

## MAGHERAFELT DISTRICT COUNCIL

MINUTES OF Proceedings of a Meeting of Magherafelt District Council held in the Bridewell, 6 Church Street, Magherafelt on Tuesday, 9 September 2003. The meeting commenced at 7.30 pm.

Presiding: Miss K A Lagan

Other Members Present: R A Montgomery  
T J Catherwood  
P E Groogan  
O T Hughes  
J Junkin  
J J Kelly  
J F Kerr (joined the meeting at 7.35 p.m.)  
Rev Dr R T Wm McCrea  
P H McErlean  
P McLean  
S O'Brien  
J P O'Neill  
G C Shiels

Apologies: J A McBride  
H E Mullan

Officers Present: J A McLaughlin (Chief Executive)  
J J Tohill (Director of Finance and  
Administration)  
C W Burrows (Director of Environmental  
Health)  
W J Glendinning (Director of Building  
Control)  
T J Johnston (Director of Operations)  
Mrs A Junkin (Chief Executive's Secretary)  
C McCarney (Manager, Magherafelt Area  
Partnership) – Item 19

Representatives from Other **Northern Ireland Housing Executive -**  
Bodies in Attendance: **West Area:**  
Mr Sean Mackie (Area Manager)  
Mr Brendan Adams (Area Programme Planner)  
Mr Eugene Corbett (Local Manager)  
Mrs Hazel Faithfull (Information Officer)

**Planning Service:**  
Mrs Joan Bryson (Planning Officer)

1. **MINUTES**

It was

PROPOSED by Councillor Rev Dr

R T Wm McCrea,

Seconded by Councillor R A Montgomery, and

**RESOLVED:** that the Minutes of the Meeting of the Council held on Tuesday, 12 August 2003 (copy circulated to each Member) be taken as read and signed as correct.

2. **MATTERS ARISING**  
**MINUTES**

56/9/2003

2.1 Submitted letters of thanks from the Alzheimer's Mid-Ulster Branch and Ms Katie Wilson for donations from the Council.

Noted.

2.2 Submitted letter dated 27 August 2003 from the Rt Hon John Spellar MP referring to the points raised by the Council's delegation when it met with him on 7 August.

2.2.1 Regarding the Council's concerns over the adequacy of the Regional Development Strategy's Housing Growth Indicator for the District, the Minister intimated that the RDS sets out a spatial strategy for development for Northern Ireland over the next twenty-five years. It set out overarching guidance to those involved in providing important infrastructure services and had been agreed following Public Examination by the Assembly and Executive in September 2001. His Department had a statutory duty to issue a statement as to whether the draft Magherafelt Area Plan was in general conformity with the RDS and it was not possible for him (the Minister) to offer any specific comments in advance of his Department receiving the draft Magherafelt Area Plan. The Department of Regional Development would have the full range of strategic guidance in the RDS and to the local circumstances, which had been raised, in making a strategic planning judgement on the Draft Plan.

2.2.2 The letter further stated that the extent of tolerance on housing growth figures that might be acceptable in the Draft Plan would have to be judged in the round in the context of all the relevant strategic guidance in the RDS. The key issue was to bring the Draft Plan stage as quickly as possible to ensure that there was an up-to-date planning framework in place for the District.

2.2.3 The Department for Regional Development had twenty-eight days from the receipt of the Draft Plan to issue a statement in respect of the conformity issue.

Noted.

2.3 Submitted letter from the Rivers Agency advising that the Department of Agriculture and Rural Development proposed to carry out culvert improvement works on the Railway Drain and the Railway Drain Branch, Maghera (copy circulated to each Member).

2.3.1 Members also noted that if the Council wished to respond to the proposed scheme it should do so not later than Thursday 26 September 2003.

2.4 Submitted letter from the Inland Revenue Northern Ireland responding on behalf of the Chancellor of the Exchequer, the Rt Hon Gordon Brown MP to the Council's letter of 29 July 2003 on the payment of Tax Credits (copy circulated to each Member).

2.4.1 The letter intimated that people had been requested to claim for Tax Credits before the end of January to avoid a late rush, but a lot of customers did claim after 31 January 2003 and the Inland Revenue were processing these claims as fast as possible. The letter further highlighted the current position within the Tax Credit Office nationally.

Noted.

2.5 Submitted invitation to all the Members of the Council to attend the opening of the new Lighthouse Coffee Bar, Rainey Street, Magherafelt on Friday 12 September 2003 at 8.00 p.m.

Noted.

### 3. **RETIREMENT**

3.1 The Chairman, **Councillor Miss K A Lagan** advised Members of the retirement of Mr Billy Stewart who had been the Council's Caretaker/Security Man for many years. She said that Billy had been a careful and considerate employee, who would be greatly missed by the Council.

3.1.1 **Councillor Rev Dr R T Wm McCrea** said that Mr Stewart had served the Council well and expressed his thanks to him and wished him a happy retirement.

3.1.2 The Chairman stated that she was organising a small reception in the Chairman's office for Mr Stewart and would provide details later.

3.2 **Councillor G C Shiels** stated that Mr David Wright had recently become the World Ploughing Champion and suggested that perhaps something of a lesser scale than the reception given on the occasion of him winning the All-Ireland Ploughing Championships, could be organised to mark the occasion. He said that it was the first time that anyone from the District had won the event.

3.2.1 **Councillor Rev Dr R T Wm McCrea** extended his congratulations to Mr Wright and said that winning the World Championship was a great honour that had been brought to the District and to this country.

Noted.

**Councillor J F Kerr joined the meeting at 7.35 p.m.**

4. **NORTHERN IRELAND  
HOUSING EXECUTIVE  
PRESENTATION**

90/9/2003

The Chairman welcomed Mr Sean Mackie and representatives from the Housing Executive to the and asked them to present the District Housing Plan 2003-2004 for the Magherafelt District (copy circulated to each Member).

4.1 Mr Mackie in presenting the Housing Plan for the current financial year said that it represented an investment of £3.2 million which had been allocated as follows:-

Improvement/refurbishment work	- £1.380 million
Planned repairs in NIHE homes	- £0.450 million
Day to day maintenance	- £0.368 million
Home Improvement Grants	- £0.990 million

Housing Associations would be implementing 27 new build units programmed to start during 2003/04 to the value of £1.45 million.

## 4.2 Housing Need

### 4.2.1 **Waiting List:**

Mr Mackie reported that the waiting list over the last year showed that it had risen by 15% from 254 to 291 at December 2002 and that the number in housing stress for the same period had risen by 43% from 104 to 149. The main method of meeting housing need was through re-letting of existing stock and during the period from September 2001 to September 2002 a total of 133 allocations had been made to applicants.

### 4.2.2 **Homelessness:**

Mr Mackie said that the number of households presented as homeless dropped from 243 to 201 whilst the number awarded Full Duty Status had dropped by 13 to 111. The majority were single person households or small families and accounted for almost 70% of all those awarded Full Duty Status. During the year 22 homeless cases required temporary accommodation and on average those applicants awarded Full Duty Status having points for homelessness were housed within 41 days.

## 4.3 Social Newbuild Programme

Mr Mackie said that the Housing Executive used three elements to examine the need for new social housing –

- The number on the waiting list in Housing Stress
- The level of re-lets
- The number of vacant properties.

4.3.1 Last year a scheme for six family dwellings was started at Tirkane, Maghera by the Rural Housing Association. The construction of new homes was the responsibility of Housing Associations. This year the plans for new housing included 27 units at:-

Magherafelt – 3 units for supported housing – reviewed by the Trust

Draperstown – 6 units for general needs – may increase to 8 units – under review

Upperlands – 3 units for general needs – scheduled to start this year

Hospital Road, Magherafelt – 15 units for supported housing

Mr Mackie further stated that unfortunately these 15 units would not be progressing as the site had been lost at the last minute and an alternative site was being considered, however it was unlikely that the scheme would start this year.

4.3.2 A further 38 units were planned to commence in the following two years. The Housing Executive would continue to monitor the demand for social housing and turnover of existing stock.

#### 4.4 Improving Housing Conditions

Mr Mackie advised that external cyclical maintenance had been started on 181 properties last year throughout the District; multi-element improvements to 41 homes at St Lurach's, Mill Crescent, and Kilross. Heating replacement had been carried out in 66 homes and smoke alarm installation in 58 homes. This year it was planned to start work on external cyclical maintenance in 227 homes, heating replacement to 59 homes which had started in July 2003, kitchen refurbishment in 56 homes at Beatrice Villas, Ashgrove and Beechlands and major improvements to 45 homes at Beechland, and Carsonville.

##### 4.4.1 **Adaptations:**

The Regional Manager said that 168 adaptations were carried out last year at a cost of £505,918; 81 people with disabilities benefited from major adaptations and 71 involved the changing of heating to oil central heating.

#### 4.5 Improving Private Sector Stock

Mr Mackie said that he was pleased to report that the 2001 House Condition Survey indicated that unfitness in the Magherafelt District had decreased from 10.5% in 1996 to 7% which compared with the Northern Ireland unfitness figure of 4.9%. The primary mechanism in reducing private sector housing unfitness and disrepair was through the formal means test target resources to those in greatest need. Last year a total of 266 preliminary enquires were received and 186 approvals were issued to a value of £1.118m.

206 grants were completed bringing the total amount of grants paid to £1.2m

4.5.1 The District Manager said that the Group Repair Scheme enabled the Housing Executive to assist owners of privately owned dwellings to improve the exterior structure of their properties. The scheme was designed to assist owners of terraced properties for which an area approach to improvements was considered appropriate. Since the expansion of Group Repair outside Belfast the Regional Office had assessed schemes in Draperstown, which would be starting in the near future and one in Castledawson. Unfortunately the scheme in Castledawson could not go ahead because there were not enough people interested. It was hoped that other areas would be considered for this work.

#### 4.6 Community Regeneration and Social Inclusion

Mr Mackie spoke of the Housing Executive's commitment to the development of community involvement in the delivery of its housing service.

4.6.1 The District was actively involved in promoting community safety and had a neighbourhood warden and through his work was striving to enhance the service in some local communities and in particular the Riverside area of Castledawson.

4.7 In conclusion Mr Mackie paid tribute to Magherafelt Consumer Panel. He thanked the District Council for its support and Councillor McErlean for his contribution as the District's representative to the Northern Ireland Housing Council.

#### 4.8 Members' Comments

**Councillor Rev Dr R T Wm McCrea** thanked Mr Mackie for his report. He also thanked Mr Corbett for the manner in which he dealt with complaints in the local office and Mr H Patterson who had recently retired, for the work he had carried out in the community during his years of service. Councillor Rev McCrea referred to Page 44 of the report – Table 18 – Improvement and Maintenance Completions from 2001/02 and 2002/03 which showed a significant decrease instead of an increase.

Councillor Rev McCrea also referred to the number of allocations and the number in housing stress. He said that many people needed housing and they did not have the necessary 30 points, therefore housing was still required and more houses needed to be built. 15 houses were to be built in Magherafelt but had been postponed and it was hoped that they could be built next year. Councillor Rev McCrea asked if Magherafelt would then have 29 houses being built, as 14 houses were already planned for next year, and if this were the case, where would they be built.

Councillor Rev McCrea further asked about the installation of smoke alarms as there seemed to be no mention of funding for this facility in the current year or did this mean that they were installed in all houses.

Councillor Rev McCrea also stated that it was very difficult to have someone housed at night-time within the District, and the emergency call people did not have any details of homeless accommodation.

In reply, Mr Mackie said that the ECM Improvements proposals were in line with funding; 120 units per year. There was a need for housing stress to be monitored. If the Executive could start all the housing for Magherafelt it would. It was not the Housing Executive's policy to put smoke alarms into every dwelling, only flats and bungalows and if they are carrying out improvements smoke alarms will be installed. He was disappointed to hear about the management of emergency housing situations and this would be given more consideration. There was the discretion to house or use a hotel room for one night for emergency housing.

**Councillor J F Kerr** thanked Mr Mackie for his report and the manner in which it had been presented in that it was easy to read but felt that there could be some hidden facts behind the data and figures given. He referred to Page 51 on Rural Housing and said that he looked forward to the result of the Latent Demand Testing to quantify levels of need exercise and welcomed the Executive's ideas on rural housing need which could be of benefit. Councillor Kerr advised that there would be tremendous interest in 6 dwellings at Tirkane.



Mr Mackie suggested that the Councillor write to Mr Brendan Adams or request the Chief Executive to write on behalf of the Council.

Councillor Kerr referred to the disquiet regarding the housing figure given for the Area Plan and said that any building in rural areas would be welcomed. He also referred to the Waiting List figures given on Page 30 and asked if this was cyclical.

Mr Mackie said that the Executive accepted that they had only recently commenced carrying out a Latent Need Testing exercise. He said that when the testing exercise was being carried out other questions were asked, for example, if they were interested in social housing, co-ownership, private renting, private housing, etc. This information was valuable. The scheme changed in 2000 and everybody had to reapply. The housing list moved up and down and the picture fluctuated. Mr Mackie added that traditionally approximately 20% disappeared from the List.

Councillor Kerr referred to Page 28 of the report and commented on the level of unfitness that was down to 7% but still above the average and enquired if the Executive had any plans to level this out.

Mr Mackie said that the unfitness in the Magherafelt District had decreased from 10.5% in 1996 to 7% that compared with a Northern Ireland unfitness figure of 4.9% in 2001.

**Councillor P H McErlean** also thanked Mr Mackie for his report. He said that the Northern Ireland Housing Council provided an excellent link body to the Executive. He referred to the competition between developers for the local housing market and suggested that there was a shortfall in housing due to site constraints. He enquired if there was any change regarding social housing in Ballynease.

Councillor McErlean also enquired when the surveys on Latent Demand would be available.

In reply Mr Mackie stated that the results would be made available when completed.

Mr Adams said that with regards to social housing in Ballynease there was no change.

**Councillor J J Kelly** congratulated the Housing Executive on producing an easy to understand report. He referred to the situation in Leckagh, Magherafelt where there was an unprecedented forced movement of Catholics out of the estate.

Mr Mackie explained that the report had been compiled before these events. However the Executive was committed to working in partnership with people to see if the situation could be resolved.

The Chairman, **Councillor Miss K A Lagan** raised the issue of the allocation of single unit dwellings and referred to instances of housing young people with the elderly and asked if there was a way of addressing the problem.

Mr Mackie advised that of latter days bungalows were only allocated to the elderly. Under the local policy and in certain circumstances some properties had been set-aside for the elderly. He said there was much more intensive work to be carried out by John Hagan along with the Council to help people change.

**Councillor R A Montgomery** thanked Mr Eugene Corbett the Acting Local Manager for his assistance and paid tribute to the former Local Manager, Mr H Patterson, and wished him a happy retirement. Councillor Montgomery also congratulated the Housing Executive on the production of "Housing News".

The Chairman, Councillor Miss K A Lagan thanked Mr Mackie and his staff for attending the meeting and presenting the District Housing Plan.

**Representatives of the Housing Executive retired from the meeting at 8.20 p.m.**

5. **BUILDING CONTROL  
DEPARTMENT**

210/9/2003

The Director of Building Control presented the Department's report for the period 13 August to 2 September 2003 (copy circulated to each Member).

5.1 Mr Glendinning stated that during the period of the report thirty-nine applications had been recommended for approval. There were no rejections. Two applications had been cancelled after going beyond the four-year period – MA/0990/0104 – Mr Declan Cassidy, 1 Ringsend Close, Swatragh for an extension to a dwelling, and MA/2001/0235 – Mr M Quinn, 3 Derramore Gardens, Magherafelt for an extension to a dwelling. One year extension of time beyond the three-years period had been granted to – MA/2001/0177 – Mr Laurence Kelly, 20 Gortahurk Road, Draperstown.

5.1.1 Fifty-seven applications had commenced on site and forty-three applications were found to be complete in accordance with Building Regulations.

5.2 It was

PROPOSED by Councillor Rev Dr

R T Wm McCrea,

Seconded by Councillor T J Catherwood, and

RESOLVED: that the report as submitted be adopted.

## 6. NAMING AND NUMBERING OF STREETS

Further consideration was given to the naming and numbering of units in Rainey Street car-park. These units were known as Units 1, 2 and 3 but the relevant legislation suggested that a postal address had to reflect the name that a location was actually known as.

6.1 **Councillor J J Kelly** proposed that the units be called “Rainey Square”.

Mr Tohill also reminded Members that the two units to the rear of 50 Rainey Street had previously been numbered 50A and 50B.

6.2 **Councillor Rev Dr R T Wm McCrea** stated that he did not particularly care for the use of “Rainey Street Car-park”.

6.3 Other Members suggested that the name Meadow should be used.

6.4 It was

PROPOSED by Councillor J J Kelly  
Seconded by Councillor S O'Brien

That the units be called "Rainey Square".

6.5 On further consideration, it was

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

RESOLVED: that Mr Tohill contact the two owners before the next Council Meeting, giving them a list of the Council's suggestions and asking that they choose the name they preferred.

6.6 Mr Tohill listed the names suggested, as follows:-

Meadow Park  
Meadowlane Car-Park  
Rainey Street Car-park  
Rainey Street Rear  
Rainey Park  
Rainey Square

## 7. PETROLEUM LICENCES

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

- P. 2 Braeside Service Station,  
5 Tobermore Road, Desertmartin,  
Magherafelt – Mr E Campbell
- P. 49 McGinnis Service Station,  
87 Culnady Road, Upperlands, Maghera –  
Mr J A McGinnis
- P. 52 Service Station,  
37 Kilrea Road, Upperlands, Maghera –  
Brian & Meta McEldowney
- P. 59 Crossroads Filling Station,  
186 Drumagarner Road, Kilrea –  
Mr E Convery
- P. 60 Bradley's Service Station,  
19 Coleraine Road, Maghera –  
Mr K Bradley
- P. 75 Stockman's Filling Station  
10 Maghera Road, Tobermore –  
Mr H Marshall

P. 93 PSNI – Magherafelt,  
C/o Transport Services  
18 Lislea Drive – Mr J Leathem

7.1 It was

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

RESOLVED: that the applications as submitted for  
Petroleum Licences, be renewed.

8. **ENTERTAINMENTS  
LICENCE**

Submitted the following application for an  
Entertainments Licence which was recommended  
for granting prior to the consultation period  
expiring:

E. 38 The Back Door Bar,  
33 Lower Main Street, Maghera –  
Ms Bronagh Mulholland

8.1 On consideration it was

PROPOSED by Councillor J F Kerr,  
Seconded by Councillor P H McErlean, and

RESOLVED: that the application as submitted for  
an Entertainments Licence be granted pending the  
consultation period expiring.

9. **AMUSEMENT PERMIT**

Submitted the following application for an  
Amusement Permit for the following premise  
which was recommended for renewal:

A4 69 Kilrea Road, Upperlands –  
Ms Kathleen McMullin

9.1 On consideration it was

PROPOSED by Councillor J F Kerr,  
Seconded by Councillor S O'Brien, and

RESOLVED: that the application as submitted be  
approved.

10. **REGISTRATION  
OF CLUBS**

The following application was received for the Registration of Clubs under the Registration of Clubs (NI) Order 1996:

SC. Greenlough GAC (St Oliver Plunkett's)  
Mayogall Road, Clady, Portglenone

Noted.

11. **PLANNING SERVICE  
MANAGEMENT BOARD**

184/9/2003

Consideration was given to the following:

**11.1 Submission to be made to the Planning Service Management Board:**

**11.1.1 H/2003/0058/O – Mr G Gordon:**

Councillor J P O'Neill requested a deferral for another month and this was agreed to.

12. **PLANNING SERVICE**

185/9/2003

Submitted the Divisional Planning Service's report dated 9 September 2003 (copy circulated to each Member). The following applications were taken into special consideration:-

**12.1 New Applications:**

H/2002/0994/F – F P McCann

The Planning Officer advised that one objection had been received in connection with this application regarding access. She said that the problem had been satisfactorily resolved.

Noted.

H/2002/1082/F – Oakleaf Contracts

The Planning Officer advised that one objection had been received regarding a dispute about legal title but omitted from this application.

Noted.

H/2003/0168/F – SDC Trailers

The Planning Officer advised that there were four objections to this application. She said that originally the application was for paint spraying booths and a canopy for lorries. The objections were regarding noise, smell, fumes and depreciation of property and because of the number of objections the paint spraying booths were being omitted.

Noted.

H/2003/0304/F – Kylan Construction

The Planning Officer advised that two objections had been received both from the same objector. The main objections were loss of privacy and overshadowing of a nursing home on the Bellshill Road. Amendments had overcome the objections and there was now sufficient separation distance.

Noted.

H/2003/0527/F – Vodafone UK Ltd

The Planning Officer advised that there were five objections received regarding this application and that the application had been withdrawn earlier in the day.

Noted.

H/2003/0578/F – Mr J Convery

The Planning Officer advised that two objections had been received concerned with danger to personnel during blasting operations and visual impact. The Quarry Inspectorate had said that the concern regarding blasting was not a problem. The problem with visual impact was not sustainable. The Planning Opinion was therefore approval.

Noted.

## **12.2 Applications where the Opinion is Refusal:**

H/2002/0556/F – Mr Stockman

The Planning Officer advised that one objection had been received regarding overlooking, traffic hazard and loss of a tree.

Deferred. Site meeting to be arranged for Thursday, 18 September 2003 at 2.00 p.m. Councillor R A Montgomery to attend.

H/2003/0217/F – Mr J Downey

Councillor P H McErlean requested a deferral as the applicant's Solicitor was investigating title deeds.

H/2003/0488/F – Miss L McNally

Deferred. Site meeting to be arranged for Monday, 15 September 2003 at 11.45 a.m. Councillors S O'Brien and O T Hughes to attend.

H/2003/0500/F – A McCullagh

The Planning Officer advised that one objection had been received regarding visibility splays but the Department had not formed its opinion on the basis of this objection.

The Chairman, Miss K A Lagan said that the Agent had requested an office meeting regarding design.

Deferred.

H/2003/0512/F – Mr & Mrs McAuley

Deferred. Site meeting to be arranged for Thursday 18 September 2003 at 12.45 p.m. Councillor P E Groogan to attend.

H/2003/0512/F – Mr P Kelly

Deferred. Site meeting to be arranged for Thursday, 18 September 2003 at 10.40 a.m. The Chairman, Councillor Miss K A Lagan to attend.

H/2002/1135/O – E O'Donnell

Deferred. Site meeting to be arranged for Monday 15 September 2003 at 10.20 a.m. Councillor P H McErlean to attend.

H/2003/0158/O & H/2003/0161/O –

Planning Direct

The Planning Officer advised that one objection had been received in connection with the impact on a listed building, namely Gorteade Cottage.

Deferred. Site meeting to be arranged for Tuesday, 23 September 2003 at 10.50 a.m. Councillor Rev Dr R T Wm McCrea to attend.

H/2003/0489/O – Mr M O'Connor

Deferred. Site meeting to be arranged for Monday 15 September 2003 at 11.20 a.m. Councillor Rev Dr R T Wm McCrea to attend.

H/2003/0501/O & H/2003/0503/O –

Mr J McKeever

Deferred. Site meeting to be arranged for Monday 15 September 2003 at 9.30 a.m. Councillor P H McErlean to attend.

H/2003/0507/O – Mr N Gibson

Deferred. Site meeting to be arranged for Thursday 18 September 2003 at 10.10. The Chairman, Councillor Miss K A Lagan and Councillor Rev Dr R T Wm McCrea to attend.



H/2003/0510/O – Mr I Eakin

Deferred. Site meeting to be arranged for Thursday 18 September 2003 at 9.30 a.m. Councillor Rev Dr R T Wm McCrea to attend.

H/2003/0524/O – Mr J Kelso

The Planning Officer advised that there were three objections to this application mainly in connection with loss of privacy and traffic detriment. Deferred. Site meeting to be arranged for Tuesday 23 September 2003 at 10.20 a.m. The Chairman, Councillor Miss K A Lagan, and Councillors Rev Dr R T Wm McCrea and T J Catherwood to attend.

H/2003/0581/O – Mr G Boyle

Deferred. Site meeting to be arranged for Tuesday 23 September 2003 at 9.50 a.m. Councillor O T Hughes to attend.

H/2003/0588/O – Mrs M Higgins

Deferred. Site meeting to be arranged for Monday 15 September 2003 at 10.50 a.m. Councillors S O'Brien and J J Kelly to attend.

H/2003/0690/O – Mr J Dillon

Deferred. Site meeting to be arranged for Tuesday 23 September 2003 at 9.30 a.m. Councillor P H McErlean to attend.

H/2003/0696/O – Mr A McCann

Deferred. Site meeting to be arranged for Tuesday 23 September 2003 at 12 noon. Councillors J P O'Neill and P H McErlean to attend.

H/2003/0703/O – Mr P McLaughlin

Deferred. Site meeting to be arranged for Tuesday 23 September 2003 at 11.30 a.m. Councillor P H McErlean to attend.

H/2003/0737/O – Y Henry

Deferred. Site meeting to be arranged for Tuesday 23 September 2003 at 12.30 p.m. Councillor Rev Dr R T Wm McCrea to attend.

### **12.3 Applications Deferred from Previous Meeting:**

H/2001/0259/O – Mr J Boyle

Deferred for one month on the request of the Chairman, Councillor Miss K A Lagan for further consideration.

H/2001/0906/F – Mrs A Kane  
Temporary Approval for two years.

H/2002/0476/O – Mr P Young  
Deferred. It was

PROPOSED by Councillor S O'Brien  
Seconded by Councillor J J Kelly, and

RESOLVED: that a submission be made to the  
Planning Service Management Board at the next  
meeting of the Council to be held on Tuesday 14  
October 2003.

H/2002/0597/F – Mr R Hastings  
Deferred for one month on the request of  
Councillor Rev Dr R T Wm McCrea. He said that  
he would contact Roads Service.

H/2002/0855/O – Mr H McPeake  
Approval.

H/2002/0944/O – Mr W Barfoot  
Refusal. It was

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

RESOLVED: that in the event of this application  
proceeding to a Planning Appeal the Council give  
it its full support.

H/2002/1017/F – Mr M Scullion  
Approval.

H/2002/1018/L – Mr M Scullion  
Approval.

H/2002/1039/F – Mr B Young  
Approval.

H/2002/1070/O – Mr J P Mulholland  
Approval.

H/2002/1079/O – Mr A Mulholland  
Defer for one month on the request of Councillor J  
Junkin.

H/2002/1124/O – Mrs D Ferris  
Deferred for one month on the request of  
Councillor P H McErlean.

H/2002/1150/O – Mr D Lavery

Deferred for one month on the request of Councillor P H McErlean.

H/2002/1153/O – Mr S Young

Three weeks to withdraw or refusal issued.

H/2002/1155/O – Mr J Kirk

Deferred for one month on the request of Councillor Rev Dr R T Wm McCrea.

H/2002/1164/O – Mr R J Mawhinney

Deferred. It was

PROPOSED by Councillor Rev Dr

R T Wm McCrea,

Seconded by Councillor T J Catherwood, and

RESOLVED: that a submission be made to the Planning Service Management Board at the next meeting of the Council to be held on Tuesday, 14 October 2003.

H/2003/0075/O – Mr P O’Kane

Approval.

H/2003/0084/O – Mrs M Hurl

Deferred for one month on the request of Councillor O T Hughes.

H/2003/0089/O – J O’Kane

Deferred for one month on the request of the Chairman, Councillor Miss K A Lagan.

H/2003/0094/O – Mr J J Stewart

Three weeks to withdraw or refusal issued.

H/2003/0133/O – Mr N Wright

Councillor Rev Dr R T Wm McCrea enquired if there had been any additional information received on this application.

In reply the Planning Officer stated that there had not been any additional information received, but that the applicant had remove planting from the site.

Councillor Rev McCrea then requested that the application be deferred for another month.

H/2003/0174/O – Mr W Bradley

Deferred. Councillor Rev McCrea enquired about information on an alternative site.

H/2003/0203/O – Mr C Yates  
Approval.

H/2003/0214/F – Mr S Ward  
Refusal. It was

PROPOSED by Councillor P H McErlean,  
Seconded by the Chairman,  
Councillor Miss K A Lagan, and

RESOLVED: that in the event of this application  
proceeding to a Planning Appeal the Council give  
it its full support.

H/2003/0224/O – Mr H Nugent  
Deferred for one month on the request of  
Councillor P E Groogan.

H/2003/0255/O – Mr P Devlin  
Approval.

H/2003/0276/O – D Hepburn  
In the absence of Councillor J A McBride the  
application was deferred for one month.

H/2003/0362/O – Planning Direct Ltd  
Deferred. It was

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

RESOLVED: that a submission be made to the  
Planning Service Management Board at the next  
meeting of the Council to be held on Tuesday, 14  
October 2003.

H/2003/0373/O – Miss A Rea  
Deferred for one month on the request of  
Councillor P H McErlean.

H/2003/0379/O – Mr A Mawhinney  
Deferred for one month on the request of  
Councillor P H McErlean.

H/2003/0407/O – Mr & Mrs K Gregg  
Approval.

H/2003/0423/O – Mr E Kelly  
Approval.

H/2003/0440/O – Mr E McMaster

Deferred for one month for new information on the request of Councillor P E Groogan.

H/2003/0449/F – Mr McGurk

Approval.

H/2003/0446/O – Mr C McCann

In the absence of Councillor J A McBride the application was deferred for one month.

H/2003/0487/O – Mr J Morrison

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

#### **12.4 Applications Deferred from Previous Meeting and Still Under Consideration**

H/2002/0977 – Mr L Lagan

The Chairman, Councillor Miss K A Lagan enquired about arrangement for an office meeting.

H/2003/0020/O – P J McWilliams

Councillor Rev Dr R T Wm McCrea was anxious about this application and about the alternative site suggested and requested that a planning opinion be ready for next month's schedule.

H/2003/0451/O – Mr W Agnew

The Planning Officer advised Councillors J Junkin and T J Catherwood that the site meeting was arranged for Thursday morning.

Several Members raised the issue of applications not appearing on the schedule even though they had been lodged for some time.

The Planning Officer explained that the Department had a backlog of a couple of months applications.

Members referred to applications lodged as far back as April 2003 and had still not appeared on the planning schedule.

#### **12.5 Appeal Dates Notified:**

H/2001/0760/O – site visit 2 October at 11.00 a.m.

H/2002/0378/F – appeal held

H/2002/0448/O – written representation

H/2002/0516/O – site visit 9 October at 11.00 a.m.

H/2002/0607/O – site visit 10 September at 11.00 a.m.

H/2002/0675/O – awaiting decision

H/2002/0734/O – hearing on 17 September at 10.30 a.m.

H/2002/0743/O – site visit on 25 September at 2.30 p.m.

H/2002/0785/O – hearing on 12 November at 10.30 a.m.

H/2002/0852/O – site visit 11.00 a.m.

H/2002/0914/O – no details as yet

H/2002/1011/O – hearing 16 October at 10.30 a.m.

H/2003/0250/O – hearing 16 October at 10.30 a.m.

H/2003/0361/O – listed for hearing on 18 November at 10.30 a.m.

H/2003/0458/O – listed for hearing on 4 November at 10.30 a.m.

H/2003/0518/O – listed for hearing on 4 November at 2.30 p.m.

H/2003/0522/O – listed for hearing on 11 November at 2.00 p.m.

12.6 It was

PROPOSED by Councillor Rev Dr

R T Wm McCrea,

Seconded by Councillor J F Kerr, and

RESOLVED: that the Council concur in the opinions expressed in the Planning Manager's report dated 9 September 2003, subject to the above conditions and amendments.

**The Planning Officer retired from the meeting at 9.15 p.m.**

13. **PLANNING APPEALS**  
**COMMISSION**

218/9/2003

Submitted Bulletins prepared by the Planning Appeals Commission for the month of July 2003.

13.1 The Chief Executive advised that there were five applications from the Magherafelt District in the July Bulletin.

13.1.1 **Application H/2001/1033/O** – dwelling adjacent to 4A Grange Road, Magherafelt for Mr Francis Higgins.

The Planning Commission reasoned that the personal circumstances cited on behalf of the appellant did not justify the erection of a new dwelling in the Green Built and the Commission found that the proposal did not comply with the Green Belt policy as set out in “A Planning Strategy for Rural Northern Ireland”. Whilst it agreed that a dwelling on the appeal site could achieve satisfactory integration into the countryside and would not result in a detrimental change to rural character, it concluded that the Green Belt objections to the proposal was one of over-riding importance. Accordingly it found that the Department had sustained its first reason for refusal and the appeal was dismissed.

Noted.

13.1.2 **Application H/2002/0227/O** – dwelling and garage adjacent to 83 Iniscarn Road, Desertmartin for Mrs R McGeehan.

The Planning Appeals Commission allowed permission subject to conditions.

Noted.

13.1.3 **Application H/2001/1049/O** – dwelling adjacent to 183 Shore Road, Ballyronan for Mr S McKeever.

The Planning Appeals Commission allowed permission subject to conditions.

Noted.

13.1.4 **Application H/2002/0605/O** – dwelling and garage adjacent to 138 Drumagarner Road, Kilrea for Mr B McCloskey.

The Planning Appeals Commission allowed permission subject to conditions.

Noted.

13.1.5 **Application H/2001/0774/O** – housing development on land adjacent to St Columbus Primary School, Sixtowns Road, Straw, Draperstown for Edendale Properties.

The Planning Appeals Commission allowed permission subject to conditions.

Noted.

14. **ENVIRONMENTAL**  
**HEALTH DEPARTMENT**

196/9/2003

Mr Burrows submitted the report for August 2003 (copy circulated to each Member). The following matters were taken into consideration:-

14.1 Rent (Northern Ireland) Order 1978

Mr Burrows advised the Council that Mr John Stewart, 11 Serson's Road, Magherafelt had applied to the Council to have a dwelling at 28 Glenmaquill Road, Magherafelt inspected to ascertain whether the house met the Regulated Tenancy Standards under the Rent (Northern Ireland) Order 1978.

An inspection of the property revealed the following shortcomings from the standards required:-

**B** - open-jointed ridge tiles on roof  
ill-fitting asbestos sheets to rear roof  
incomplete rendering to sections of left gable wall, front and rear walls  
ill-fitting doors to internal rooms

**F** - absence of adequate cooking facilities

**I** - absence of facilities for drainage of surface water

Mr Burrows said that in light of these findings, he recommended that the owner of the property be issued with a Notice of Refusal of Application for a Regulated Rent Certificate.



On consideration it was

PROPOSED by Councillor R A Montgomery,  
Seconded by Councillor J F Kerr, and

RESOLVED: that the owner of the property be issued with a Notice of Refusal of Application for a Regulated Rent Certificate.

#### 14.2 Public Health (Ireland) Act 1878

Mr Burrows advised that an application had been received from Mr Dermott McElmeel, 16 Dernasigh Road, Killylea, Co Armagh, landlord, to have the dwelling at 34 Ashgrove Park, Magherafelt inspected.

An inspection of the property revealed that the following matters were considered prejudicial to the health of the occupants of the dwelling:

- 1 Penetrating dampness to the dwelling via decayed and ill-fitting kitchen window, and windows of bathroom (2)
- 2 Penetrating dampness to the dwelling due to leaks in eavesgutters and downpipes to front and rear roof.

Mr Burrows recommended that the Council consider issuing a Statutory Abatement Notice on the owner requiring him to carry out the following remedial work within six months.

1. Replace the windows to the kitchen and bathroom (2)
2. Replace the eavesgutters and downpipes to the front and rear main roof.

On consideration it was

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

RESOLVED: that the Council issue a Statutory Abatement Notice on the owner requiring him to carry out the recommended remedial work within six months.

#### 14.3 The Street Trading Act (Northern Ireland) 2001

Mr Burrows advised that regular monitoring of street markets was carried out to ensure that all the street traders operating in the area had current licences issued by the Council. A visit to the market at Coleraine Road, Maghera on Tuesday 26 August 2003 revealed that there were two traders on site who did not possess a licence. Both were interviewed and requested to leave the market.

14.3.1 Mr Burrows referred to his report and explained Sub-paragraph 1 (a) of Section 17 of the 2001 Act which stated that a person who engages in street trading within the district without a licence was guilty of an offence and liable on summary conviction to a fine. Mr Burrows stated that since the introduction of the 2001 Act there had been a number of instances of unauthorised trading in the district especially relating to the Maghera market and it was now considered the appropriate time to act on these breaches of the legislation by more formal means.

14.3.2 Mr Burrows, therefore, recommended that the Council consider issuing warning letters to both persons engaging in unlicensed street trading stating that any further unlicensed trading within the District would lead to the Council instituting legal proceedings.

14.3.3 The Chairman, Councillor Miss Lagan, commented that the street traders at the Market in Maghera were spreading out all over the area and leaving no room for pedestrians.

14.3.4 On consideration it was

PROPOSED by Councillor P McLean,  
Seconded by Councillor Rev Dr

R T Wm McCrea, and

RESOLVED: to authorise the Director of Environmental Health to issue warning letters to the unlicensed street traders at the Market in Maghera stating that any further unlicensed trading within the District would lead to the Council instituting legal proceedings.

#### 14.4 The Food Safety (Northern Ireland) Order 1991

Mr Burrows reported that on 17 July 2003 a complaint had been received regarding a growth within the contents of a Tom and Jerry Raspberry flavoured cup drink.

14.4.1 The manufacturer, Calypso Soft Drinks, was contacted and the complaint sample forwarded to the company's Quality Assurance Department for investigation.

14.4.2 The growth within the contents of the product was identified as mould. Examination of the cup identified a small seal fault to the corner and as a result may have been contaminated with airborne mould.

14.4.3 Mr Burrows said that the company undertook extensive sampling of their products for shelf-life evaluation. Samples were retained hourly and at the start and end of production for microbiological analysis (also mould and yeast). All retained samples on the date of production were found to be satisfactory and records highlighted there were no machine sealing problems.

14.4.4 No other complaints had been received relating to this particular batch. A total of 209,256 units of Tom and Jerry flavoured drinks were produced on that date. Mr Burrows said that it was his department's interpretation that this was an isolated case and recommended that the Council take no further action.

14.4.5 On consideration it was

PROPOSED by Councillor Rev Dr

R T Wm McCrea,

Seconded by the Chairman,

Councillor Miss K A Lagan, and

RESOLVED: that no further action be taken in relation to this matter.

14.5 Mr Burrows further reported that a complaint had been received on 30 June 2003 relating to an insect alleged to be found in a tin of John West Tuna Chunks in Sunflower Oil.

14.5.1 The Company was contacted and a response received from the technical manager. Tuna was currently purchased from canneries in Ghana and the Seychelles. Recent suppliers had included canneries in Thailand. All shipments of tuna products were extensively sampled on their arrival into the UK against stringent specifications, which included insect foreign matter. As part of an ongoing quality assurance programme, suppliers had been regularly visited by qualified technical personnel, with every aspect of the process audited. Mr Burrows said that records relating to several recent consignments of tuna had highlighted no problems.

14.5.2 No other complaints had been received relating to this product. Due to the lack of product information the company was unable to either identify the canner or pinpoint the batch in question. Mr Burrows recommended that no further action be taken on this occasion.

14.5.3 On consideration it was

PROPOSED by Councillor Rev Dr

R T Wm McCrea,

Seconded by the Chairman,

Councillor Miss K A Lagan, and

RESOLVED: that the Council take no further action be taken on this occasion.

#### 14.5 The Food Safety (Northern Ireland) Order 1991

The Meat Products and Spreadable Fish Products Regulations (NI) 1984

Miscellaneous Food Additives Regulations (NI) 1996

Mr Burrows reported that during routine sampling of meat products, four samples were procured from a butcher's shop within the Council's area and submitted to the Public Analyst for examination. The analyst reported that the following results of his examination:

##### 14.5.1 Tasty Burgers

"It is a meat product described as Tasty Burgers allegedly containing undeclared Sulphur Dioxide preservative and not complying with Regulations 7 and 10 of the Meat Products and Spreadable Fish Products Regulations (Northern Ireland) 1984.

The sample contained Sulphur Dioxide, SO<sub>2</sub> 200mg/kg

14.5.2 Mr Burrows explained that the provisions of Regulation 24 (1) of the Food Labelling Regulations (Northern Ireland) 1996 required food which was not prepacked or was prepacked for direct sale and which contained preservative to be marked or labelled with an indication of its presence. He said that the marking or labelling must indicate the category name 'preservative' and should appear either on a label attached to the food or on a notice, ticket or label that was readily discernible by an intending purchaser at the place where the food was chosen.

14.5.3 Mr Burrows further stated that the provisions of the Meat Products and Spreadable Fish Products Regulations (Northern Ireland) 1984 required meat products such as those which were sold non-prepacked or prepacked for direct sale to be marked or labelled with a declaration in the form 'minimum X per cent meat'. The declaration must appear on a ticket, notice or label as above.

14.5.4 Round Steak Mince

"It is a sample of minced meat in which non-permitted preservative namely, Sulphur Dioxide, was present. The sample contained Sulphur Dioxide SO<sub>2</sub> 960mg/kg."

14.5.5 Mr Burrows said that the use of Sulphur Dioxide was not permitted in minced meat by the provisions of the Miscellaneous Food Additives Regulations (Northern Ireland) 1996.

14.5.6 Frying Mince

"An article described as "..... mince" must consist wholly of beef that has been minced. This sample had the composition of sausage meat and must be described as such.

14.5.7 Mr Burrows pointed out that the use of Sulphur Dioxide was not permitted in minced meat by the provisions of the Miscellaneous Food Additives Regulations (Northern Ireland) 1996.

14.5.8 The Sulphur Dioxide content was found to be 180mg/kg.

14.5.9 Mr Burrows reported that the fourth sample was returned as genuine.

14.5.10 Mr Burrows said that the manufacturer of the meat products, a local butcher had received warning letters in previous years in relation to undeclared sulphur dioxide in meat preparations and the prohibited use of sulphur dioxide in mince between 1993 and 1996. After being advised of the legal requirements by his department all samples taken since 1996 had been genuine.

14.5.11 He said that taking the more recent record of satisfactory compliance into account it was recommended that a warning letter be issued on this occasion with further samples being collected in the near future. Should further non-compliance result it was recommended that legal proceedings be instituted.

14.5.12 On consideration it was

PROPOSED by Councillor J F Kerr

Seconded by Councillor P McLean, and

RESOLVED: that the Council issue a warning letter to the local butcher concerned and that should further non-compliance with regulations result, then legal proceedings be instituted.

14.6 On consideration it was

PROPOSED by Councillor Rev Dr

R T Wm McCrea,

Seconded by Councillor J F Kerr, and

RESOLVED: to adopt the remainder of the report, which was for the information of Members.

15. **OPERATIONAL  
SERVICES  
DEPARTMENT**

322/9/2003

Submitted report by the Director of Operations for the month of August 2003 (copy circulated to each Member).

**Development Services:**

15.1 Sperrins Tourism – Waymarked Walkway  
Mr Johnston reminded Members that this proposal was discussed by the Council at its meeting on Tuesday, 10 June 2003 and involved the Council becoming one of two promoting Councils in the construction of a walkway. The decision of the Council was to support this project subject to a number of issues, such as insurance, maintenance and the amount of construction work expected from the Council, being clarified to the satisfaction of the Council.

15.1.1 A meeting was held with the Countryside Access and Activity Network (CAAN) at the Bridewell Tourism Information Centre at the end of June but CAAN was unable to define the exact route the walk would take. They said that this could only be determined when Council Officers had sought permission from the landowners involved. Mr Johnston further reported that CAAN were also unable to advise of the level of construction work expected from the Council and with regard to maintenance they felt that little maintenance would be required.

15.1.2 Mr Johnston said that CAAN were also unsure who would cut hedges, fill potholes, repair bridges, etc. and what maintenance would be the responsibility of the landowner, particularly the Department of Rural Development, as section of the walkway were on public roads. When the issue of insurance was discussed in detail, CAAN indicated that they would insure the walkway for the first three years but as CAAN was initially set up for a five years period (two of which had elapsed) they were unable to give any assurance that they would insure the walkway beyond 2006. They were also unable to advise on what liability they felt would fall back to the Council, given the fact that the Council would be expected to construct and maintain a least part of the walkway, or if CAAN would indemnify the Council against claims by users of the walkway.

15.1.3 It was agreed that CAAN would consider these issues and respond accordingly and suggested that a further meeting would be appropriate and that representatives from DRD (Roads Service) would be invited to the meeting. Mr Johnston reported that to date there had been no response from CAAN.

15.1.4 **Councillor Rev Dr R T Wm McCrea** said that the Council was not in a position to move forward with the walkway. These issues should have been resolved in June not September and proposed that officers continued to press for clarification on the points raised at their meeting with CAAN. Without clarification the walkway could not go ahead. If answers to the issues raised were not forthcoming then the Council had no alternative but to withdraw.

## 15.1.5 It was

PROPOSED by Councillor Rev Dr

R T Wm McCrea,

Seconded by J F Kerr, and

RESOLVED: that a deadline for clarification of the points raised by Officers at their meeting in June held with CAAN, be set for the date of the next Council Meeting, that is, Tuesday, 14 October 2003. If there was no response then the Council would have to withdraw from the proposal for a Waymarked Walkway.

15.2 Play Areas

Mr Johnston advised that the play area at Culnady, the first of four play areas scheduled for refurbishment during the current financial year, had been completed. A caretaker had been appointed and the play area would be opened in the near future.

15.2.1 Mr Johnston said that it was the Officers intention to refurbish Upperlands, Clady and Inishrush play areas in that order, but because of issues concerning Upperlands and Clady, Inishrush had taken precedence.

15.2.2 Mr Johnston outlined the problems at Upperlands concerning the tarmac kick-about area. He said that this area was surrounded by a 1 metre high concrete wall which did not meet health and safety guidelines for football, etc. Officers believed that the wall should be removed and that the area would make a new play area. The local community group had requested time to investigate the possibility of obtaining 100% funding for an astro-turf surface in this area. If they were successful and their proposals were acceptable to the Council, a new play area would have to be erected on ground occupied by old play equipment. Mr Johnston explained that to install new play equipment and safety surfacing a level area of 20 metres by 10 metres was required. If the Council used this area, a substantial amount of soil, concrete and stone walls would have to be excavated. In the light of these developments it was felt that work on the play area should wait until the outcome of the Community Group's efforts to obtain funding for safety surfacing before deciding on the location of the play area.



15.2.3 Regarding Clady, Mr Johnston said that the ideal site was a grass area adjacent to the Camogie pitch/car park at Beechland, Clady but again there were problems. Apparently the Council in the past authorised Clady Tug of War team to use this part of the site, but it was Mr Johnston's opinion that both the Tug of War team and the play area could be facilitated in this area. In order to resolve the issue the Officers were seeking a meeting with representatives of the Tug of War team.

15.2.4 Mr Johnston advised that Inishrush was a "green field site" and rather than Streetplay having to move to another district, they had been instructed to commence work.

15.2.5 On consideration it was

PROPOSED by Councillor Rev Dr

R T Wm McCrea,

Seconded by Councillor J Junkin, and

RESOLVED: that the Council concur with the decisions taken by the Officers regarding the re-scheduling of the refurbishment of play areas at Upperlands, Clady and Inishrush.

### 15.3 Portglenone Enterprise Group

Mr Johnston referred to Appendix 1 to his report which was a letter from Portglenone Enterprise Group requesting funding from the Council to produce a tourism brochure for the Portglenone, Glenone, Clady and Inishrush areas.

15.3.1 Mr Johnston stated that in his opinion the request for the sum of £1,229.50 (50% of the costs) was setting a precedent and if the Council was to support PEG, other groups within the District would apply for similar type funding. He further stated that even though Ballymena Borough Council had agreed to fund the other 50% of the proposed tourism brochure, Sperrins Tourism Limited had already in circulation an information brochure covering the Magherafelt District.

15.3.2 **Councillor J Junkin** suggested that PEG submit the information they had on their area and perhaps it could be incorporated into the Sperrins Tourism information brochure.

On consideration it was

PROPOSED by the Chairman,  
Councillor Miss K A Lagan,  
Seconded by Councillor J Junkin, and

RESOLVED: that Portglenone Enterprise Group be written to explaining the Council's situation and requesting that they submit their information so that it could be considered for inclusion in the Sperrins Tourism information brochure on the Magherafelt District Council area.

### **Community Relations:**

#### **15.4 Lower Bann Fishing Points**

Mr Johnston said that for some time the Council had been trying to increase the number of fishing point along the Lower Bann River, but because of persistent problems had been interrupted. He explained that on the particular stretch of the Lower Bann that the Council was concerned with, there were sixteen farmers who owned thirty-eight fields. As far as he was aware fifteen of the farmers were still in agreement with the project, and only one was against. This farmer owned three fields and he would not consider leasing any part of them to the Council. He would only consider selling the land to the Council if he received building site rates.

15.4.1 Mr Johnston advised that for fishing competitions, the fishing points require to be at equal distances along the river. He said that this particular farmer owned the third, ninth and twenty-sixth fields of the thirty-eight fields in question and that meant that the project could not progress without his co-operation.

15.4.2 **Councillor P H McErlean** suggested that the Council extend the fishing points for the next two fields.

15.4.3 Mr Johnston stated that the next two fields would only provide ten more fishing points.

15.4.4 The Chief Executive added that many of the existing fishing points were in need of refurbishment.

15.4.5 **Councillor P H McErlean** suggested that the refurbishing could be included in the funding drawn down for the fishing points.

**15.4.6 Councillor Rev Dr R T Wm McCrea** spoke of the interest and the advantage of the fishing points at Glenone and proposed that the Council endeavours to advance the number of fishing points for competitions. He spoke of his delight in attending the schools' fishing competition which took place at Glenone fishing points during his year of office as Chairman.

15.4.7 In reply to the issue of vesting, Mr Johnston reported that the vesting of the third field would cost in the region of £60,000.

15.4.8 On consideration it was

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

RESOLVED: that Officers would cost the extension of the fishing points in fields 1 and 2 together with the costs of refurbishment of the existing fishing points and report back to Council.

#### 15.5 Paupers Graveyard

Mr Johnston reported that he would advise the Council in due course of the outcome of the Community Relations Officer, the landowner and the landowner's solicitor meeting which took place on 29 August 2003.

Noted.

#### 15.5 Ulster Schools' Coarse Fishing Competition

Mr Johnston advised that a written request had been received from Mr Robert Buick, Chairman of the Ulster Coarse Fishing Federation advising the Council that it was hoped to hold the Ulster Schools' Coarse Fishing Competition on the Lower Bann on Saturday 11 October 2003, details were set out in his report. He said that it had been the practice the Council arranged for refreshments and the insertion of advertisements in the three local newspapers. This year the cost was estimated to be £500. Mr Johnston stated that there was money available within the Community Relations 'Hospitality' budget to cover this cost and recommended the request to the Council.

15.5.1 On consideration it was

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

RESOLVED: that the Council continue to support the Ulster Schools' Coarse Fishing competition on the Lower River Bann and make available money from the Community Relations 'Hospitality' budget to pay for the costs of refreshments and the insertion of advertisements in the three local newspapers.

### **Leisure Services:**

15.6 Mr Johnston reported that August had been a mixed month for Leisure Services with an increase of just 1% on August of the previous year. He outlined some of the reasons. He also outlined the main events of the month.

Noted.

### **Technical Services:**

#### 15.7 Vandalism

Mr Johnston reported on the number of acts of vandalism and in particular an incident at Draperstown when vandals using sharp instruments had caused considerable damage to a footbridge at Moykeeran. Following an inspection of the site the area was closed off by the Council's Technical Services, until repairs could be carried out.

15.8 Mr Johnston also reported on abandoned vehicles, unofficial dumping and bulky household collections.

Noted.

#### 15.9 Trade Waste Stickers

Mr Johnston stated that to comply with the "Duty of Care" and the Waste and Contaminated Land (NI) order 1997 a new trade waste sticker system had been implemented for identifying trade waste. This waste was being collected separately from domestic waste with the introduction of a specific commercial refuse collection round.

15.9.1 Mr Johnston explained that on receipt of payment (for a 26 weeks period) commercial customers were issued with the relevant trade sticker(s) which they attached to their bin(s).

These stickers were valid until the end of the 26 weeks period and detailed the size of the bin and how often it would be collected. The Council's refuse collectors had been instructed not to lift any commercial bin that did not carry a valid pre-paid trade waste sticker. He said that the system had paid high dividends through highlighting that a large number of commercial bins were being presented for collection without payment. Mr Johnston said that this new system had already given the Council much greater control regarding payment for the collection of commercial waste.

Noted.

#### 15.10 Alcohol Free Zones

Mr Johnston advised that he had forwarded to the Department of Social Development a copy of the Council's Bye-laws Prohibiting the Consumption of Intoxicating Liquor in Designated Places made under Section 90(a) of the Local Government Act (Northern Ireland) 1972 for the Good Rule and Government of its District, Appendix 2 to his report. He said that the Department was currently reviewing procedures for approving designated areas as Alcohol Free Zones. They had, however, advised that the Council should proceed with its proposals to designate all streets/roads within the 30mph speed limits, and if necessary the matter could be addressed when the new guidelines were issued to Councils. Mr Johnston said that the Department of Social Development were reviewing their procedures as there were often too many roads included as designated areas.

Noted.

#### 15.11 North West Waste Management Group

Mr Johnston advised that a Members' meeting had been arranged to discuss and view methods for selecting landfill sites in Donegal County Council Offices (Letterkenny) on Thursday 25 September 2003 starting at 10.30 a.m. He asked that Members advise him of numbers attending in order to facilitate catering prior to Friday, 19 September 2003.

15.11.1 Mr Johnston confirmed that in accordance with the current North West Waste Management Plan the officers group had issued tender documents for the Dry-Recyclables Contract.

The contract was for a minimum period of 5 years with an option for Councils to extend the contract for an additional 2 years period, followed by two 1 year periods. He said that the deadline for the return of completed tenders was 12 noon on Monday 29 September 2003. The North West Officers Group and their consultants, Kirk McClure Morton would evaluate the tenders received. A report would be submitted to all Councils in October 2003.

15.11.2 Mr Johnston also confirmed that Kirk McClure Morton had responded to the North West Group of Councils' invitation to submit quotations for a number of Reviews of the North West Waste Management Plan.

Mr Johnston explained that these reviews had to take into account a letter of direction issued by the EHS on 20 November 2002 and specifically the issues set out in schedule 2 of that letter. The result of these reviews would be an updated and long term Waste Management Plan (an Implication Plan) that would be compliant with legislation, taking account of the BPEO process that would define the type and scale of facilities required, produce a matched planning and procurement process to deliver these facilities and a rigorous data reporting system to monitor implementation and progress.

15.11.3 Mr Johnston also advised the Members that in response to the North West Group's instructions Kirk McClure Morton had also submitted costs for a "Call off Service" should they be required for additional waste related issues.

15.11.4 Mr Johnston confirmed that the quotations for both services, that is, the reviews and the call of service had been forwarded to Councillors under separate cover. In his opinion they were well presented and set out clearly the work and costings involved in the reviews/services. He did however, point out that in his report he had advised that the officers of the North West Group had sought a meeting with representatives of Kirk McClure Morton to negotiate the rates quoted. He confirmed that this meeting had been held in the offices of Limavady Borough Council earlier that day (9 September 2003) at 10.00 a.m.

15.11.5 At the meeting Kirk McClure Morton had informed the officers that their daily rates were based on successful tenders they had submitted to the EHS and the SWAMP Group for similar work. They had pointed out that the overall costings were for all the work that could be envisaged at that time and in fact there could be considerable savings as pending legislation and decisions still to be taken by the EHS would determine the level or quantity of work that would be necessary. A number of examples were the BPEO process that could cost anywhere between £5,000 and £48,000. This was because there were suggestions that the EHS would themselves carry out a Northern Ireland wide BPEO process. A reduction in the cost of printing and stationery could result in considerable savings as well as the public consultation exercise which could be streamlined as issues/facilities were developed.

15.11.6 Mr Johnston did, however, report that it had been agreed by the officers that it was necessary for the Consultants to carry out an Equality Impact Assessment regarding the reviews, and that this process would cost approximately an additional £15,000.

15.11.7 Mr Johnston stated that in summary the hourly rates, as submitted, were based on tendering procedures carried out by the EHS and SWAMP and the officers felt they were value for money under Best Value. The Call off Service rates for additional work were also based on these tender prices and Kirk McClure Morton had assured the officers that wherever possible the cost of materials, etc. would be determined by a quotation procedure. The hours allocated to the reviews also seemed appropriate and fair, and it was possible that the final cost of the project would be less than the overall cost submitted. Mr Johnston said that the only possible increase/addition would be the cost of carrying out an Equality Impact Assessment.

15.11.8 Mr Johnston again reminded the Members that the Councils in the North West Group were under direction from the EHS to carry out these reviews. If certain deadlines were not met, the EHS, in accordance with European Directives, had the power to pass on the cost of infraction proceedings to any Group or Council that did not adhere to this letter of direction.

In his opinion the reviews must be carried out, the quotations as submitted represented value for money and therefore he recommended that the Council appoint Kirk McClure Morton to carry out the appropriate reviews of the North West Group Waste Management Plan, and accept the Call off Service rates for additional waste related issues, in accordance with the quotations submitted by these Consultants on 15 August 2003.

15.11.9 It was

PROPOSED by Councillor J Junkin  
Seconded by Councillor J F Kerr, and

RESOLVED: that the Council accept the quotations as submitted by the Consultants, Kirk McClure Morton, to carry out reviews of the North West Group Waste Management Plan and the Call off Service rates for waste related issues.

15.12 It was

PROPOSED by Councillor P McLean,  
Seconded by Councillor J P O'Neill, and

RESOLVED: that the report as submitted be adopted.

16. **PAYMENT OF  
ACCOUNTS**

9/2003

Submitted Statement of Expenditure setting out payments to be made during the month of September 2003 (copy circulated to each Member).

16.1 The schedule provided for £486,371.13 out of the Revenue Account and £317,744.77 out of the Capital Account.

16.2 It was

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

RESOLVED: that the Statement of Accounts as submitted for September be approved.

17. **TENDERS – WHEELED  
REFUSE CONTAINERS**

876/9/2003

Submitted report on tenders received for the supply and delivery of 6,500 x 240 litre wheeled refuse containers (copy circulated to each Member).



Mr Johnston explained that of the 6,500 refuse containers 5,500 were to be brown, 500 were to be blue and 500 were to be black.

Seven tender forms were returned before the closing date of noon on Friday 15 August 2003 and were as follows:-

	Name	Cost per bin £	Total Cost £	Delivery Time
1	Sturdy Products Ltd	12.85	83,525	8 weeks
2	Manvik Plant	13.85	90,025	8/10 weeks
3	Sulo MGB Ltd	14.90	96,850	12 weeks
4	Associated Building Services	15.25	99,125	6 weeks
5	SSI Schaefer Ltd	15.50	100,750	7/8 weeks
6	Titan PLASTECH	16.25	105,625	12 weeks
7	ICOPLASTIC	16.96	110,240	6/8 weeks

Mr Johnston recommended that the Council accept the cheapest tender from Sturdy Products. He said that this was a tried and tested product which had proved reliable and robust in the past.

17.1 On consideration it was

PROPOSED by Councillor Rev Dr

R T Wm McCrea,

Seconded by Councillor T J Catherwood, and

**RESOLVED:** to accept the Director of Operation's recommendation and award the tender to Sturdy Products Ltd, Blessington, Co Wicklow in the sum of £83,525.

## 18. **FINANCIAL CONTRIBUTIONS**

56/9/2003

Consideration was given to the following letters of request for financial contributions:

### 18.1 **Mid-Antrim Animal Sanctuary:**

Submitted letter from the Kennel Sponsorship Secretary, Mid-Antrim Animal Sanctuary seeking sponsorship of one of their kennels. The letter intimated that the Sanctuary was concerned with the welfare of animals and of the provision of good, suitable, loving homes for pets and had a 'No Kill' policy (copy circulated to each Member).

On consideration it was

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

RESOLVED: to make a contribution of £250.

#### 18.2 **The Somme Association Limited:**

Submitted a letter from the General Manager dated 13 August 2003 seeking the annual Friends of the Somme subscription of £250 plus VAT of £43.75 making a total of £293.75 (copy circulated to each Member).

On consideration it was

PROPOSED by Councillor Rev Dr  
R T Wm McCrea,  
Seconded by Councillor G C Shiels, and

RESOLVED: to make a annual subscription to the Somme Association Ltd of £250 plus VAT making a total of £293.75.

### 19. **ECONOMIC DEVELOPMENT**

Consideration was given to the following:

#### 19.1 Business Support Programme in the North West

Submitted a report on a proposal from the North West Group of Councils to deliver a Business Support Programme for businesses in the first five years of trading (copy circulated to each Member).

Mr McCarney said that the Councils in the North West had committed themselves to working together where possible on local economic development programmes. Invest NI and IFI had expressed their active support to such an approach and had commissioned Colin Stutt and Lestas Consulting to undertake a Scoping Study of local economic development activity and funding for the North West region. He said that based on the findings of the study the North West Councils had developed the following framework:

#### **Support Framework for Business Development:**

Priority 1 – Pre-start support  
Priority 2 – Business start-up support  
Priority 3 – Business survival and growth

Priority 4 – Trans-national Activity

Priority 5 - Inward Investment

**The proposed programme was designed to meet Priority 3 – Business survival and growth. The assignment was split into two parts –**

1. Support for Businesses in first few years of trading
2. Support for Business Capable of Growth

Mr McCarney said that Coleraine Borough Council were to take the lead in this programme to handle the tendering and management of the programme. He detailed the proposed programme –

Phase 1 – delivered by Business in the Community

- Recruitment of Business Participants
- Business Twinning

Phase 2 – delivered by Derry Investment Initiative who will manage the transition between the general support to growth companies in Phase 3 by different consultants

Phase 3 – delivered by Business in the Community and Enterprise Northern Ireland

Six Programmes were involved –

- Enterprise NI – applied business ICT
- Enterprise NI – E-Solutions
- BiTC – ICT Audit and Business Analysis
- Enterprise NI – Cluster Marketing
- Enterprise NI – Sales Force
- Enterprise NI – Better Business Programme

The costs were for:

Phase 1 - £63,300

Phase 2 - 1,445

Phase 3 - 131,800

Mr McCarney explained the apportionment of Project Costs as follows:-

On a pro-rata basis and deducting the business contribution of 10% the budget to rates for 80 businesses (Phase 3) is calculated at £67,783. The promoters are seeking Council approval to promote the menu of six programmes and endeavour to secure a target of eighty business participants.

Mr McCarney said that based on this proposal, the contribution from Magherafelt District Council was £41,084.

He further explained the minimum outputs required compared to Tender targets.

19.1.1 On consideration it was

PROPOSED by Councillor J F Kerr,  
Seconded by Councillor O T Hughes

RESOLVED: that the Council agree to the contribution of £41,084 towards the North West Group of Councils' proposal to deliver a Business Support Programme for a budget of 80 businesses in the first five years of trading as explained by Mr McCarney.

## 19.2 Local Economic Development in Magherafelt District

Mr McCarney submitted a report seeking approval for a revision to the LED Action Plan 2001-2006, previously approved, (copy circulated to each Member). Mr McCarney said that the Council had received £549,577 from the EU Building Sustainable Prosperity Programme to supplement the Council's investment in local economic development in the District. Together with Council and the EU funding there was a budget of £1,099,154 available up until 2004. Mr McCarney proposed the following revision to Budget allocations:

		Original £	Revised £	% Change
1	Business & Enterprise	370,000	270,000	-27%
2	Business Start	147,000	226,800	+54%
3	Tourism	140,000	68,200	-51%
4	Community Regeneration	150,000	262,000	+77%
5	Magherafelt Towns	140,000	120,000	-14%
6	Programme Management	152,154	152,154	-
	TOTAL	£1,099,154	£1,099,154	

In referring to his report Mr McCarney explained the necessary changes to the budget.

19.2.1 On consideration it was

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

RESOLVED: to adopt the proposed revision to budget allocations to the Local Economic Development Action Plan 2001-2006.

## 20. CONFERENCES AND AND COURSES

268/8/2003

Consideration was given to the nomination of of delegates to attend:

### 20.1 **People the Future of Public Services:**

Conference organised by The Local Government Staff Commission for Northern Ireland to be held in The Hilton Hotel, Belfast on Thursday 2 and Friday 3 October 2003 (details circulated to each Member).

20.1.1 On consideration it was resolved that no delegates attend the “People – The Future of Public Services” Conference 2003.

### 20.2 **CiPFA Northern Ireland:**

Conference “Re-invigorating the Public Services – Global Perspectives: Local Issues” to be held at the Slieve Donard Hotel, Newcastle on Thursday 23 and Friday 24 October 2003 (details circulated to each Member).

20.2.1 On consideration it was

PROPOSED by Councillor Rev Dr  
R T Wm McCrea,  
Seconded by Councillor R A Montgomery, and

RESOLVED: that the Director of Finance and Administration, Mr J J Tohill and Mr A Hogg, Finance Officer be nominated to attend.

### 20.3 **Annual General Meeting of the National Association of Councillors:**

AGM to be held at the Europa Hotel, Belfast from 13/16 November, 2003 (details circulated to each Member).

20.3.1 On consideration it was

PROPOSED by Councillor P McLean,  
Seconded by Councillor T J Catherwood, and

RESOLVED: that Councillors R A Montgomery,  
S O'Brien and P H McErlean, the Council's  
representatives on the Association attend the  
Annual General Meeting.

21. **CONSULTATION  
DOCUMENTS**

195/8/2003

The following consultation documents were  
submitted:

- a) Consultation on the Evaluation of the structures  
and arrangements for partnership for local  
development of the arts and scooping of an  
Arts Council Challenge Fund seeking a  
response by Friday, 12 September 2003.
- b) Consultation paper on EC Directive  
1999/13/EC on the limitation of emissions of  
Volatile Organic Compounds due to the use of  
Organic Solvents in certain activities and  
installations requesting a response not later  
than 13 October 2003.
- c) Consultation on the Equality Commission's  
Draft Revised Section 75 Guide and Practical  
Guidance on Equality Impact Assessment  
Documents seeking a response by 24 October  
2003.
- d) Letter and leaflets from Coleraine Borough  
Council seeking an expression of support for  
the Council's opposition to the current proposal  
to locate a windfarm on Tunes Plateau, just off  
the North Cost (copies circulated to each  
Member).

21.1 It was resolved that if any Member or Party  
Grouping wished to comment they should submit  
their views to the Chief Executive who would then  
pass them on to the appropriate body.

22. **ROADS SERVICE**

279/9/2003

Submitted the following:

22.1 Letter dated 12 August and map proposing  
the abandonment of roadway at Craigadick Park,  
Maghera seeking a response from Council (copy  
circulated to each Member).

22.2 Letter dated 5 August and map proposing the abandonment of roadway at Creagh Road, Castledawson seeking a response from Council (copy circulated to each Member).

22.3 On consideration it was resolved that the Council make no comments on either proposal.

23. **RESOLUTION TO  
PROCEED “IN  
COMMITTEE”**

It was

PROPOSED by Councillor R A Montgomery,  
Seconded by Councillor Rev Dr  
R T Wm McCrea, and

RESOLVED: that the Council proceed “In  
Committee”.

Council “In Committee”

24. **STAFF MATTERS**

This item was taken “In Committee”.

25. **LEGAL MATTERS**

This item was taken “In Committee”.

26. **RESOLUTION TO  
PROCEED IN  
“OPEN COUNCIL”**

It was

PROPOSED by Councillor R A Montgomery,  
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 R A Montgomery,  
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.

27. **SEALING OF  
DOCUMENTS**

There were no items for sealing.

28. **ITEMS FOR  
INFORMATION**

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

- a) Report from the Board of the Northern Ireland Housing Executive – Executive Briefing – Wednesday, 30 July 2003.
- b) Copy of “Eel Express” (circulated to each Member).
- c) Copy of UNISON’s guide to the Code of Practice for tackling the two-tier workforce in Local Government and its associated Best Value guidance.
- d) Copy of Summary of Submissions on a Bill of Rights for Northern Ireland prepared by the Northern Ireland Human Rights Commission.
- e) Copy of ‘The Shape of Elections to Come’ – a strategic evaluation of the 2003 electoral pilot schemes prepared by The Electoral Commission.
- f) Copy of the Northern Ireland Statistics & Research Agency’s Interim Report of The Inter-Departmental Urban-Rural Definition Group – Classification and Delineation of Settlements.
- g) Copy of the Northern Childcare Partnership – Second Childcare Plan 2003/04 – 2005/06 (circulated to each Member)
- h) Copy of the Labour Relations Agency Annual Review of Performance 2002-2003.
- i) Copy of Tidal Stream Report on Renewal Energy in Northern Ireland – at an accepted cost by 2010 prepared by the Department of Trade and Industry; Department of Enterprise, Trade and Investment and Northern Ireland Electricity.
- j) The William Keown Trust Newsletter – June 2003 (copy circulated to each Member).

k) **Business/Strategic Plans:**

- 1. The Housing Executive’s Corporate and Business Plans 2003/2004 – 2005/2006.

l) **Annual Reports:**

- 1. Nilga Northern Ireland 2003
- 2. Police Ombudsman for Northern Ireland (copy circulated to each Member)
- 3. Postwatch 2002-2003
- 4. Water Service 2002/03
- 5. Ofreg – Customer Services Standards 2002/2003



6. Statistics Commission 2002-2003
7. Rate Collection Agency 2002-2003.

The meeting concluded at 10.10 p.m.

CHIEF EXECUTIVE

The foregoing Minutes are hereby Confirmed.

\_\_\_\_\_ (Chairman)

\_\_\_\_\_ (Date)