

**MINUTES OF MEETING OF THE STRATEGIC SERVICE DELIVERY COMMITTEE
OF DUNGANNON AND SOUTH TYRONE BOROUGH COUNCIL HELD ON
TUESDAY 29 NOVEMBER 2011 IN THE COUNCIL OFFICES, CIRCULAR
ROAD, DUNGANNON**

- MEMBERS PRESENT:** Councillor Mulligan (Chair)
- Councillors Ashton, Brush, F Burton (7.34 pm), R Burton (7.34 pm), Cavanagh, Cuddy (7.41 pm), Daly, Donnelly, Gildernew, Gillespie, Hamilton, McGahan, McGonnell, McGuigan, McLarnon, Monteith, Morrow, O'Neill, Quinn and Robinson
- APOLOGY:** Councillor Reid
- OFFICERS PRESENT:** K Barrett, Leisure Manager (LM)
A Burke, Acting Chief Executive (ACE)
R Gillis, Senior Licensing Officer (SLO)
N Hill, Tourism & Parks Manager (TPM)
R Lowry, (Senior Building Control Officer) (SBCO)
J McClelland, Director of Building Control (DBC)
F McClements, Deputy Director of Environmental Health (DDEH)
B McMinn, Director of Technical Services (DTS)
M Grogan (Secretariat)
- IN ATTENDANCE:** Mr Graham Byrne, Chief Officer (SWaMP2008)
Mr Phil Russell, Infrastructure Development Director

The meeting started at 7.30 pm

1 SWaMP2008

The Chair welcomed to the committee representatives from SWaMP2008 following which they gave a detailed overhead presentation on the current work of SWaMP2008 (appendix 1).

The representatives expanded on a number of issues for members. The Chair thanked the representatives for the update following which they left the meeting at 8 pm.

2 The Local Government (Miscellaneous Provisions) (NI) Order 1985 – Notice of Intention to Make Closing Order – To Hear Representation from Shop Keeper

This item will be heard at the Special Council Meeting on Monday 5th December 2011.

3 Technical Services

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

OPERATIONAL

3.1 Automatic Public Convenience, Coalisland

The DTS advised the refurbishment of the public convenience in Coalisland is going to cost in the region of €35,000. This will include stripping, electrics etc.

Members was disgusted at the vandalism and felt that the Council Officials, PSNI and neighbourhood should be doing everything to stop this sort of thing happening. Very annoyed that tyres are being made readily available to youths all over Coalisland to burn and cause mayhem.

3.2 Festive Lighting

Members raised concern about the Christmas Lighting on which the greeting is in Irish and Ulster Scots appearing to be erected the wrong way around.

The DTS stated that Technical Services staff were advised to put them up this way, but will address the matter.

3.3 Erection of Litter Bins at Lay-Bys on A4

In response to a query the DTS advised that there were 12 bins implemented on the A4 dual carriageway at a cost of £450 each.

Councillor Morrow left the meeting at 8.10 pm.

3.4 Glencull Riverside Pathway

The DTS advised that the pathway which runs from Omagh Road close to Glencull PS to St Malachy's Church, Ballymacilroy has been damaged as part of the recent flooding and as it has been maintained by the Council for many years, repair work is now ongoing.

3.5 Public Convenience - Scotch Street Car Park

In response to a query regarding the number of people using Scotch Street Public Convenience, the DTS advised that a survey was carried out by traders between Thursday 10th – Saturday 12th November. The findings on the use of the public conveniences were as follows:

Thursday 10th November: 144 people
Friday 11th November: 127 people
Saturday 12th November: 156 people

Members felt it would be unwise to close the Scotch Street facility and if this were to happen what would be the alternatives.

The DTS to bring a full written report to a future Strategic Service Delivery Committee.

STRATEGIC

3.6 Purchase of 1 No. Refuse Collection Vehicle

The DTS advised that it is now necessary to purchase 1 No. 22 Cubic Metre Refuse Collection Vehicle as the department is down two vehicles due to accident and fire damage. The cost of maintaining the older vehicles is proving too costly as some are 15 years old.

Member enquired about procurements at other Councils and their efficiencies.

The DTS to investigate the matter with other Councils.

3.7 Augher Primary School

Member asked if the Council could clean up the footpaths around Augher Primary School as the recent flooding and bad weather has made the ground very dirty and this could be a safety issue.

The DTS advised that he will liaise with James Black of Roads Service on the matter.

3.8 Dungannon Integrated Primary School

Member advised of a similar situation with Dungannon Integrated Primary School.

The DTS agreed to address the situation as with Augher Primary School.

3.9 Adoption of Report

Proposed by Councillor Daly
Seconded by Councillor McGuigan and

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

4. BUILDING CONTROL

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

STRATEGIC

4.1 Heating of Council Offices

The SBO went through findings in relation to Report on Heating System October 2011.

Members were invited to attend site visit on Thursday 1st December to view district heating system in operation at Glenraig (between Belfast and Bangor).

Consideration on all options to be investigated at December meeting after visit to Glenraig.

The ACE to investigate if there was a further opportunity to visit Glenraig for member unable to attend tomorrow.

OPERATIONAL

4.2 Refusals

The DBC advised that as further information required had not been received he recommended refusal of the applications as listed on appendix 4.

4.3 Street Naming

The DBC advised that the following street names have been suggested:

- Proposed Housing Development at Mullaghteigue Road, Dungannon "Wellfield Manor"

Agreed.

- Proposed Housing Development at Killyneil Road, Dungannon "Laurel Mews"

Agreed.

- Proposed Housing Development at Killyman Road, Dungannon "Kilmerron"

Members felt that this name could be confused with Killymerron.

After discussion, it was agreed that that DBC refer back to Developer and suggest that another name be put after Kilmerron i.e. Grove, Way etc.

4.4 Rating of Empty Homes

The DBC advised that following last month's meeting, legal advice, dated 18 November 2011, has been received today in relation to changes in legislation with regard to rating of empty homes and request from LPS for the Council to provide them with information that will enable them to forward 'completion ready notices' to applicants of new dwellings.

The legal advice states that if a valid Notice is served by the Department then the Council has no alternative but to provide the Department with such of the information requested as is within the knowledge or control of the Council.

Legal advice went on to say that it is important to note that the only function of the Council is to supply information to the Department. It is for the Department to serve a completion notice on the owner of the property specifying the date that the property is to be treated as completed for vacant rating purposes, and if the owner disagrees with the Notice the Appeal lies against the Department and not the Council and is heard by the Commissioner of Valuation.

Legal advice suggested that it would be useful for all the Northern Ireland local authorities to agree with LPS the exact nature of the information which will be required by the Department to be furnished by Councils and it would be useful for a memorandum of understanding to be put in place.

Members raised concern about Building Control Officers being pulled into the legal wrangle of appeals, as they could be in a position to be called to give evidence, and it was suggested that it may be well worthwhile contacting NILGA before signing up to the initiative.

Resolved That the DBC contact LPS and ask to be provided with the number of Councils that have committed to provide information and identify any legal issues regarding appeals.

Member advised that homeowners are asking LPS to revalue properties again as their properties were valued at the height of the property boom. Due to economic downturn property prices have fallen sharply, and homeowners feel hard done by, paying high rates on homes which have decreased significantly.

The ACE suggested that if examples of this can be sourced by Elected Members, then there would be no problem writing to LPS to address overcharging of rates.

4.5 Adoption of Report

Proposed by Councillor Monteith
Seconded by Councillor Reid and

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

5 ENVIRONMENTAL HEALTH

The report (appendix 5) of the Deputy Director of Environmental Health was presented reference being made to the undernoted:

STRATEGIC

5.1 The Betting, Gaming, Lotteries and Amusement (NI) Order 1985 – Grant of Permit – File Ref DGN/AP/1-5

Member raised concern about school children entering gambling establishments, clearly seen in their school uniforms. Schools should be made aware of this. These establishments should be made to display universal signs highlighting non-admittance of children in school uniforms. One such establishment is operating 24 hours per day and it was asked if this was permissible under legislation.

The SLO advised that legislation states that residents only living near such gambling establishments can make a complaint if they are causing disturbance.

Members stressed that this Council should be more pro-active in making representations to have such establishments close at a reasonable time.

The ACE advised that the matter will be investigated to see if there is a favourable way forward.

Resolved That it be recommended to the Council that the application – File Ref DGN/AP/1-5 be approved.

5.2 Street Trading Act (NI) 2001 – Update on Trading Issue

Members discussed the matter regarding a hot food trader on the Annaghilla Road and the alleged traffic hazard, as people are parking on the hard shoulder.

After discussion, it was

Resolved: That it be recommended that other agencies, particularly Planning Service is approached before Council action takes place.

FOR INFORMATION

5.3 Public Health Acts

Member requested a breakdown of the prosecutions.

Resolved: That the DDEH send relevant information to member making request.

Councillor McGahan left the meeting at 9.25 pm.

5.4 Oil Stamp Scheme

Members congratulated Environmental Health department on the above initiative.

The DDEH advised that regular updates will be given to Committee.

Councillor Brush left the meeting at 9.27 pm.

5.5 Rating of Vacant Property

The DDEH advised the Environmental Health department has received a number of requests from local residents regarding the condemnation of vacant dwellings so that they gain an exemption from paying rates.

The DDEH drew attention to the last sentence of the report.

“The Environmental Health Department does not have the legislation to prohibit the occupation of any dwelling and so any requests regarding exemptions should be advised to contact the District Valuer as outlined above”.

5.6 Adoption of Report

Proposed by Councillor Donnelly
Seconded by Councillor Cuddy and

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

R Gillis left the meeting at 9.40 pm.

6 TOURISM AND PARKS

The report (appendix 6) of the Tourism and Parks Manager was presented reference being made to the undernoted:

OPERATIONAL

6.1 Play Parks Minor Works

The TPM sought approval for minor works/alterations to existing facilities at Galbally, Castlecaulfield and Ballynakelly.

Proposed by Councillor McGuigan
Seconded by Councillor Gillespie and

Resolved: That £6,500 funding be approved for minor work/alterations at the above sites.

6.2 Advertising Display Bill Boards, Ballygawley Road

As per report TPM advised of request from JC Decaux requesting an extended licence period of three years from November 2011.

Members raised concern that advertising material reflects some businesses outside Dungannon borough. This is taking the trade away from the town.

After discussion, it was

Resolved That the TPM liaise with JC Decaux, outlining concerns raised, and in order for the licence to be granted, Dungannon needs to be promoted.

6.3 Dungannon Park Lake Poaching Incident

The TPM informed the committee that there were two men observed and questioned by the PSNI about poaching fish illegally at Dungannon Park Lake.

After discussion, it was

Proposed by Councillor Cavanagh
Seconded by Councillor Daly and

Resolved: That the case be passed to Fisheries Conservancy Board with a view to prosecute.

6.4 Pollution in Park Lake – Oil Spill

The TPM advised that the local media exaggerated the incident. The oil spill was relatively small and any evidence is now but gone. There was possibly in the region of 60 litres of diesel.

Members felt that it would be beneficial to issue a press release through the local media indicating the successful operation by Park Lake staff and the wide exaggeration of some local media in their reporting of the incident.

6.5 Meadowbank Play Park, Dungannon

The TPM advised that proposals brought through the neighbourhood renewal scheme to upgrade play facilities at Meadowbank, Dungannon have been presented to council for consideration.

After discussion, it was

Proposed by Councillor McLarnon
Seconded by Councillor Cavanagh and

Resolved: To progress the proposal with the identified stakeholders on the basis that DSD is in the position to fund 100% of the capital expenditure.

6.6 Adoption of Report

Resolved That the report of the Tourism and Parks Manager be adopted, and that all recommendations, subject to the foregoing, be approved.

7 MISCELLANEOUS

7.1 Letter from Roads Service – Gritting

The ACE advised that he had received a letter from Roads Service regarding gritting.

Member indicated that a definite plan needs to be put in place giving a clear vision on the way forward between Council and Roads Service. The public needs to be made aware of the Council's position.

Councillors Cavanagh and Daly left the meeting at 10.02 pm.

The DTS advised that he has been liaising with James Black of Roads Service on the matter and that his staff will give assistance, if available, to Roads Service when requested. This was in line with original Roads Service request to the Council.

7.2 New Signage at Leisure Centre

Member enquired about the success of the new signage at the disabled bays at the Leisure Centre.

The LM advised that there is no improvement and people are still parking in the disabled bays as well as on the footpaths.

Suggestion was made to name and shame culprits and to consider clamping.

The LM to investigate.

7.3 Housing Development - Gortgonis

Member raised concern about the above development and advised that 6 houses are occupied and 4 vacant. There is now a problem with raw sewerage and asked that the matter be investigated.

The DDEH advised that NIEA Water Quality Inspectors were investigating along with Building Control surveyors and that she would keep members updated on the issue.

8 DURATION OF MEETING

The meeting was called for 7.30 pm and ended at 10.30 pm.

MAYOR _____

CHIEF EXECUTIVE _____
(Acting)