were fourteen cancellations –

MA/2001/0489	Sherbourne Developments for dwelling and garage (multi-site) – Site 4-8 Clady Road, Portglenone
MA/2001/0490	Sherbourne Developments for a dwelling – Site 39-45 Clady Road, Portglenone
MA/2001/0491	Sherbourne Developments for a dwelling – Site 48-51 Clady Road, Portglenone
MA/2001/0501	Sherbourne Developments for a dwelling and garage (multi-site) – Site 23-25b Clady Road, Portglenone
MA/2001/0502	Sherbourne Developments for a dwelling – Site 30-36b Clady Road, Portglenone
MA/2001/0518	Sherbourne Developments for a dwelling and garage (multi-site) - Site 1-3, 45 & 46 Clady Road, Portglenone
MA/2001/0525	Marald Prime Developments – dwelling (multi-site) – Site 1-6 Aughrim Road, Magherafelt
MA/2001/0548	Mr Thomas O’Kane – dwelling Site 1-55 Crewe Road, Maghera
MA/2001/0574	Mr John Donnelly – dwelling (multi-site) – Site 1-4 Hospital Road, Magherafelt
MA/2001/0575	Mr Noel McCann – dwelling (multi-site) Site 6-14 Blackpark Road, Magherafelt
MA/2012/0013	Mr Anthony McBride – extension to a dwelling – 28 Iniscarn Road, Desertmartin
MA/2012/0017	Ms Gemma O’Kane – alternations to bar 37 St Patrick’s Street, Draperstown
MA/2023/0184	Mr Thomas Dawson – extension to a dwelling 262 Hillhead Terrace, Castledawson
MA/2023/0207	Mr Ivan Linton – erection of a dwelling and garage Tamlaght Road, Kilrea

There were three extensions of time issued for this period –

MA/2023/0303	Mr James Atkinson – erection of clubhouse and shower facilities at Rectory Road, Tobermore
MA/2023/0325	Mrs Teresa Lewis – erection of garage and store 15 Derrygarve Park Castledawson
MA/2023/0384	Mr Thompson Chambers – extension to a dwelling 16 Beechland Drive, Magherafelt

There were no rejections.

Seventy-six applications had commenced on site and fifty-two applications were found to be complete in accordance with Building Regulations.

There were forty-one Property Certificates issued for this period.

Twelve new Postal Numbers and Postcodes were issued for private dwellings.

5.1 On consideration it was

PROPOSED by Councillor Rev Dr R T Wm McCrea
Seconded by Councillor T J Catherwood, and

RESOLVED: to adopt the report as submitted.

6 **LICENCES/REGISTRATIONS**

6.1 **Entertainment Licence:**

Submitted the following application for an Entertainment Licence which was in order and recommended for granting subject to satisfactory reports being received from the Fire Authority, Public Liability Insurance and Environmental Health:

E. 37 Ardtara Country House
8 Gorteade Road, Upperlands

6.1.1 On consideration it was

PROPOSED by Councillor P E Groogan
Seconded by Councillor J J McPeake, and

RESOLVED: that the application as submitted be renewed.

6.2 **Petroleum Licences:**

Submitted the following applications for Petroleum Licences which were in order and recommended for renewal:

P. 03 Centra Filling Station, 40 Ballyronan Road, Magherafelt
Mr Brian McNicholl

P. 06 Bradley's Service Station, Highfield Road, Magherafelt - Mr K Bradley

P. 30 Hillside Filling Station, 16-18 William Street, Bellaghy - Mr Dermot O'Kane

P. 35 Star Service Station, 36 Castledawson Road, Magherafelt - Mr Ryan Cathcart

P. 45 Weirs Filling Station, 71 Clady Road, Portglenone – Mrs K Weir

P. 47 The Garage, 6 Main Street, Swatragh – Mr Thomas McGuigan

P. 48 Kirkpatrick Filling Station, 27 Main Street, Tamlaght O'Crilly –
Mr Roland Kirkpatrick

P. 50 Glen Road Service Station, 48 Glen Road, Maghera – Mr Eamon McKenna

P. 52 Service Station, 37 Kilrea Road, Upperlands – Brian & Meta McEldowney

P. 56 Gort Service Station, 29 Church Street, Maghera – Mr Brian McLean

P. 57 Glenone Service Station, 34 Clady Road, Portglenone – McCann Bros.

P. 74 Diamond Service Station, 14 The Square, Draperstown – Mr E McAuley

P. 82 Churchview Filling Station, 62c Church Street, Magherafelt –
Mr Damien Convery

P. 97 Swatragh Filling Station, 17 Moneysharvin Road, Swatragh –
Mr N McGrath

6.2.1 On consideration it was

PROPOSED by Councillor Rev Dr R T Wm McCrea
Seconded by Councillor T J Catherwood, and

RESOLVED: that the applications as submitted be renewed.

6.3 **Street Trading Licences:**

Submitted the following applications for Street Trading Licences which were in order and recommended for renewal:

ST 9 Mr Alan Coffey, 39A Cloughey Road, Portavogie
Central Reservation, Market Square, Magherafelt

ST74 Mr Alan Coffey, 39A Cloughey Road, Portavogie
Car-Park and Lay-by adjacent to the Coleraine Road, Maghera

6.3.1 On consideration it was

PROPOSED by Councillor Rev Dr R T Wm McCrea
Seconded by Councillor T J Catherwood, and

RESOLVED: that the applications as submitted be renewed.

6.4 **Application E.126 - Variation of an Entertainment Licence:**

Re-submitted the following application for a Variation of an Entertainment Licence:

E.126 The Elk, 38-40 Hillhead Road, Toomebridge.

The Chief Executive advised that once again it had been recommended that consideration of this licence be adjourned for 1 month at the request of the PSNI.

6.4.1 On consideration it was

PROPOSED by Councillor J J McPeake
Seconded by Councillor J Campbell, and

RESOLVED: that consideration of this application be deferred for another month as requested by the PSNI.

6.5 **Marriage (NI) Order 2003 – Approved Place for Marriages:**

Submitted an application from Ardtara Country House, 8 Gortade Road, Upperlands BT46 5SA to be approved as a place for civil marriages.

The Chief Executive stated that the appropriate fee had been received and the premises were considered to be satisfactory.

6.5.1 On consideration it was

PROPOSED by Councillor J Campbell
Seconded by Councillor T J Catherwood, and

RESOLVED: that Ardtara Country House be approved as a place for civil marriages for the period of one year.

7 **PLANNING SERVICE** 185/4/2006

Submitted the Divisional Planning Manager's report dated 9 May 2006 (copy circulated to each Member).

7.1 **New Applications:**

H/2003/0850/F – Mr J Rodgers
Approval

H/2004/1385/F – not known
Approval

H/2005/0551/F – Mr G Glover
Deferred for an office meeting on the request of Councillor Rev Dr R T Wm McCrea
- Criterion 5

H/2005/0575/O – A Gallagher
Approval

H/2005/0832/F – Mr Simon Wade & Miss Jill Adams
Deferred for an office meeting on the request of Councillor Rev Dr R T Wm McCrea
- Criterion 5

H/2005/0885/O – Slemish Enterprises Ltd
Approval

H/2005/0949/F – Toome Industrial Developments
Deferred for an office meeting on the request of Councillor Miss K A Lagan –
Criterion 5

H/2005/0998/RM – Mr M Duggan
Approval

H/2005/1008/F – Mr J Higgins
Approval

H/2005/1035/RM – P.R.H Construction
Approval

H/2005/1059/O – A Rankin & Son Ltd
Approval

H/2005/1071/F – Mr V Conway
Approval

H/2005/1083/O – Mr Brown

Approval

H/2005/1090/O – J Hancock

Deferred for an office meeting on the request of Councillor J J McPeake – Criterion 5

H/2005/1106/O – Mr J O'Connor

Approval

H/2005/1185/RM – Mr T Lavery

Approval

H/2005/1201/F – Northern Ireland Electricity

Approval

H/2005/1214/RM – Mr G Bolton

Approval

H/2005/1215/F – P McKee

Deferred for an office meeting on the request of Councillor P E Groogan – Criterion 5

H/2005/1220/RM – Mrs B Monaghan

Approval

H/2005/1223/F – Mr G McCloy

Approval

H/2005/1232/F – Ms I McIntyre

Approval

H/2005/1278/F – Mr R Gregg

Approval

H/2005/1281/O – Mrs A McCloy

Deferred for an office meeting on the request of Councillor J J McPeake – Criterion 5

H/2005/1290/O – Mr F Ferran

Deferred for an office meeting on the request of Councillors O T Hughes & Miss K A Lagan – Criterion 5

H/2005/1292/F – Mr R McMaster

Approval

H/2005/1295/F – Mr Gormley

Approval

H/2005/1311/F – Mr P Lagan

Approval

H/2006/0004/RM – Mr D Pickering

Approval

H/2006/0005/O – Mr P McGrath

Approval

H/2006/0023/F – Mr D Hegarty
Approval

H/2006/0041/F – A Currie
Approval

H/2006/0055/RM – Mr E Higgins
Approval

H/2006/0059/F – Mr C O'Hagan
Approval

H/2006/0066/O – Ms M Hemmings
Approval

H/2006/0069/F – Mr C Loughlin
Deferred for an office meeting on the request of Councillor O T Hughes – Criterion 5

H/2006/0076/O – Mr D Atkinson
Withdrawn from schedule by the Planning Service

H/2006/0080/F – Mr J McLarnon
Approval

H/2006/0087/F – Mr M Atkinson
Approval

H/2006/0088/F – Mr G Lindsay
Approval

H/2006/0089/RM – Mr & Mrs D McErlean
Approval

H/2006/0091/F – Ms B McNamee
Approval

H/2006/0093/F – Mrs M McDonnell
Approval

H/2006/0109/RM – Heron Bros
Approval

H/2006/0110/F – Mr P Campbell
Approval

H/2006/0113/F – Northern Ireland Electricity
Approval

H/2006/0118/F – Mr C Armstrong
Approval

H/2006/0123/O – Mr P Clarke
Approval

H/2006/0126/F – Mr J Brunton
Approval

H/2006/0127/F – Mr P Wilson
Approval

H/2006/0130/O – Mr J Henderson
Approval

H/2006/0131/F – Mr W Duffy
Approval

H/2006/0135/RM – Enlim Excavation
Approval

H/2006/0140/F – Old Town Developments
Approval

H/2006/0144/F – Mr & Mrs Convery
Approval

H/2006/0147/F – Mr C Young
Approval

H/2006/0148/F – Mr Stockman
Approval

H/2006/0156/O – Mr P Magill
Deferred for an office meeting on the request of Councillor J J McPeake – Criterion 5

H/2006/0157/O – Mr J Hamilton
Deferred for an office meeting on the request of Councillor G C Shiels – Criterion 5

H/2006/0159/F – St Colm's GAA Club
Approval

H/2006/0163/F – Mr G Boyle
Approval

H/2006/0168/F – Mrs B Doherty
Approval

H/2006/0173/O – Mrs A Coulson
Approval

H/2006/0176/O – Mr S Kelly
Approval

H/2006/0178/A – Mr J Dorman
Approval

H/2006/0180/O – Mr G McEldowney
Deferred for an office meeting on the request of Councillor Miss K A Lagan –
Criterion 5

H/2006/0181/O – Mr D McGuckin

Approval

H/2006/0182/O – Mr D McGuckin

Deferred for an office meeting on the request of Councillor Rev Dr R T Wm McCrea –
Criterion 5

H/2006/0183/F – P McGlade

Approval

H/2006/0185/O – Mr Birt

Deferred for an office meeting on the request of Councillor O T Hughes – Criterion 5

H/2006/0187/F – Mrs E Sands

Approval

H/2006/0189/F – Mr J Junkin

Approval

H/2006/0190/O – Mr A McRory

Deferred for an office meeting on the request of Councillor Miss K A Lagan –
Criterion 5

H/2006/0191/F – Mr E Adams

Approval

H/2006/0193/F – M & M Toner

Approval

H/2006/0195/F – Mr S Doherty

Approval

H/2006/0199/F – Mr G McGuigan

Approval

H/2006/0206/F – North Eastern Education & Library Board

Approval

H/2006/0207/F – Mr I Francis

Approval

H/2006/0209/F – J Boyle

Approval

H/2006/0220/F – Northern Ireland Electricity

Approval

H/2006/0252/F – Mrs A Hardy

Approval

Applications Deferred from Previous Meeting:

H/2003/0500/F – A McCullagh

Councillor P E Groogan advised that this application was to be withdrawn by the applicant.

H/2004/0301/F – G J McKernan
Approval

H/2004/0397/O – R Warwick
Approval

H/2004/1085/O – M McGuigan
Refusal. The Council disagreed with the decision.

H/2004/1156/F – P Kearney
Approval

H/2004/1358/F – T Doherty
Refusal. The Council disagreed with the decision.

H/2004/1389/O – Dr P Kelly
Refusal. The Council disagreed with the decision.

H/2004/1590/O – R Boyle
Refusal. The Council disagreed with the decision.

H/2005/0090/O – J Campbell
Refusal. The Council disagreed with the decision

H/2005/0117/O – Mr S McPeake
Approval

H/2005/0122/RM – Mr M McKenna
Approval

H/2005/0147/O – Mr P Diamond
Refusal. The Council disagreed with the decision.

H/2005/0235/O – Mr J Overend
Refusal. The Council disagreed with the decision

H/2005/0256/O – H Kelly
Application withdrawn by Agent.

H/2005/0309/F – Mr & Mrs McCloskey
Approval

H/2005/0786/O – Mr & Mrs E McAteer
Planning Service withdrew the application from the schedule as further information had been received.

H/2005/0809/F – Mr D Madden
Approval

H/2005/1207/A – Arena Advertising
Refusal. The Council disagreed with the decision.

H/2005/1208/A – Arena Advertising
Refusal. The Council disagreed with the decision.

H/2006/0046/F – Mr P Bateson

Planning Service withdrew this application from the schedule.

7.2 The Planning asked permission to raise further issues regarding dates of meetings and this was agreed to.

7.2.1 Ms McShane enquired about the dates of the June, July and August meetings of the Council

7.2.2 The Chief Executive advised that the Council had agreed to the following arrangements:

June - monthly Council Meeting – Monday, 19 June at 7.00 pm (following the Annual Meeting)

July – no monthly Council meeting

August – monthly Council Meeting – Tuesday, 8 August at 7.30 pm

7.2.3 The Planning further enquired if office meetings would be held in July.

7.2.4 **Councillor Miss K A Lagan** stated that office meetings must be held in July in order to clear the enormous backlog of applications. Members agreed.

7.2.5 The Chief Executive then sought the Council's permission for the usual permission to be given to the Planning Service in July to issue all non-contentious planning applications recommended for approval.

7.2.6 On consideration it was

PROPOSED by Councillor Rev Dr R T Wm McCrea

Seconded by Councillor T J Catherwood, and

RESOLVED: that the Planning Service be authorised to issue all non-contentious planning applications recommended for approval on the July schedule.

7.3 Ms McShane then informed Members that this could be her last meeting that she would be attending, firstly because of holiday arrangements in June, and secondly, the fact that in the near future she would be moving from the Magherafelt District.

7.3.1 The Chairman wished Ms McShane all the very best in the future and said that she had given her best at Council Meetings and in dealing with Councillors queries.

7.3.2 Councillor Rev Dr R T Wm McCrea said that Ms McShane had come to the Council at a very challenging time for Councillors, but they had enjoyed a good working relationship with Denise. She had always carried out her duty and there had never been anything personal even when Members were angry with the Planning Service and its system and frustrated by the news the Department delivered. Ms McShane's mannerism had always been exemplary and he wished her all the best for the future.

7.4 On consideration it was

PROPOSED by Councillor Rev Dr R T Wm McCrea
Seconded by Councillor T J Catherwood, and

RESOLVED: that the Council concur in the opinions expressed in the Planning Manager's report dated 9 May 2006, subject to the above conditions and amendments.

The Planning Officer retired from the meeting at 8.20 pm.

8 **ENVIRONMENTAL HEALTH DEPARTMENT** 196/5/2006

Submitted report for the month of April 2006, (copy circulated to each member). The following matters were taken into consideration:

8.1 Draft Magherafelt Area Plan 2015

Mr Burrows advised that following publication of the Draft Magherafelt Area Plan, the Planning Service had received a considerable number of objections on various aspects of the Plan. Following a meeting between Planning Officers and officers from the Environmental Health Department documentation relating to some of these objections were forwarded to the EH Department seeking our comments on the issues raised therein.

Mr Burrows stated that most if not all the portfolios received from the Planning Service referred to zoning issues covered by planning policies and it was considered to be inappropriate for the EH Department to make comments at this time. Meaningful comments can only be made when the department is aware of the specific proposed development for which planning permission is being sought and the appropriate investigations have been carried out, eg background noise monitoring, contaminated land assessment etc.

Mr Burrows requested the council to approve the following course of action:-

In the event of application for planning permission being made in zoned areas after adoption of the Area Plan, the EH Department would assess each application individually and comment as appropriate as is the case at present.

8.1.1 It was

PROPOSED by Councillor Rev Dr R T W McCrea
Seconded by Councillor J J McPeake, and

RESOLVED: to approve the course of action as recommended for planning applications in the future.

8.2 The Transmissible Spongiform Encephalopathies Regulations (NI) 2006

Mr Burrows informed the members that these Regulations came into force on 3 May 2006 to provide enforcement controls with regard to the removal of specified risk material (SRM) from cattle. He highlighted the enforcement regime in relation to the removal of vertebrate column or back bone as this is now classified as SRM in cattle over 24 months of age at slaughter.

Mr Burrows also advised that approved retail butchers may now be authorised to remove such material from cattle aged between 24 and 30 months at slaughter provided they met the relevant legal criteria. He informed the council that 3 butchers premises in the district had been approved and that the EH Department would be monitoring all approved premises.

Noted.

8.2.1 **Councillor Rev Dr R T Wm McCrea** stressed that monitoring was of vital importance.

8.3 On consideration it was

PROPOSED by Councillor Rev Dr R T Wm McCrea
Seconded by Councillor Mrs E A Forde and

RESOLVED: that the report as submitted by adopted.

9 **OPERATIONAL SERVICES DEPARTMENT** 210/5/2006

Submitted report by the Director of Operations for the month of April 2006 (copy circulated to each Member).

Mr Johnston gave a detailed presentation of his report, and where appropriate sought the Council's opinion/approval/permission regarding a number of specific proposals/recommendations contained in the report. In respect of these items the following resolutions were agreed by Council.

9.1 **Development Services:**

9.1.1 **Proposed Western Regional Tourism Partnerships**

It was

PROPOSED by Councillor P E Groogan
Seconded by Councillor Miss K A Lagan, and

RESOLVED: that the Council authorise its officers to enter into discussion with the relevant officers in Donegal, Sligo and Leitrim County Councils on the possibility of establishing a North West Cross Border Tourism Body.

9.2 **Community Relations**

9.2.1 **Halloween Celebrations**

It was

PROPOSED by Councillor Miss K A Lagan
Seconded by Councillor J J McPeake, and

RESOLVED: that the Council authorise the Officers to hold a children's Halloween party in the Greenvale Leisure Centre, Magherafelt on Tuesday 31 October 2006, from 2.00pm to 6.00pm and the traditional 20 minute Halloween fireworks display in the Council's Football field, Coleraine Road, Maghera.

9.2.2 Christmas Lights Switch-on in Magherafelt

It was

PROPOSED by Councillor Miss K A Lagan

Seconded by Councillor Rev Dr R T Wm McCrea, and

RESOLVED: that the Council would hold the annual switch-on of the Christmas lights in Magherafelt on Friday 24 November 2006, from 7.00pm to 8.00pm and the traditional 20 minute fireworks display from the Church of Ireland field at the back of the Bridewell, Magherafelt.

9.3 **Technical Services:**

9.3.1 Seminar on Proven Technologies

It was

PROPOSED by Councillor P E Groogan

Seconded by Councillor O T Hughes, and

RESOLVED: that members wishing to attend the seminar on Proven Technologies in Galgorm Manor, Ballymena on Tuesday 16 May 2006, would contact Mr Johnston immediately and that the Council would nominate the Chief Executive, the Director of Operations and the Environmental Projects Officer to attend this seminar.

9.3.2 Draft Waste Management Plan (2005 – 2020)

It was

PROPOSED by Councillor P E Groogan

Seconded by Councillor Miss K A Lagan, and

RESOLVED: that members wishing to attend the meeting of the North West Region Waste Management Group's Councillors on Wednesday 7 June 2006 in the Gorteen House Hotel, Limavady, would contact Mr Johnston immediately, and that the Council would nominate the Chief Executive, the Director of Operations and the Environmental Projects Officer to attend this meeting.

9.3.3 Environmental Youth Speak 2006

It was

PROPOSED by Councillor O T Hughes

Seconded by Councillor P McLean, and

RESOLVED: that every pupil who took part in the Environmental Youth Speak 2006 would receive a goodie bag containing recycled items and that the winning school in each section would receive a £25.00 cash prize.

9.3.4 Waste Reduction / Minimisation Policy

It was

PROPOSED by Councillor Rev Dr R T Wm McCrea
Seconded by Councillor T J Catherwood, and

RESOLVED: that the Council would put its house in order by adopting a policy for the reduction of waste generated by the Council.

9.3.5 Waste Infrastructure Task Force

It was

PROPOSED by Councillor J J McPeake
Seconded by Councillor P E Groogan, and

RESOLVED: that the officers would write to NILGA to express the Council's disappointment at the lack of progress made by the Waste Infrastructure Task Force, that given that their role/remit had been to identify infrastructure, funding opportunities and deal with the very real issue of planning, little or no progress had been made in achieving these objectives. Further the Council did not agree that there was a groundswell of opinion to proceed with a Single Waste Disposal Authority as soon as possible. It was accepted that this may be indeed the way forward however further clarification was required regarding the format, role, remit and competency of such an authority before it could be considered by Council. A decision regarding the setting up of a Single Waste Management Authority would therefore be deferred to allow this proposal to be discussed by the Members Committee of the North West Region Waste Management Group, with the views expressed in this resolution being presented to this meeting as this Council's position regarding this matter.

9.3.6 Knife Amnesty

It was

PROPOSED by Councillor O T Hughes
Seconded by Councillor G C Shiels, and

RESOLVED: that the Council would provide one Civic Amenity Site within the Magherafelt District Council area for the duration of the amnesty; for the drop-off of knives.

9.3.7 All other items were noted by the Council.

9.4 Leisure Centre Concessionary Fees

Councillor Miss K A Lagan referred to a motion she had submitted requesting that Leisure Services Concessionary Rates for Senior Citizens and those with Disabilities be reduced to 2005/2006 levels, and that the Council reconsidered the exorbitant charges for this year's summer scheme.

It was accepted that as this motion was an amendment to a resolution taken by Council within the past six months, and as such, the motion should have been signed by at least five Members of the Council before it could be accepted for placing on the Agenda.

It was however agreed that Standing Orders should be set aside in order to discuss this matter.

It was

PROPOSED by Councillor Miss K A Lagan
Seconded by Councillor J Campbell, and

RESOLVED: that Standing Orders be suspended in order to discuss Leisure Services Concessionary Rates.

9.4.1 **Standing Orders Set Aside**

Councillor Miss Lagan stated that the rates being charged for Senior Citizens and those with disabilities had been increased substantially when compared with the increases adopted for those required to pay the full price, as high as 33% compared to 3% in most cases, and that the increases to the summer scheme fees meant that families in the lower income bracket could not longer afford to avail of these facilities.

There followed an extensive discussion regarding this matter with issues such as equality and affordability being the subject of particular debate. At the conclusion of the debate the Members agreed that before taking a decision regarding this matter the officers would survey a number of neighbouring Councils and report to the next meeting of the Council.

9.4.2 **Resumption under Standing Orders**

It was

PROPOSED by Councillor Rev Dr R T Wm McCrea
Seconded by Councillor T J Catherwood, and

RESOLVED: that the Council resume under Standing Orders.

9.5 At this point Mr Johnston sought permission to raise a number of additional items. The Chairman agreed to this request.

9.6 **Town Centre Roundabout, Draperstown**

Mr Johnston advised that the Technical Services Department had received a request from St Colm's High School, Draperstown to design a floral display for the new roundabout in the centre of the town. He stated that the School proposed to run a competition regarding the floral display and would wish to assist Council staff in planting the winning design in this flowerbed. Mr Johnston also advised that the local supermarket owner, Mr Brian O'Kane had expressed an interest in sponsoring the flowerbed.

9.6.1 It was

PROPOSED by Councillor P E Groogan
Seconded by Councillor Miss K A Lagan, and

RESOLVED: that the Council would allow St Colm's High School, Draperstown to design a floral display for the new roundabout in the Centre of the town, and would allow the local supermarket owner Mr Brian O'Kane to sponsor the flowerbed, for a period of one year, at a cost / price agreed with the officers of the Council.

9.7 Swatragh Park

Mr Johnston advised that Carntogher Community Association were enquiring about the possibility of utilising Swatragh Park to carry out a bio-diversity project with St John's Primary School, Swatragh, the intention being to teach the children about their environment by carrying out simple activities with them which would benefit the flora and fauna within the park. Mr Johnston stated that while every effort should be made to encourage children promote environmental issues, there were a number of insurance and health and safety concerns regarding this request, and the ever present issue of setting precedents for others to follow.

Mr Johnston suggested that in his opinion the way forward in these matters was for the Council to produce bio-diversity action plans for all their sites. In his opinion this would allow the Council to consider requests such as this in the light of a recognised procedure. He therefore recommended that the Council note this request and revisit it when bio-diversity action plans have been produced for all Council owned sites.

9.7.1 It was

PROPOSED by Councillor Miss K A Lagan
Seconded by Councillor P E Groogan, and

RESOLVED: that the Council would note this request and revisit it when bio-diversity action plans have been produced for al Council owned sites.

9.8 Seefin Hill Walk, Maghera

Mr Johnston advised that the members would be aware that the officers were instructed by Council to enter into discussions with Carntogher Community Association regarding their proposal for a 7km walking trail using traditional rights of way at Seefin Hill, Maghera. He advised that a meeting had taken place and that Carntogher Community Association had submitted the following proposals:

1. Carntogher Community Association would be applying to the Big Lottery Fund Grants Programme for the maximum available grant of £10,000.
2. Carntogher Community Association intends to indemnify the project themselves.
3. Carntogher Community Association would be responsible for the upkeep of the walk on an ongoing basis.

Mr Johnston stated that in his opinion this was an excellent proposal. This walk would be a welcome addition to the existing walks such as Carntogher Way at Maghera and Hudy's Way at Moneyneena, and would be a benefit to the district with regard to tourism, education, recreation, etc. He advised that to achieve this walk Carntogher Community Association was seeking matching funding under the Landfill Tax Credits Scheme, in fact they were asking for £15,000 under the Landfill Tax Credits scheme.

Mr Johnston in summary stated that to progress this project Carntogher Community Association were basically asking the Council to support its application for both Big Lottery and Landfill Tax Credits funding.

9.8.1 It was

PROPOSED by Councillor Miss K A Lagan,
Seconded by Councillor J J McPeake, and

RESOLVED: that the Council would support Carntogher Community Association's application for both Big Lottery and Landfill Tax Credits funding regarding their proposal for a 7km walking trail using traditional rights of way at Seefin Hill, Maghera.

9.9 Magherafelt and District Road Safety Committee

Mr Johnston advised that the Magherafelt and District Road Safety Committee were asking permission to erect a banner at the Bridewell, Magherafelt to advertise their Safe Driving Event scheduled for Tuesday 23 May 2006.

9.9.1 It was

PROPOSED by Councillor Rev Dr R T Wm McCrea
Seconded by Councillor J Crawford, and

RESOLVED: that the Council would allow Magherafelt and District Road Safety Committee to erect a banner at the Bridewell, Magherafelt to advertise their Safe Driving event on Tuesday 23 May 2006.

9.10 Blood Transfusion Service

Mr Johnston advised that the since 2003 the Northern Ireland Blood Transfusion Service had been using Maghera Leisure Centre for local blood donation sessions at a special rate of £112 for two days. He stated that as this rate was not compatible with the Council's agreed charging procedures, the current management of Maghera Leisure Centre had informed the Blood Transfusion Unit that in future the hire of the hall would cost £40 per hour. The Blood Transfusion Service were however indicating that this was beyond their budget and that they would be most grateful if the Council would consider a special dispensation to allow them to continue using the hall at Maghera Leisure Centre.

9.10.1 It was

PROPOSED by Councillor G C Shiels,
Seconded by Councillor Miss K A Lagan, and

RESOLVED: that the officers would seek a meeting with representatives from the Blood Transfusion Unit to discuss this matter, and report back to Council.

9.11 Transfer of Land at Crawfordsburn, Maghera

Mr Johnston stated that as instructed by Council at its meeting of Tuesday 11 April 2006, he had written to the Housing Executive, regarding the transfer of land at Crawfordsburn, Maghera from the Housing Executive to the Council. He advised that a Miss McGiven responded on 3 May 2006, in writing, advising that the Housing Executive had now instructed their solicitor to carry out legal formalities regarding this matter and that they would liaise with the Council's solicitor to formalise the transfer of this land to the Council.

Noted.

9.12 Provision of Play Area at King William III Crescent, Maghera

Mr Johnston advised that he had received a petition from the residents of King William III Crescent, Maghera requesting the erection of a play area in this estate. He stated that the members would be aware that following a number of similar requests the Council had resolved / agreed that they would not consider the provision of any new play areas until the current programme to refurbish the Council's existing 30 play areas was completed. He stated that in his opinion this resolution meant that this matter could not be progressed at this time.

9.12.1 It was

PROPOSED by Councillor Miss K A Lagan
Seconded by Councillor Mrs E A Forde, and

RESOLVED: that the Council would note the petition from the residents of King William III Crescent, Maghera, and this matter would be revisited when the current programme to refurbish the Council's existing 30 play areas was completed.

9.13 Sperrin Tourism Ltd

Mr Johnston advised the members that the erection of 'Brown Tourism Signs' throughout the District was nearing completion and that £27,604 of NRRTI funding had now been transferred into the Council's account.

Noted.

9.14 It was

PROPOSED by Councillor P E Groogan
Seconded by Councillor Miss K A Lagan, and

RESOLVED: that the report as submitted by adopted.

10 **BEST VALUE PERFORMANCE INDICATORS**

The Chief Executive referred to correspondence received on the Councils' 2004/2005 performance indicators (circulated to Members) for information. He said that he found it hard to agree with the figures presented.

10.1 The Chief Executive in referring to the report drew attention to the financial arrangements for waste collection on Page 5.

Noted.

11 **SUSTAINABLE DEVELOPMENT IN THE COUNTRYSIDE – PPS 14**

Submitted letter from the Chief Executive of Omagh District Council advising that at a joint meeting of the West Rural Regional Councils on 4 May 2006 the representations from the Councils agreed, in principle, to prepare a joint sub-regional response to the Consultation to complement individual Council responses.

They also agreed to procure the services of Michael Murray, Queen's University Belfast to:

- Facilitate individual consultations with each of the West Rural Councils
- Prepare an analysis of PPS 14 and report to a joint meeting on 24 May 2006, and
- Present a draft submission to a joint meeting on 5 June 2006.

The letter further indicated that a letter was being drafted to Lord Rooker expressing the Councillors' concerns about the immediate implementation of PPS 14 proposals and its impact on applications currently in the system and those with outline planning permission.

- 11.1 The Chief Executive further drew the Members' attention to the fees involved for services provided by Queen's University, Belfast of £8,400 to be divided between each of the six Councils participating.
- 11.2 **Councillor J J McPeake** said that there was good cross-party participation at these meetings and showed that the Councils West of the Bann were united in their response on PPS 14.
- 11.3 The Chief Executive reminded Members that they also had to pay consultations fees for Magherafelt's response to PPS 14.
- 11.4 Several Members felt that a sum of approximately £1,000 would be well spent if it showed the Minister and the Department that there was a united voice West of the Bann.
- 11.5.1 On consideration it was

PROPOSED by Councillor J J McPeake
Seconded by Councillor Miss K A Lagan, and

RESOLVED: that the Council pay its share of the consultation fees in procuring Queen's University to make a response on behalf of the Councils in the West Rural Region.

- 11.6 **Councillor G C Shiels** requested that he be recorded as voting against.
- 11.7 **Councillor Rev Dr R T Wm McCrea** said that he did not like the divide East versus West. He warned that in the near future Northern Ireland could be turned into a Greenbelt and there was no possibility of turning every field in the countryside into a building site. He feared that Planning could put a blanked bann across all new developments in the countryside.

12 **FALLEN ANIMALS IN WATER COURSES**

Submitted letter from the Lough Neagh and Lower Bann Advisory Committees dated 12 April 2006 along with copies of letters which had been received by the Committees from the Department of Agriculture and Rural Development dated 15 December 2005 and 16 March 2006 regarding the issue of fallen or dead animals in watercourses (copies circulated to each Member).

- 12.1 The letter intimated that since the Animal By-Products Regulations (NI) came into force in 2003, it is no longer legal to bury fallen animals and landowners were now responsible for removing carcasses from their land and disposing of them in accordance with the Regulations.
- 12.2 Despite the legislation and the establishment of the National Fallen Stock Company, fallen animals could still find their way into watercourses, on to river banks, etc as a result of an accident or through deliberate disposal means. As such carcasses could become a health, navigation or drainage hazard if not quickly removed. They were also unsightly and sometimes detrimental for tourists and those involved in land and water based activity.
- 12.3 The letter further set out information collected by the Committees in relation to the removal of carcasses that were affecting watercourses. The Committees were still concerned about the lack of responsibility in relation to the removal of carcasses from open water, the lack of resources, or will, on the part of landowners to remove carcasses from river banks. The Committees therefore requested that local authorities give consideration to assisting with the removal of such cases.
- 12.4 The letter further enquired if the Council would:
- remove carcasses from relevant stretches of Council owned/managed amenity shoreline and infrastructure
 - where necessary, the Council would assist/encourage landowners with removal of carcasses from river banks, and
 - where appropriate, the Council would facilitate the removal of carcasses from open water.
- 12.5 In response to the above statements, Mr Johnston advised that this issue had been ongoing for a considerable time and that following a number of complaints from Councillors he had sought clarification from the Department of Agriculture and Rural Development regarding this matter. He stated that in response to his queries, the Department had informed him in writing that the landowner is responsible for the disposal of animal by-products on their property, as follows:
- 1 Disposal of carcasses found on privately owned land is the responsibility of the landowner.
 - 2 Disposal of carcasses found on privately owned agricultural land is the responsibility of the farmer.
 - 3 Disposal of carcasses found in rivers is the responsibility of the Rivers Agency.
 - 4 Disposal of carcasses found on the banks of rivers is the responsibility of the landowner (farmer).
 - 5 Disposal of carcasses found on land owned by the Forestry Service is the responsibility of the Forestry Service.
 - 6 Disposal of carcasses found on land owned by the Roads Service is the responsibility of the Roads Service.
 - 7 Disposal of carcasses found on land owned by a District Council is the responsibility of the District Council.

If carcasses or other animal by-products are creating an animal disease or biosecurity risk the Department of Agriculture and Rural Development would wish to become involved and in exceptional cases may have the carcass removed under notice and recover costs from the person/body in possession or control of the material.

- 12.6 **Councillor Miss K A Lagan** enquired that if a landowner had a fallen animal on a piece of waste land which was detrimental to the waterways, environmental health, etc would no one take responsibility for the removal of the carcass.
- 12.7 In reply, Mr Johnston stated that in exceptional circumstances the Department of Agriculture and Rural Development would have the carcass removed under notice and recover costs from the person/body in possession or control of the material.
- 12.8 **Councillor Rev Dr R T Wm McCrea** added that the only way to deal with this issue was by using the guidelines issued by the Department.
- 12.9 Councillor Miss Lagan further referred to people living in the countryside and problems of dumping she felt that the Council had responsibility for waste.
- 12.10 Mr Johnston stated that in accordance with guidelines issued by the Department, it was the landowner's problem.
- 12.11 **Councillor J Crawford** stated that everything was against the farmer especially with the Single Farm Payment. He felt that the landowner would just move the carcass on to somewhere else.
- 12.12 It was

PROPOSED by Councillor Rev Dr R T Wm McCrea
Seconded by Councillor P McLean, and

RESOLVED: that the Chief Executive respond to the letter from Lough Neagh and Lower Bann Advisory Committees, in accordance with the Director of Operations' advice to the Council.

13 **PAYMENT OF ACCOUNTS** 5/2006

Submitted Statement of Expenditure setting out payments to be made during the month of May 2006 (copy circulated to each Member).

- 13.1 The schedule provided for £608,675.93 out of the Revenue Account and £85,921.04 out of the Capital Account.
- 13.1.1 On consideration it was

PROPOSED by Councillor Rev Dr R T Wm McCrea
Seconded by Councillor Mrs E A Forde, and

RESOLVED: to approve the Statement of Accounts as submitted for May 2006.

13.2 **Adjournment of Meeting**

The Chairman, Councillor J F Kerr adjourned the meeting at 9.40 pm for a 10 minutes comfort break.

The meeting reconvened at 9.50 pm.

14 **FINANCIAL CONTRIBUTIONS** 56/4/2006

Submitted the following requests for financial help:

14.1 **Culbane Clay Pigeon Club:**

Submitted letter from Mr Martin Loughlin advising that the Home Internationals and British Open Clay Pigeon Shoot would be held in the Culbane Clay Pigeon Club from 13 July to 16 July 2006 and it would be the first time that it would be held in Northern Ireland. The letter further set out items which the club required to make the event a success, all of which incurred considerable expense. The Club therefore sought a donation from the Council to help host this prestigious competition.(copy circulated to each Member).

14.1.1 On consideration it was

PROPOSED by Councillor O T Hughes
Seconded by Councillor P E Groogan, and

RESOLVED: that the Council make a donation of £1,000 if the Club did not receive funding for events and festivals managed by Mr Michael Browne, the Council's Development Officer.

14.2 **Arts and Disability Forum project:**

Submitted a letter from the Gallery Officer, Arts & Disability Forum seeking sponsorship to support disabled artists. The letter stated that the ADF was first established in 1993 as a charity organisation to provide information and advocacy to disabled people in the arts sector. It is a non-profit-making organisation run by disabled people for disabled people (copy circulated to each Member).

14.2.1 On consideration it was agreed not to make a contribution at present to the Arts and Disability Forum project.

14.2.2 **Councillor Rev Dr R T Wm McCrea** requested that officers find out if any local people were involved in this project.

14.3 **Administration of the Lough Neagh Strategic Fund and the Lough Neagh Cycle Trail:**

Submitted letter dated 15 April 2006 from the Manager of the Lough Neagh Partnership seeking the Council's agreed annual contribution towards the administration of the Lough Neagh Strategic Fund and the Lough Neagh Cycle Trail of £4,400 (copy circulated to each Member).

14.3.1 On consideration it was

PROPOSED by Councillor Rev Dr R T Wm McCrea
Seconded by Councillor Mrs E A Forde, and

RESOLVED: to make the agreed annual contribution of £4,400.

14.4 **Children with Leukaemia:**

Submitted letter from Sir Steve Redgrave appealing for financial help to build new facilities and boost research programmes for today's leukaemia children (copy circulated to each Member).

14.4.1 On consideration it was

PROPOSED by Councillor Rev Dr R T Wm McCrea
Seconded by Councillor J Crawford, and

RESOLVED: to make a contribution of £200 to Children with Leukaemia.

14.5 **Magherafelt & District Road Safety Committee:**

Submitted letter from Mrs Elizabeth Evans, Secretary, Magherafelt & District Road Safety Committee seeking financial assistance towards the Committee's work (copy handed out to each Member).

14.5.1 On consideration it was

PROPOSED by Councillor
Seconded by Councillor J Crawford

RESOLVED: to make a contribution of £600 to the Magherafelt & District Road Safety Committee.

14.6 **Northern Ireland Weightlifters Association:**

Submitted letter from the Northern Ireland Weightlifters Association seeking sponsorship towards the running of the Northern Ireland powerlifting championships. This event has been organised for the past six years by Mr Cecil Lennox from the Magherafelt District.

14.6.1 Members noted that the Championships had always been held in the Mid-Ulster area and accordingly it was

PROPOSED by Councillor P McLean
Seconded by Councillor Rev Dr R T Wm McCrea, and

RESOLVED: that the Council make a contribution of £300 towards the organising of the event.

15 **CONFERENCES AND COURSES:** 298/6/2006

Consideration was given to the nomination of delegates to attend:

15.1 **Launch of Reaching Communities – Big Lottery Fund Programme:**

Event to be held in the Verbal Arts Centre, Londonderry on Tuesday, 30 May from 2.00 to 4.00 pm (details circulated to each Member). Evening information sessions would also be organised in several venues (listed) starting at 7.00 pm.

Noted.

15.2 National Association of Councillors:

Women Networking with Purpose Conference to be held in the Thistle Hotel, Glasgow on 16, 17 and 18 June 2006 (details circulated to each Member). Delegates fees for the conference was £295 plus VAT (£346.63) per candidate.

15.2.1 On consideration it was

PROPOSED by Councillor J J McPeake
Seconded by Councillor P E Groogan

That Councillor Mrs K A McEldowney attends.

15.2.2 It was

PROPOSED by Councillor J Campbell
Seconded by Councillor Rev Dr R T Wm McCrea

That Councillor Miss K A Lagan attends.

There being no further nominations, the Chairman declared that Councillors Mrs K A McEldowney and Miss K A Lagan attend the Conference.

15.3 Housing Conference of the Isles

Social housing conference organised by University of Ulster to be held in the Hillgrove Hotel, Monaghan on 31 May and 1 June 2006. The Conference Fee was £240 plus conference dinner for each delegate.

15.3.1 On consideration it was

PROPOSED by Councillor P E Groogan
Seconded by Councillor O T Hughes, and

RESOLVED: that Councillor J J McPeake attends the conference and dinner.

Mr C McCarney, Magherafelt Area Partnership, joined the meeting.

16 ECONOMIC DEVELOPMENT

Submitted reports on the following requests (copies circulated to each Member):

16.1 (a) Redistribution of Funds under the Community Regeneration Theme:

16.1.1 Mr McCarney reported that the Local Economic Development Programme had identified six themes, to which funding was granted. He said that his report related to Theme 4, the Community Regeneration Theme. Mr McCarney circulated a further report on the current position and stated that some £262,000 had been allocated under this theme. The target was to identify five communities to develop 20,000 sq feet for property based economic projects including industrial, commercial or other economic infrastructure.

16.1.2 Mr McCarney stated that one of the projects at Tamlaght O'Crilly had been withdrawn because the original option was not considered to be viable. Alternative options involving residential provision were being explored. £60,000 had been awarded for this project, made up of £37,000 which qualified for ERDF support (on which the Council could reclaim 50%), and a further £23,000 of Council money. In order that the Council can avail of ERDF it must recommit the £37,000 to another project.

16.1.3 Mr McCarney explained that in response to local advertisements four applications had been received. He outlined the following projects and the grant-aid requested:

- Construction of new Retail/Light Industrial Units at Workspace site at Draperstown - £60,000
- An existing project at Clady which had already received £60,000 from the Council and now required extra funding as a result of the project promoters Riverside Community Enterprises Ltd, failing to secure their proposed site and there had been delay while a second site was found and planning permission granted. This led to increased costs with its implementation - £40,000
- Replacement of a roof on an industrial unit at Tobermore - £30,000
- To renovate the first floor of the Old Fire Station in Magherafelt for Emergency Medical Care (EMC) - £24,000

Mr McCarney further explained that maximum funding EMC could receive was £19,200 as the group would have to provide match funding of 20% of the project costs.

16.1.4 In referring to his report, Mr McCarney explained the results of the Scoring Panel and the options based on the assumption that EMC would be eligible for ERDF this would have to be clarified by the Department of Enterprise, Trade and Investment. He said that the minimum score required to qualify for funding was 65% and as such the Clady project would not be eligible to receive ERDF funding. Tobermore had scored the highest with Emergency Medical Care scoring second and Workspace scoring third.

16.1.5 Mr McCarney requested that the Council consider the following three options:

Option 1 – minimalist – allocation of £37,000 ERDF

£30,000 to Tobermore

£7,000 to EMC (subject to confirmation that they are able to provide match funding of £1,750)

Total Cost to Council - £18,500

Option 2 – status quo – recommitment of £60,000 allocated (£37,000 ERDF and £23,000 MDC)

£30,000 to Tobermore

£19,200 to EMC (subject to confirmation that they are able to provide matching funding of £4,800)

Total Cost to Council - £30,700

Option 3 – fund top three projects

£30,000 to Tobermore

£19,200 to EMC (subject to confirmation that they are able to provide matching funding of £4,800)

£60,000 to Workspace (Draperstown)

Total Cost to Council - £90,700

Mr McCarney further pointed out the risks and benefits of each of the projects.

- 16.1.6 On consideration of which option would bring the most economic benefit to the District it was

PROPOSED by Councillor P McLean

Seconded by Councillor T J Catherwood, and

RESOLVED: that the Council accept Option 2 - £30,000 to Tobermore Business Developments to replace a roof on an industrial unit at Tobermore and £19,200 to Emergency Medical Care (subject to confirmation that the group could provide matching funding of £4,800) to renovate the first floor of the Old Fire Station at Magherafelt.

16.2.1 Young Enterprise Programme:

- 16.2.1 Mr McCarney explained that under the Business and Enterprise theme the Council had awarded Magherafelt Business Education Partnership (MABEP) three grants for its Career Support Programme as set out in his report (copy circulated to each Member).
- 16.2.2 He explained that the Career Support Programme Phase III had been withdrawn because it was not considered to be the best way forward to achieving the aim of promoting the vocational career routes. Part of the Phase II programme which was to assist schools in establishing mini companies in school with the support of Young Enterprise, if required and to invite the schools involved to attend an exhibition of work in the Council Offices each year.
- 16.2.3 Mr McCarney said that the Young Enterprise organisation had been very active in the Magherafelt District with a number of schools participating in their programmes. There were six flagship companies in Magherafelt. In order to wrap up the Career Support Programme Phase II and to reinforce the work undertaken it was proposed that a competition be held for local primary school children who had participated during the current school year. This would involve a visit to the Council Offices to meet local Councillors and relevant staff and whilst encouraging the entrepreneurial spirit it would also provide an important PR opportunity for the Council. Mr McCarney said that the cost associated with the proposal to hold a competition for primary school children involved a Young Enterprise Programme.
- 16.2.4 It was recommended that the Council issue an Addendum to the Letter of Offer to MABEP for the Career Support Programme Phase II to increase the amount of grant awarded by £1,554.

16.2.5 On consideration it was

PROPOSED by Councillor P McLean
 Seconded by Councillor Mrs E A Forde, and

RESOLVED: that the Council issue an Addendum to the Letter of Offer to MABEP for the Career Support Programme Phase II to increase the amount of grant awarded to Young Enterprise Programme by £1,554 in order to organise a competition for primary school children participating the programme.

17 **CONSULTATION DOCUMENTS** 195/5/2006

Consideration was given to the following:

- (a) Letter and Consultation Report on The Bamford Review of Mental Health and Learning Disability – Forensic Services Report seeking comments by Friday, 26 May 2006.
- (b) Consultation Document and corrections, Executive Summary and Questionnaire prepared by the Department of Health, Social Services and Public Safety entitled “Protect Life – A shared vision – The Northern Ireland Suicide Prevention Northern Neighbourhoods Health Action Zone Strategy and Action Plan 2006-2011” seeking comments by 21 June 2006
- (c) Letter and Draft Sub-Regional Transport Plan 2015 seeking comments by Friday, 23 June 2006 seeking comments by Friday, 23 June 2006 (copy of letter circulated to each Member).
- (d) Letter and Consultation Response Booklet on New Nutritional Standards for School Meals and Other Food in Schools seeking comments by 30 June 2006.
- (e) Letter and Consultation Paper on ‘Civil Registration in the 21st Century Modernising a Vital Service seeking comments by 7 July 2006 (copy circulated to each Member)
- (f) Letter and Consultation Paper entitled “Review of Identification of Northern Ireland Bathing Waters 2006” prepared by the Department of the Environment seeking comments by 28 July 2006.
- (g) Northern Ireland Local Government Officers’ Superannuation Committee ‘Funding Strategy Statement’ seeking comments (copy circulated to each Member).

- 17.1 It was further agreed that if any Member of party grouping wished to make comments on this document they should forward them to the Chief Executive who would then arrange to have them sent on to the appropriate body.

18 **ROADS SERVICE** 279/5/2006

- 18.1 Submitted letters and enclosures for the adoption of streets under The Private Streets (Northern Ireland) Order 1980 for developments at:

- | | |
|---|---|
| 1 | Lisadell Drive, Magherafelt Stage 1 & 2 being developed by Mitchell Brothers |
| 2 | Leckagh Drive, Magherafelt Stage 1 being developed by the Northern Ireland Housing Executive |

(copies circulated to each Member).

Noted.

18.2 **Hall Lane, Mayogall Road:**

Submitted a letter of reply dated 28 April 2006 from the Divisional Roads Manager in connection with the Council's request to upgrade the junction at Hall Lane, Mayogall Road, Magherafelt.

- 18.2.1 The letter intimated that in September 2004 additional funding became available for local transport and safety measures and at that time Roads Service considered the possibility of funding the Hall Lane proposal. The intention was to upgrade the junction subject to the availability of land but it was not possible to obtain the necessary land within the short time available. When the proposal was assessed in depth it became apparent that the costs were excessive and did not perform well enough to be included in a LT&SM programme. A reduced scheme was assessed but again it did not perform well against other proposals for the District. The scheme was revisited on a couple of occasions, the most recent being at the beginning of 2006. The recent assessment again confirmed that the proposal did not have sufficient priority to be included in the current works programme. The Forward Planning Section also investigated the possibility of a reduced scheme but it did not rank sufficiently highly when appraised against other schemes, and therefore had not been included in an LT&SM programme.

- 18.2.2 **Councillor J J McPeake** expressed his disappointment with the reply. He said that the disability issue which had been raised with Roads Service had not been resolved. He asked that the Chief Executive reply seeking clarity of the lands issues raised initially in 2004. Councillor McPeake stated that he was not aware of any problems in obtaining suitable land.

- 18.2.3 Members agreed that these matters should be clarified.

18.3 **Draft Sub-Regional Transport Plan 2015:**

- 18.3.1 Submitted letter dated 14 April 2006 from the Head of Transport confirming that the Draft Sub-Regional Transport Plan (SRTP) 2015 had been published in full on 31 March 2006 for consultation (copy of letter circulated to each Member).

- 18.3.2 The letter intimated that members of staff from the Transportation Unit, the local Division and relevant public transport personnel would be available to meet the Council to explain the proposals if the Council wished to avail themselves, if requested.

18.3.3 **Councillor Rev Dr R T Wm McCrea** emphasised the importance of the Council pressing the need for a bypass for Magherafelt as a matter of urgency.

18.3.4 On consideration it was agreed that staff from the Transportation Unit be invited to address these issues when the Divisional Roads Manager would be attending the Council to present his report. It was suggested that both departments attend the August meeting of the Council to be held on Tuesday, 8 August 2006 at 7.30 pm.

19 **NOTICE OF MOTION** 212/5/2006

19.1 In accordance with his Notice of Motion, **Councillor J Campbell** proposed:

“That this Council develops a strategy on procedures to ensure inclusivity and equality within the Council, its committees and all its appointments and that this strategy be produced for implementation at next month’s AGM of the Council.”

In support of his motion, Councillor Campbell outlined his difficulties with what he considered was the unprofessional way the process of D’hondt had been carried out at the previous Annual Meeting of the Council on 24 May 2006. He was therefore attempting through this motion to develop a strategy for the procedures at the next Annual Meeting of the Council. He said that many Councils operated D’hondt and he wished to know by what version. He felt that the matrix for D’hondt should be established and agreed upon before D’hondt was operated at the next Annual Meeting. Councillor Campbell said that eight was the magic number with the current Council. Last year in the allocation of nominations to the various boards and committees the SDLP had to wait to sixth place. He said that for the Ulster Unionist and SDLP groupings D’hondt had been processed wrongly. The idea of nominating or not nominating and passing on the next party was not to him equality. In fact the Ulster Unionists had obtained more seats accordingly than the SDLP through this process. Councillor Campbell said that what his party was looking for was a meeting when the leaders of each of the political groupings within the Council met to discuss nominations. He accepted that Sinn Fein was the party grouping in control within the current Council. Out of the forty-one posts deemed to be of importance, Sinn Fein took 28 (under a proper D’hondt system they would have obtained a maximum of 21 appointments); the DUP took 8 (under a proper D’hondt system would have taken 10 appointments); the UUP took 3 (under a proper D’hondt would have taken 5 appointments) and the SDLP took 2 (under a proper D’hondt system would have taken 5 appointments).

Councillor Campbell suggested that nominations to the Northern Ireland Amenity Council and Members’ Services Committee should be scrapped as they had never held meetings.

Councillor J Crawford suggested that a committee should be set up to consider these matters.

Councillor G C Shiels enquired how the Council would decide on a committee.

Councillor J J McPeake said that his recollection of events at the last Annual Meeting was that system of nominations to boards and committees had been hurriedly put together and was down the route of D’hondt. The number of nominations equated with the number of members within a party grouping, for example, the Sinn Fein party took 32 out of 64 positions, Sinn Fein held 8 seats out of 16 in the Chamber.

Councillor Campbell suggested that the situation be revisited and collectively party group leaders should put their heads together collectively. He suggested that they meet prior to the Annual Meeting and together with the Chief Executive come up with an acceptable system.

Councillor Rev Dr R T Wm McCrea said that the DUP acknowledged that Sinn Fein was the leading party and if his party challenged the D'hondt system the alternative was that Sinn Fein by their majority of seats could vote them off all bodies and committees, if they so wished. He was glad to have the figures and if in generosity the DUP decided to nominate the UUP for the position that was up to them. However he was delighted that during his term of office as Chairman, Bob Cooper had stated that there had been a fair allocation of jobs within the Council. Concluding he said that he wished the votes were different and that everyone at the last election had voted for the DUP.

The motion was seconded by Councillor Miss K A Lagan. She said that there had to be validity in nominating people and it began with the Chairmanship and Vice-Chairmanship. There was no point in certain nominations being made to the Roads Safety Committee and DPP.

The Chief Executive pointed out that there was no definitive version of D'hondt and the Council had used one version of it. If the Council wished to use another version then the Council as a body would have to agree to that.

Councillor Campbell again stated that he did not like the system of D'hondt used by this Council and he wished to develop a strategy.

Councillor Rev McCrea pointed out that in Councillor Campbell's motion there was no mention of setting up a Committee for discussion.

Councillor Campbell then proposed an Amendment.

Amendment

"That this Council sets up a Committee to develop a strategy on procedures to ensure inclusivity and equality within the Council, its committees and all of its appointments and that this strategy be produced for implementation at next month's AGM of the Council."

Councillor Rev McCrea said that the SDLP was trying to come up with something which in actual fact was worsening the situation.

On the motion being put to a vote, 2 Members voted for, 7 Members voted against, 6 Members abstained, voting being by show of hands. The Chairman declared the motion lost.

Councillors P E Groogan and O T Hughes retired from the meeting at 10.45 pm.

RESOLUTION TO PROCEED "IN COMMITTEE"

It was

PROPOSED by Councillor P McLean
Seconded by Councillor I P Milne, and

RESOLVED: that the Council proceed "In Committee".

Council “In Committee”

21 **ACUTE SERVICES AT THE MID-ULSTER HOSPITAL**

This item was taken “In Committee”.

Councillor Miss K A Lagan retired from the meeting at 10.50 pm.

22 **STAFF MATTERS**

There were no staff matters.

23 **LEGAL MATTERS**

This item was taken “In Committee”.

24 **RESOLUTION TO PROCEED IN “OPEN COUNCIL”**

It was

PROPOSED by Councillor P McLean
Seconded by Councillor Rev Dr R T Wm McCrea, and

RESOLVED: that proceedings be resumed in “Open Council”.

Proceedings in “Open Council”

It was

PROPOSED by Councillor P McLean
Seconded by Councillor Rev Dr R T Wm McCrea, and

RESOLVED: that the foregoing proceedings of the Council “In Committee” be and they are hereby approved and adopted.

25 **SEALING OF DOCUMENTS**

There were no items for sealing.

26 **FOR THE INFORMATION OF MEMBERS**

The following items were submitted for the information of Members:-

- (a) Minutes of the 377 Meeting of the North-Eastern Education and Library Board held on Tuesday, 28 March 2006.
- (b) Minutes of Meetings of the Northern Health and Social Services Council held on Wednesday, 1 February and Wednesday, 1 March 2006

- (c) Press Release of the Northern Health and Social Service Board's April meeting.
- (d) The Northern Ireland Policing Plan 2006-2009
- (e) Letter and copy of Emergency Response Standards & IRMP Action Plan 2006/2007 for the Fire Authority for Northern Ireland.
- (f) Joint Special report entitled "Memorial Safety in Local Authority Cemeteries" published by the Local Government Ombudsman for England and the Public Services Ombudsman for Wales
- (g) **Annual Reports:**
 - 1 Fisheries Conservancy Board for Northern Ireland 2004
 - 2 International Fund for Ireland 2005
 - 3 NHSSB – Northern Area Child Protection Committee – April 2004 – March 2005
 - 4 Quarry Products Association – The Voice of the Northern Ireland Quarrying Industry 2005 and a sustainable development report from the aggregates and quarry products industry.
 - 5 Council for Nature Conservation and the Countryside – 2003-2006.

The meeting concluded at 11.05 pm.

CHIEF EXECUTIVE

The foregoing Minutes are hereby Confirmed

_____ (Chairman)

_____ (Date)