

**MINUTES OF MEETING OF THE PUBLIC SERVICES COMMITTEE OF  
DUNGANNON AND SOUTH TYRONE BOROUGH COUNCIL HELD ON  
TUESDAY 22 JUNE 2004 IN THE COUNCIL OFFICES CIRCULAR ROAD  
DUNGANNON**

**MEMBERS PRESENT:** Councillor Badger (Chairman)

Councillors Burton (7.31 pm), Cuddy (7.32 pm),  
Currie (7.34 pm), Daly, Donnelly, Gildernew,  
Gillespie, Irwin, McGonnell, McGuigan,  
McIlwrath, McLarnon, Molloy, Monteith,  
Morrow (7.31 pm), Mulligan

**OFFICERS PRESENT:** Messrs Brachi, Burke, Gillis, McClelland,  
McMinn and Miss Thompson

**APOLOGY:** Councillor Canning

The meeting started at 7.30 pm.

**1 ELECTION OF CHAIRMAN**

The Mayor, Councillor Mulligan, took the Chair for the election of  
Chairman.

Under the previously agreed d'hondt arrangement nomination was  
sought from the UUP.

Proposed by Councillor Irwin  
Seconded by Councillor Mulligan and

**Resolved** That Councillor Badger be elected Chairman.

Councillor Badger took the Chair.

(Councillors Burton and Morrow entered the meeting at 7.31 pm)

**2 ELECTION OF VICE CHAIRMAN**

Proposed by Councillor Daly  
Seconded by Councillor McGonnell

That Councillor Cavanagh be elected Vice Chairman.

Proposed by Councillor McIlwrath  
Seconded by Councillor Irwin

That Councillor Burton be elected Vice Chairman.

The two proposals were put to the meeting 9 Councillors voting for Councillor Cavanagh and 5 voting for Councillor Burton.

The Chairman declared Councillor Cavanagh elected as Vice Chairman.

### **3 BUILDING CONTROL**

The report (appendix 1) of the Director of Building Control was presented reference being made to the undernoted:

#### **3.1 Refusals**

The Director of Building Control advised that as further information required had not been received he recommended refusal of the following applications:

F/259/04	A Smyth	F/314/04	Mr E Jordan
F/290/04	PKJ Developments	F/338/04	Mr B Adamson
F/299/04	Mrs B Curran		

#### **3.2 Unapproved Development**

The Director of Building Control requested that the following be removed from report as plans had now been submitted:

Mr Raymond McKenna	Domestic garage at Cullenramer Road, Dungannon
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#### **3.3 Postal Naming**

The Director of Building Control advised of the postal name "Wellbrook" for the proposed development at Mullaghmore Road, Dungannon.

Some members felt this name was not in keeping with the local area.

Proposed by Councillor Montieth  
Seconded by Councillor Molloy

That a new name be sought for the development.

Amendment

Proposed by Councillor Mulligan  
Seconded by Councillor Burton

To accept the name “Wellbrook” as suggested in the report.

The amendment was put to the meeting and 8 voted in favour and 6 against. The Chairman therefore declared the amendment carried.

### **3.4 Building Control Folder**

The Director of Building Control advised that over the last number of years, on a bi-annual cycle, Building Control has produced a folder for holding any plans, documents etc which have been sent out to customers.

There is no cost to the department for the production of such a folder as the publishers costs are redeemed from advertisement by builders, solicitors etc in the folder.

Proposed by Councillor Cuddy  
Seconded by Councillor Morrow and

**Resolved** That it be recommended to Council to provide a new updated folder.

### **3.5 Adoption of Report**

Proposed by Councillor Currie  
Seconded by Councillor Mulligan and

**Resolved** That it be recommended to the Council that the report of the Director of Building Control be adopted, and that all recommendations, subject to the foregoing, be approved.

(Mr McClelland left the meeting at 7.38 pm)

## **4 LOCAL AGENDA 21**

The report (appendix 2) of the Local Agenda 21 Co-Ordinator was presented reference being made to the undernoted:

### **4.1 Community and Schools Gardens Project**

Members were updated on the above project, as members have expressed an interest in visiting the school gardens Mr Brachi advised that it would be possible to arrange a visit on Tuesday 29 June 2004.

**Resolved** That it be recommended to the Council that Councillors Badger, Daly, Irwin and Molloy visit the school gardens. Mr Brachi to provide further details ie. times to the Councillors.

## **4.2 Sustainability**

Members discussed the various issues regarding sustainability and other environmental issues and what the role of LA21 and the Council could be in dealing with these issues.

Several ideas were brought forward and it was considered that a sub group should be set up to bring forward a strategy.

## **4.3 Adoption of Report**

Proposed by Councillor Gildernew  
Seconded by Councillor Molloy and

**Resolved** That it be recommended to the Council that the report of the Local Agenda 21 Co-Ordinator be adopted, and that all recommendations, subject to the foregoing, be approved.

(Mr Brachi left the meeting at 7.54 pm)

## **5 ENVIRONMENTAL HEALTH**

The report (appendix 3) of the Director of Environmental Health was presented reference being made to the undernoted:

### **5.1 Pre-Application Consultation – Vodafone Installation in the Annahavil Area**

The Director of Environmental Health advised of correspondence which has been received from Mono Consultants Ltd acting on behalf of Vodafone UK in respect of the above.

The letter invites the Council to enter into pre-application discussions prior to the submission of a formal planning application. This consultation may be progressed if so desired through a site or office meeting.

Members felt that it was up to the company to also consult with the community in which the mast is to be erected.

Proposed by Councillor McGonnell  
Seconded by Councillor Currie and

**Resolved** That it be recommended to the Council to meet with the consultants to state the Council's case but also to ask them to consult with the community involved.

## **5.2 Love for Life – Sex Education Programme**

The Director of Environmental Health advised members of the above programme and the organisation's request for Council support for their education programme amongst young people in local schools.

Members considered this to be an excellent programme.

Proposed by Councillor Morrow  
Seconded by Councillor McGonnell and

**Resolved** That it be recommended to the Council to write to the Ministers of Education and Health encouraging financial commitment for the initiative.

## **5.3 Renewal of Entertainment Licence – The Four Ways Hotel**

The Borough Inspector advised that the Entertainment Licence for this premises expired on 10 February 2004. An application to renew this licence was made by the new owners on 9 February 2004. However, no documentation has been provided to support the application despite several written reminders. Verbal advice was also given during an inspection of the premises on 12 March 2004. To date, there has been no contact from the applicants, the application has now been outstanding for over 4 months.

Proposed by Councillor Morrow  
Seconded by Councillor Currie and

**Resolved** That it be recommended to the Council to refuse the application on the grounds that the legal requirements have not been met, this being in line with Council policy that all applications are to be completed within three months of application.

## **5.4 Street Trading Act (NI) 2001**

The Borough Inspector advised that two applications had been received by individuals to operate as stationary traders at the Tamnamore Roundabout.

Proposed by Councillor Currie  
Seconded by Councillor Molloy and

**Resolved** That it be recommended to the Council to grant both licences as per the report.

The report also recommended that a further condition be added to all licences namely,

**“That any assistant employed should comply with the Children (Northern Ireland) Order 1995 (ie. should be over the upper limit of school leaving age)”**. The 1995 Order prevents children engaging or being employed in street trading and the imposition of this condition would be consistent with the Street Trading Act mandatory requirement that an applicant for a licence should be over the age of 16.

Members questioned the enforcement authority of this legislation and whether this legislation is being equally applied throughout all trading establishments ie. pubs.

Proposed by Councillor Gildernew  
Seconded by Councillor Currie

Not to apply this condition to street trading licences.

Councillor Morrow asked it to be noted whether Council had a statutory obligation to include this legislation. The Borough Inspector advised that the Street Trading Act makes specific reference to the Children (Northern Ireland) Order 1995 in respect of the employment of assistance.

Amendment

Proposed by Councillor Morrow  
Seconded by Councillor Burton

To add this further condition to all licences.

Councillor Morrow requested a recorded vote.

On the amendment being taken:

**For:** Councillors Burton, Cuddy, McIlwrath, Morrow and Mulligan (5)

**Against:** Councillors Donnelly, Gildernew, Gillespie, McLarnon, McGuigan, Molloy and Monteith (7)

**Abstained:** Councillors Badger, Currie, Daly, Irwin and McGonnell (5)

Councillors then voted on the proposal:

**For:** Councillors Currie, Donnelly, Gildernew, Gillespie, McLarnon, McGuigan, Molloy and Monteith (8)

**Against:** Councillors Burton, Cuddy, Irwin, McIlwrath, Morrow and Mulligan (6)

**Abstained:** Councillors Badger, Daly and McGonnell (3)

The Chairman therefore declared the proposal carried.

### **5.5 Betting and Gaming (NI) Order 2004**

As per the report the Borough Inspector provided details and costings on an additional amusement permit which will authorise gaming machines which offer a maximum jackpot of £25.

Members also discussed how inspections of amusement premises are conducted and how juvenile use of these establishments could be prevented.

**Resolved** That it be recommended to the Council to accept the fee of £250 to grant this new type of permit and £90 for the renewal of such a permit.

**Resolved** That it be recommended to the Council to write to the appropriate Minister in relation to preventing juvenile use of gaming machines.

### **5.6 Alcohol Byelaws**

The matter of juveniles purchasing alcohol from establishments around the borough was discussed.

In order to determine where the alcohol is being purchased it was suggested that the name of the establishment is shown on the wrapping.

**Resolved** That it be recommended to the Council to engage in a local press campaign and that the Borough Inspector research what other Councils do with regard to this issue and bring back any suggestions.

### **5.7 Survey – Upholstered Furniture**

The Director of Environmental Health advised of the above survey which had been undertaken.

In completing the survey it was advised that a leatherette suite which had been tested did not meet fire safety standards.

The Director recommended sending the file to Council's Solicitors with a view to prosecution.

**5.8 Chartered Institute of Environmental Health Conference Torquay, 14-16 September 2004, £510 plus vat**

The Director advised of the above conference and requested permission for one officer and Councillors to attend.

**Resolved** That it be recommended to the Council that one officer along with Councillors Gillespie and Irwin attend. Any other names to be given at the Council meeting.

**5.9 Washingford Gasworks**

The meeting was advised of work which is ongoing at the above site and a member expressed the community's concern in relation to contaminated land in that area.

The Director of Environmental Health agreed to look into this.

**5.10 Perry Street, Dungannon**

It was advised by a Member that Perry Street in Dungannon has been sold. He highlighted that there are a number of listed buildings on this street and requested that this be brought to the attention of Building Control.

**5.11 6<sup>th</sup> National Environment Conference, 20 and 21 October 2004, The Fairways Hotel, Dundalk, Co Louth**

**Resolved** That it be recommended to the Council that Councillors Badger, Daly, Gillespie and Irwin attend the above conference.

**5.12 Adoption of Report**

Proposed by Councillor Mulligan  
Seconded by Councillor Irwin and

**Resolved** That it be recommended to the Council that the report of the Director of Environmental Health be adopted, and that all recommendations, subject to the foregoing, be approved.

(Mr Gillis left the meeting at 8.57 pm)



## **6 TECHNICAL SERVICES**

The report (appendix 4) and of the Director of Technical Services was presented reference being made to the undernoted:

### **6.1 Ivy Terrace, Donaghmore**

A Member advised that the lane behind Ivy Terrace which is in ownership of the Housing Executive requires resurfacing, kerbing and drainage works. Housing Executive had given an undertaking that this work was to be completed last year.

**Resolved** That it be recommended to the Council to write to the Housing Executive in relation to this.

### **6.2 Exemptions from Waste Management Licensing – Bring Banks operated by Councils**

The Director of Technical Services read letter dated 11 June 2004 from Environment and Heritage Service. The letter advised that the above sites fall within exemptions of the Waste Management Licensing Regulations and that these exemptions are to be registered with EHS and a fee to be paid.

The fee which is being proposed is £730 every 3 years (per grouping of 5 bring centres). The Director advised that this Council has 20 bring centres which would amount to a total of £2920 every 3 years.

Members felt that these charges would be counter productive and that Council should resist paying them.

**Resolved** That it be recommended to the Council to invite Environment and Heritage Service to the next Public Services Committee meeting.

### **6.3 Weed Growth**

Members discussed the matter of weed growth along footpaths in housing developments around the Borough.

The Director of Technical Services advised that this was not a Council responsibility but that of Roads Service, however he added that Council operatives had been doing their best in dealing with the problem.

#### **6.4 Additional Parking – Newmills Football Pitch**

Member highlighted the need for additional parking facilities at the above football pitch and enquired on the best way forward.

The Director advised that the additional parking facilities would require planning permission.

Proposed by Councillor Monteith  
Seconded by Councillor Cuddy and

**Resolved** That it be recommended to the Council to go ahead in applying for planning permission.

#### **6.5 Adoption of Report**

Proposed by Councillor McGuigan  
Seconded by Councillor Mulligan and

**Resolved** That it be recommended to the Council that the report of the Director of Technical Services be adopted, and that all recommendations, subject to the foregoing be approved.

(Councillors McIlwrath, Morrow and Mulligan left the meeting at 9.26 pm)

### **7 EMERGENCY PLAN - PRESENTATION**

The Director of Environmental Health made presentation on a tabletop exercise which was undertaken towards the end of 2003. The exercise was designed to test the arrangements and procedures in the Council's emergency plan (appendix 5).

### **8 DURATION OF MEETING**

The meeting was called for 7.30 pm and ended at 10.00 pm.