

**MINUTES OF MEETING OF DUNGANNON AND SOUTH TYRONE BOROUGH
COUNCIL HELD ON MONDAY 3 JULY 2006 IN THE COUNCIL OFFICES,
CIRCULAR ROAD, DUNGANNON**

- MEMBERS PRESENT:** In the Chair, Councillor Hamilton, Mayor

Councillors Badger, Brush, F Burton, R Burton, Cavanagh, Cuddy, Currie, Daly, Donnelly, Gildernew, Gillespie, McGuigan, McGonnell, McMahon, Molloy, Monteith, Morrow, Mulligan and O'Neill
- APOLOGIES:** Councillors Greenaway, McLarnon and Mr Campbell
- OFFICERS PRESENT:** Messrs Burke, Currie, Frazer, Mrs Kerr, Messrs McClelland, McMinn and Mrs Smith
- IN ATTENDANCE:** Mr Darren Lawther, Senior Development Control Officer, Planning Officer

The meeting started at 7.30 pm

1 MAYOR'S COMMENTS

1.1 Recognition of Achievements

It was felt that the Mayor should recognise the achievements of Jack Liggett a five year old boy from the borough who showed remarkable courage when his mother took ill on the motorway and he was able to get the attention and assistance needed from a passing motorist.

Also of teenager Mark Williamson from Fivemiletown who had reached the quarterfinal of an international TV show 'Strictly Come Dancing'.

It was explained that practice had been to recognise each achievement as it happened but now the Annual Achievement Awards was set up in response to honour the various achievement of individuals and groups. A budget of £10,000 had been set aside for the event in March.

The Mayor agreed to issue letter, on behalf of the Council, to the individuals concerned.

2 MINUTES – SPECIAL COUNCIL – 31 MAY 2006

Proposed by Councillor McGuigan
Seconded by Councillor Mulligan and

Resolved That the minutes of the special meeting of the Council held on Wednesday 31 May 2006, having been printed and circulated, be taken as read and signed as correct.

3 MINUTES – ANNUAL COUNCIL – 5 JUNE 2006

Proposed by Councillor Currie
Seconded by Councillor McMahon and

Resolved That the minutes of the Annual meeting of the Council held on Monday 5 June 2006, having been printed and circulated, be taken as read and signed as correct.

4 MINUTES – COUNCIL – 12 JUNE 2006

Proposed by Councillor McGonnell
Seconded by Councillor McGuigan and

Resolved That the minutes of the meeting of the Council held on Monday 12 June 2006, having been printed and circulated, be taken as read and signed as correct.

5 MINUTES – SPECIAL COUNCIL – 20 JUNE 2006

Proposed by Councillor Gildernew
Seconded by Councillor O'Neill and

Resolved That the minutes of the meeting of the Council held on Tuesday 20 June 2006, having been printed and circulated, be taken as read and signed as correct.

6 PLANNING

Mr Lawther was admitted to the meeting and submitted planning schedule and late items list dated 3 July 2006.

6.1 Office Meetings

Application No.	Applicant	Reason for Deferral
M/2005/1777/F	Dynes	Defer for 1 month for submission of amended plans
M/2005/2173F	Geda	Defer for 1 month for submission of amended plans
M/2005/2205/0	Potts	Deferral agreed under Category 5
M/2005/0089/0	McCann	Deferral agreed under Category 5 Letter dated 5 June 2006 from agent presented
M/2006/0280/0	McDonnell	Deferral agreed under Category 5
M/2006/0424/F	Cross	No deferral requested. Decision to issue.
M/2006/0473/F	McAliskey	Deferral agreed under Category 5
M/2006/0476/0	Martin	No deferral requested. Decision to issue.
M/2006/0488/0	Kyle	Deferral agreed under Category 5
M/2006/0532/0	Finlay	Deferral agreed under Category 5
M2006/0541/0	Finlay	Deferral agreed under Category 5
M/2006/0983/RM	Kane	Deferral agreed under Category 5
M/2006/1206/F	McGarrity	Deferral agreed under Category 5. Proposed by Councillor Daly Seconded by Counillor McGonnell that letter of support be sent from the Council to the Planners.
M/2006/1291/0	Kelly	Deferral agreed under Category 5

6.2 Deferred Backlog

In response to query the Planning Officer advised that office meetings for deferred items on January and February schedules had been arranged for 17, 18 and 19 July 2006.

Mr Lawther left the meeting at 8.15 pm.

7 MATTERS ARISING FROM THE MINUTES

7.1 ANNUAL COUNCIL - 5 JUNE 2006

7.1.1 National Association of Councillors

In response to question in relation to National Association of Councillors advising that it has been agreed that four elected members from each Council can be appointed to this body it was stated that at the Annual Council meeting in May 2005 four Councillors (Brush, Cavanagh, Hamilton and Molloy) were nominated by this Council and their nomination had been accepted at that time.

7.2 SPECIAL COUNCIL – 20 JUNE 2006

It was stated that the minutes should be corrected to show that 'The Director of Technical Services explained that the draft Plan must be in with the Department by the end of June for their consideration following which it will come back to the Council for adoption.'

8 MINUTES – DEVELOPMENT COMMITTEE – 19 JUNE 2006

8.1 Inland Waterways Association of Ireland (item 5.11.6)

It was stated that Coalisland Branch Inland Waterways Association of Ireland request for financial assistance of £1,500 was for to match funding contributed by Lough Neagh Partnership for to engage specialists architects in relation to the restoration of a Lockhouse on Coalisland Canal following which an application would be made to Heritage Lottery for funding for the restoration. It was further stated that this Lockhouse was built in the eighteen hundreds, was an important historical site and had an educational/tourist potential.

Members stated that no difficulty in supporting this request, that letter presented on the night of the Committee meeting and decision based on recommendation from the Director of Development. It was further stated that in future when applications for funding come in it is

important that before they are presented to the Committee that they are fully investigated and brought to the meeting in written format.

The Director of Development stated that he had advised Council to be satisfied of the long-term accessibility of the project to the public, ownership of the Lockhouse being in private hands and the danger of setting precedence.

Proposed by Councillor Cavanagh
Seconded by Councillor Daly and

Resolved That subject to availability of this facility to the public that a contribution of £1,500 be made representing 50 per cent of the estimated cost of hiring specialist architects to prepare drawings for the restoration of Coalisland Canal Lockhouse.

8.2 Five Year Review of Shaping our Future (item 4.6) **Revision of Regional Development Strategy (item 6.2)**

In response to question the Director of Development stated that following representation the consultation period had been extended to 29 September 2006.

The Director on behalf of the Corporate Strategy/Policy Officer requested permission, in the interests of continuity, to engage the services of Dr Murray and Mr Greer of Queen's University who would use a similar approach to that used in the PPS14 response at both an individual Council and collective level. Cost would be similar, approximately £2,000 per Council for the five Councils.

Resolved That the request and expenditure be approved.

8.3 Castle Hill (item 5.9) **Return of the Earls (item 5.11.9)**

Concern was expressed in relation to confusion within the community in relation to the theme Return of the Earls. The co-ordination, branding, marketing and promotion of events in 2007 to mark the 400th anniversary of the Flight of the Earls and the plantation was discussed there being a need for an effective way of communicating the project within the community so to gain their support.

It was stated that promotion of 2007 has been ongoing and the adoption of proposal to seek proposals and quotations from the

private sector to provide support for the new public relations delivery model will enhance the service.

8.4 Castle Hill (item 5.9)

The Director of Development stated that the minute should reflect that following approval tonight the tendering process would be initiated.

The Director also sought permission to initiate tendering process in relation to Coalisland Canal Development due to timescale on expenditure of funding.

Proposed by Councillor Currie
Seconded by Councillor Molloy and

Resolved That permission as requested be granted.

8.5 Bardic and Craic Theatre Groups

The Director of Development stated that both groups had projects underway and that an amount of £10,000 per group had been provided for in the budget and he recommended that funding be released.

Resolved That recommendation be approved.

8.6 Concert Promoter for Dungannon 2007 (item 6.1)

The Director of Development stated that approval had been given for two officers to attend an event in Bickley Hall, Norfolk to discuss with promoter organisation of event and witness the practicalities on the ground. Due to flight times etc approval sought for an additional night's subsistence.

Resolved That an additional night's subsistence is approved.

8.7 Adoption of Minutes

Proposed by Councillor Monteith
Seconded by Councillor Currie and

Resolved That the minutes of the meeting of the Development Committee held on Monday 19 June 2006, having been printed and circulated, be taken as read and adopted.

C 6 (03.07.06)

**8.8 Nomination of representatives to Local Democracy Week 2006
'Take Part Take Power' 'Information Workshop', The Equality
Commission, Belfast, Tuesday 25 July 2006**

Details of above had been circulated.

Resolved That Councillors R Burton, Cavanagh, Cuddy, Daly, Hamilton, McGuigan, O'Neill and Member Support Officer attend.

8.9 Visit to China-Britain Business Council

Permission requested for the attendance of Mayor, Deputy Mayor, Councillor Cavanagh Chairman of Council/Private Sector Business Advisory Committee, Chief Executive and Enterprise, Investment and Grants Manager at a one-day briefing session in London with China-Britain Business Council. The Council to be responsible for flights, attendance allowance and incidental expenses.

Proposed by Councillor Currie
Seconded by Councillor McGonnell and

Resolved That permission as requested be granted.

9 MINUTES – PUBLIC SERVICES COMMITTEE – 20 JUNE 2006

Proposed by Councillor McGuigan
Seconded by Councillor McMahon and

Resolved That the minutes of the meeting of the Public Services Committee held on Tuesday 20 June 2006, having been printed and circulated, be taken as read and adopted.

10 MINUTES – CORPORATE SERVICES COMMITTEE – 21 JUNE 2006

Proposed by Councillor Currie
Seconded by Councillor Cuddy and

Resolved That the minutes of the meeting of the Corporate Services Committee held on Wednesday 21 June 2006, having been printed and circulated, be taken as read and adopted.

10.1 Career Break Request

The Head of Human Resources advised that request for one-year career break from Lead Environmental Health Officer had been withdrawn.

10.2 People Improvement Performance Programme

Head of Human Resources advised of training programme 'People Improved Performance' run by R O'Rawe Associates developed in conjunction with LGTG, cost of each programme £6,600 which is 50 per cent funded by LGTG. Programme involves 10 half days over approximately five months with dates still to be agreed with the facilitator. Approval sought for SMT members to participate in this programme.

Resolved That participation in the programme be approved in principle.

10.3 Disposal of Land – Granville Primary School

As per Council policy Head of Human Resources advised that the Council had lodged an interest in this property. Since that time person had been in contact from the Northern Ireland Housing Executive advising that they were renewing their decision not to declare an interest and Director of Finance requested permission to deregister the Council's interest in favour of the Northern Ireland Housing Executive.

Resolved That the Council withdraw its interest in favour of the interest by the Northern Ireland Housing Executive and that letter be sent to the Northern Ireland Housing Executive requesting update in relation to what plans it has for the land bank it has at Granville.

10.4 Dungannon Enterprise Centre

With regard to the view of the Board in relation to cross party membership on the Board Council's representative on the Board stated that after having discussed the matter of the deed of variation the Enterprise Centre has again approached the bank and verbally the

Bank has agreed to accept a second charge and hence the deed of variation is not required. In order for there to be further representation on the Board this would require a change to the constitution etc.

Officer to officially write to the Board requesting that it consider cross party membership from the Council on the Board.

10.5 First Stop Shop

In response to concerns regarding the delay in having IT equipment transferred as agreed it was stated that this matter would be dealt with as a matter of priority.

10.6 LSP Staff

In response to query regarding staffing issues the Director of Development stated that this matter would be raised at the appropriate committee.

10.7 Computers for Councillors

Update to be brought to next meeting of Corporate Services Committee.

11 MINUTES – SPECIAL CORPORATE SERVICES COMMITTEE **28 JUNE 2006**

11.1 Amendments to Minutes

Head of Human Resources requested the following changes to the minutes:

4th paragraph 2nd sentence should read 'The protection proposals ...'

6th paragraph should read '... while unions have agreed the protection proposals'

8th paragraph 1st sentence should read '... Craftsmen employed under different terms and conditions of service – building and civil engineering conditions.'

11.2 Adoption of Minutes

Proposed by Councillor Cuddy
Seconded by Councillor Currie and

Resolved That the minutes of the meeting of the Corporate Services Committee held on Wednesday 28 June 2006, having been printed and circulated, and subject to the foregoing amendments, be taken as read and adopted.

11.3 Council to Go Into Committee

Proposed by Councillor Cuddy
Seconded by Councillor Cavanagh

That as this is a staffing issue the Council should go into Committee.

Others felt that dealing with generalities in relation to Pay and Grading and no need to go into Committee.

On a recorded vote being requested by Councillor Molloy eight members voted in favour, eight against and four abstained. The Mayor used his casting vote in favour of the proposal.

Those in favour: Councillors Badger, Cavanagh, Cuddy, Currie, Daly, Hamilton, McGonnell and Mulligan (8)

Those against: Councillors Donnelly, Gildernew, Gillespie, McGuigan, McMahon, Monteith, Molloy and O'Neill (8)

Abstaining: Councillors Brush, F Burton, R Burton and Morrow (4).

Press and officers left the meeting at 9.20 pm.

11.4 Pay and Grading Review – Consideration of Protection Arrangements

Members again discussed the implications of the proposed protection arrangements as aired at the Special Meeting of the Committee held on 28 June 2006. Head of Human Resources circulated letter dated 3 July 2006 from Council's Solicitor in relation to effect of pay and grading review upon current Tribunal actions and protection after Review of Public Administration and email dated 26 June 2006 from Local Government Auditor stating that it would not be defensible for the Council to 'protect pay' beyond what an individual currently enjoys. Head of Human Resources also stated that what could be built into agreement is that within a year pay audit could be carried out.

Question raised how situation had arose where employees doing same measured work and on two different rates of bonus and some not getting any bonus and who made these decisions.

Head of Human Resources stated that introduction of CCT had brought in reduced bonus and that Director of Technical Services would be responsible for answering in relation to no bonus paid.

Resolved That Director of Technical Services bring written report to next meeting of Corporate Services explaining the situation.

Reference was made to particular employee who went through a job evaluation exercise approximately 3 years ago the results of which had still not been implemented.

The Head of Human Resources stated that issued letter to employee advising what proposed changes would be. It was noted that the scale 6 was an all en-composite scale. Director of Technical Services informed Head of Human Resources that employee happy with current conditions. Met with Director of Technical Services last week in relation to changes being brought in by pay and grading review within his Department and raised the issue of this particular employee. It was again made clear to Head of Human Resources that the employee happy to remain on his current salary scale.

Resolved That this employee should be brought in tomorrow morning for meeting with Head of Human Resources and Director of Technical Services and the issue resolved.

After lengthy discussion

Proposed by Councillor Molloy
Seconded by Councillor Monteith

That a Special Meeting of the Corporate Services Committee be held prior to next Council Meeting with union officials, representatives of non union employees and management to be in attendance to discuss this issue further.

Amendment

Proposed by Councillor Cuddy
Seconded by Councillor Cavanagh

To adopt draft agreement.

A recorded vote being requested by Councillor Molloy, the proposal was put to the meeting, 13 (thirteen) members voted in favour and 7 (seven) against.

Those in favour: Councillors Brush, F Burton, R Burton, Donnelly, Gildernew, Gillespie, McGonnell, McGuigan, McMahon, Monteith, Molloy, Morrow and O'Neill (13)

Those against: Councillors Badger, Cavanagh, Cuddy, Currie, Daly, Hamilton and Mulligan (7)

The Amendment was put to the meeting 7 (seven) members voted in favour and 13 (thirteen) against.

Those in favour: Councillors Badger, Cavanagh, Cuddy, Currie, Daly, Hamilton and Mulligan (7)

Those against: Councillors Brush, F Burton, R Burton, Donnelly, Gildernew, Gillespie, McGuigan, McGonnell, McMahon, Monteith, Molloy, Morrow and O'Neill (13)

The Mayor declared the proposal carried.

It was stated that the mechanism that was to be used to advise employees of results of evaluation be used to advise of current position.

Councillors Badger, Daly, Cavanagh, McGonnell and Mulligan left the meeting at 10.37 pm.

12 NOTICE OF MOTION – COUNCILLORS DONNELLY, GILDERNEW, GILLESPIE, McGUIGAN, McLARNON, McMAHON, MOLLOY, MONTEITH AND O'NEILL

Councillor Monteith in proposing the undernoted notice of motion on behalf of Councillor McLarnon, stated that the motion was self explanatory, was forwarded by Coleraine Borough Council and the rationale behind the motion is the effect on the rural area, benefit of Post Office is that people on low incomes cannot go into overdraft facility and young people who live in family home find it impossible to open bank account.

'This Council strongly opposes the planned withdrawal by the British Department of Works and Pensions, of Post Office Card Accounts, used by those in receipt of benefits to access their money. Many Post Offices in rural, small town and urban areas in our borough and beyond will be under threat of closure due to this proposal therefore we strenuously oppose the potential loss of these vital community facilities. Furthermore, this council resolves to write to the relevant Minister to express these views.'

Councillor McMahon in seconding the motion stated this decision was another attack on the fabric of rural community life as the decision may affect the long-term viability of many rural branches.

Councillors spoke in support of the motion although a number disagreed with the wording and hence could not support the motion. To obtain support for this motion would require it to be amended and for any other motion coming forward in the future would have to be more selective with the words used.

Councillor Morrow left at 10.45 pm.

The proposer did not agree to change the motion following which it was put to the meeting 8 (eight) members voting in favour and 2 (two) against.

The Mayor declared the motion carried.

Councillor Hamilton asked it to be recorded that his reason for objection was because of the language used in the motion.

Councillors F Burton and R Burton left the meeting at 10.50 pm.

13 SEALING OF DOCUMENTS

Resolved That the Council seal be affixed to the undernoted documents:

Letter of Offer dated 23 February 2006 – Project Cultural Craft Ref No: 007491 – European Union Programme for Peace and Reconciliation Co-Operation Ireland and Dungannon & South Tyrone Borough Council/Donegal Enterprise Board

Castlehill, Dungannon
Assignment from NI Policing Board
Northern Ireland Policing Board to the Council

C 13 (03.07.06)

Castlehill, Dungannon

Lease and Counterpart Lease

Thomas Graham Swann, Thomas Frizell, Ronald Smith, Richard Devlin and Ronald McGuffin to the Council

14 MISCELLANEOUS MATTERS

14.1 Local Government International Bureau, from localism to globalism: Northern Ireland, Europe and the wider world, Cookstown, 8 September 2006

Details of above roadshow had been circulated.

Marked read.

15 OTHER RELEVANT BUSINESS

The undernoted correspondence having previously been circulated was noted by the Council:

15.1 Department of Regional Development

Letter dated 7 June 2006 from Roads Service Omagh re: Traffic Calming – Castlecaulfield.

Letter 8 June 2006 from Roads Service Omagh re: The Private Streets (NI) Order 1980 Development at – Cavan Road, Killyman, Dungannon Stages 1 & 2 Developer Howard Menary.

Letter 21 June 2006 from Roads Service re: The Private Streets (NI) Order 1980 Development at – Lisfearthy Primary School, Farrieter Road, Dungannon, Developer SELB.

15.2 Department of Environment

Letter from Divisional Planning Service re: Demolition of existing dwelling and construction of shop unit with first floor apartment – 16 Charlemont St. Moy – application withdrawn.

Letter from Divisional Planning Service re: Amendment of scheme as previously approved under M/2002/1286 to now include public house and extension of site boundary to include part of 39 Irish St. 39 & 41 – 43 Irish Street, Dungannon – application withdrawn.

Letter 30 June 2006 from Planning Service re: withdrawal of planning application number M/2004/1093/F housing development at 25m East of No 14 Washingbay Road, Coalisland.

Letter 21 June 2006 from Local Government Division re website which has been updated to include information relating to the work of the Local Government Reform Taskforce
<http://www.doeni.gov.uk/lgd/localgovreform/>.

15.3 The Electoral Commission

Letter dated 1 June 2006 from The Electoral Commission re Electoral Registration in Northern Ireland Summary of Research update – May 2006.

15.4 PPS14 Judicial Review – Omagh District Council

Letter dated 15 June 2006 re update on this issue.

16 DURATION OF MEETING

The meeting was called for 7.30 pm and ended at 10.52 pm.