

MINUTES OF MEETING OF THE PUBLIC SERVICES COMMITTEE OF DUNGANNON AND SOUTH TYRONE BOROUGH COUNCIL HELD ON TUESDAY 22 NOVEMBER 2005 IN THE COUNCIL OFFICES CIRCULAR ROAD DUNGANNON

MEMBERS PRESENT: Councillor Gildernew (Chairman)
Councillors Badger, R Burton, Daly, Donnelly, Gillespie (7.32 pm), Greenaway, Hamilton

OTHERS: Councillor McGonnell

OFFICERS PRESENT: Messrs Burke, Gillis, Kirk, McMinn and Mrs Marshall

APOLOGY: Councillor Cavanagh

The meeting started at 7.30 pm.

1 CHANGE TO ORDER OF AGENDA

The Director of Environmental Health advised that in the absence of the Local Agenda 21 Co-Ordinator that the meeting continue with the Building Control report. The Director hoped that the LA21 Co-Ordinator would arrive later.

2 BUILDING CONTROL

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

2.1 Refusals

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

C/198/05	Mr G Dynes	F/713/05	Mr B McGartland
C/283/05	Mr G Dynes	F/732/05	Mr A McMullan
F/290/05	Mr P Jordan	C/783/05	Mr M Herron
C/335/05	SELB	F/788/05	Mr A McMullan
F/680/05	Mr D McCoy	F/792/05	Mr A Farmer
C/697/05	Jermon Dev Ltd	C/800/05	Mrs J Beacom
F/708/05	Mr M McConnell	F/817/05	Mr P Brady

2.2 Adoption of Report

Proposed by Councillor Daly
Seconded by Councillor Badger 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 Kirk left the meeting at 7.34 pm)

3 ENVIRONMENTAL HEALTH

The report (appendix 2) of the Director of Environmental Health was presented reference being made to the undernoted:

3.1 Prohibition Notice P5/2005

The Director advised that as there had been compliance with the Prohibition Notice which required removal from and the disposal of 3 no. ladders/stepladders the recommendation to instigate legal proceedings should be withdrawn.

3.2 Licensing

3.2.1 Closing Order

The Senior Licensing Officer detailed as per the report a complaint which has been received from a resident of William Street, Dungannon in relation to late night noise and disturbances arising from persons frequenting hot food take aways in the area. The Senior Licensing Officer went on to direct Members that in light of the evidence provided that Council consider making a Closing Order to restrict the hours of opening of the establishments.

Proposed by Councillor Donnelly
Seconded by Councillor Daly and

Resolved That it be recommended to the Council to serve Closing Order on the premises involved.

3.2.2 Alcohol Byelaws

Members discussed Council policy in relation to first time offenders and whether a formal caution should be given before legal proceedings are recommended. The Senior Licensing Officer advised that at least one case on the report was a second offence.

Resolved That it be recommended to the Council to hold all recommended legal proceedings in relation to alcohol byelaws detailed in report until it is established whether these individuals are first or second time offenders. Senior Licensing Officer to write to police to find out if cautions had been given and what other options may be available.

3.2.3 Designation of Street for Trading Purposes

The Senior Licensing Officer detailed through the report the outcome of the meeting in relation to the designation of an area of The Square, Moy. Members discussed alternative sites and favoured the possibility of using Emerson's disused shop if the owner was agreeable. In the meantime it was felt that the street trading licence should be renewed.

Resolved That it be recommended to the Council to renew the street trading licence and to look at the option of using Emerson's shop.

3.3 Alleged Dog Attacks

In addition to the alleged dog biting incident detailed in the report the Senior Licensing Officer brought a further case to the meeting and recommended that both files be sent to Council's Solicitor.

Due to the protracted nature of the investigation into the additional incident the Senior Licensing Officer advised that should the recommendation be accepted that this file is forwarded to the Solicitor following December's Council meeting otherwise Council may fall foul of the six month rule in relation to bringing proceedings and a potential prosecution lost.

Resolved That it be recommended to the Council to send both files to Council's Solicitor.

3.4 Alcohol Sampling

The Director referred to paper which was circulated to Members in relation to the above. The paper advised that following analysis of 25 alcohol samples being taken the Public Analyst reported that 23 of the samples were "genuine" and 2 were reported as "genuine with labelling irregularities".

The Director advised that based on evidence gathered in relation to this case that it would be most appropriate to offer a Formal Caution to the licensee. However should this offer be refused, then Council should instigate alternative enforcement action, by way of a prosecution as advocated in the Enforcement Policy.

Resolved That it be recommended to the Council to issue a Formal Caution in this case however if this is not complied with then prosecution should follow.

3.5 Sale of Alcohol to Underage Drinkers

The Director spoke of the above problem and advised that work would be undertaken to highlight the matter to the public.

3.6 Chartered Institute of Environmental Health Conference, 6-8 September 2005, Cardiff International Arena

The Director advised that Councillor McGuigan had attended the above conference as Chairman of Southern Group Environmental Health Committee. Cost of conference fee and flights borne by Southern Group Environmental Health Committee, Council to reimburse attendance and mileage costs.

Resolved That it be recommended to the Council to reimburse Councillor McGuigan attendance and mileage expenses.

3.7 Adoption of Report

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 8.15 pm)

4 TECHNICAL SERVICES

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

4.1 International Awards for Liveable Communities

Members congratulated the Director and his team for their excellent work in the Council area. Members commented that it is a significant achievement which was well deserved.

4.2 Tullyvar Landfill Site

Members suggested that it would be useful to arrange a visit to Tullyvar to become more knowledgeable on the operations of the site which would help in future decision making.

Resolved That it be recommended to the Council to arrange a visit to Tullyvar for all Councillors.

(Councillor McGonnell left the meeting at 8.27 pm)

4.3 Irish Central Border Area Network Ltd (ICBAN)

The Director advised that due to a shortfall in funding for a Cross Border Waste Study undertaken on behalf of ICBAN and the East Border Region ICBAN now request additional financial support of £1150.

Resolved That it be recommended to the Council to pay the additional funding required (£1150).

4.4 War Memorial, Dungannon

Following advice taken in relation to the condition of the War Memorial in Dungannon the Director requested permission to run a tender for its restoration.

Proposed by Councillor Burton
Seconded by Councillor Daly and

Resolved That it be recommended to the Council to run a tender for the restoration of the War Memorial in Dungannon.

4.5 Signage – Cottagequinn Cemetery

In response to query regarding signage for Cottagequinn Cemetery the Director advised that he had liaised with Roads Service on the matter, Roads Service advised that as the site was not of historical interest they would not erect any signage. The Director advised that Council had erected their own signage to which Roads Service informed Council that the signage would be removed, however as of yet this has not been done.

4.6 Street Naming

A Member referred to street names which are affixed to end houses being painted out as the owners of these dwellings do not like the street naming attached to their homes. The Member enquired as to whether freestanding signage could be erected in place of the painted out signage.

Resolved That it be recommended to the Council to erect freestanding signage in place of the painted out signage.

4.7 Adoption of Report

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.

5 LOCAL AGENDA 21

In the absence of the Local Agenda 21 Co-Ordinator the Director of Environmental Health tabled the LA21 report (appendix 4) for information.

5.1 Adoption of Report

Resolved That it be recommended to the Council that the report of the Local Agenda 21 Co-Ordinator be adopted.

6 MISCELLANEOUS MATTERS

6.1 Avian Flu

The Director of Environmental Health advised that he was seeking to hold a meeting with DARD on 30 November 2005 with regard to the above. It is hoped that both DARD and Moy Park attend a future meeting to make presentation on issue.

6.2 Telephone Masts

The Director of Environmental Health reported that the study undertaken in relation to the number of masts in the vicinity of Market Square had been completed. The Director of Environmental Health advised that he would ask the officer who undertook the work to make presentation to a future meeting.

6.3 Review of Public Administration

In light of today's announcement the Director of Environmental Health advised that the Chief Executive was putting together RPA documentation to circulate to Councillors.

In response to the Director's question as to whether there were any items they would like included in the documentation Members asked for an explanation on how this Council stands on projects they have undertaken.

7 DURATION OF MEETING

The meeting was called for 7.30 pm and ended at 8.50 pm.