

**MINUTES OF MEETING OF THE STRATEGIC SERVICE DELIVERY COMMITTEE
OF DUNGANNON AND SOUTH TYRONE BOROUGH COUNCIL HELD ON
TUESDAY 28 MAY 2013 IN THE COUNCIL OFFICES, CIRCULAR ROAD,
DUNGANNON**

- MEMBERS PRESENT:** In the Chair, Councillor Cavanagh (Chair)
- Councillors Ashton, F Burton, Cuddy, Daly, Donnelly, Gillespie, McGonnell, McGuigan, Molloy, Mulligan, O'Neill, Reid, Robinson
- OFFICERS PRESENT:** R Gillis, Senior Licensing Officer (SLO)
T Law, Waste Operations Manager (WOM)
J McClelland, Director of Building Services (DBS)
F McClements, Deputy Director of Environmental Health (DDEH)
J McNeill, Contracts Manager (CM)
L Marshall (Secretariat)
- IN ATTENDANCE:** Anne Blacker and Sandy Truesdale, NIEA
- APOLOGIES:** Councillors Brush, R Burton, Gildernew, Hamilton, Monteith and Quinn
A Burke, Director of Environmental Services

The meeting started at 7.30 pm

1 PRESENTATION BY NIEA

Chair welcomed representatives from NIEA who made presentation (appendix 1) on the work of the Environmental Crime and Land and Resource Management Units within NIEA. Members were provided with figures on the number of incidents reported to NIEA during May 2013 so far and number of prosecutions from 2009. NIEA encouraged the public to make use of the Crimestoppers telephone number as it is completely anonymous with information received being passed to NIEA and PSNI in tandem.

In relation to the pilot flytipping protocol Members were advised that 19 of the 26 Councils have signed up to date. If a Council who has signed up to the protocol reports flytipping, any quantity of hazardous waste on public land will be removed by NIEA, non-hazardous material has to be a minimum of 20m³ before any action is taken. If the material amounts to less than 20m³ then the Council is responsible for disposal. This Council has yet to sign up to the protocol and Members felt this

may be a decision worth reviewing however concern was expressed at how the protocol may be financed in the future.

Members also expressed grave concern that when material is dumped on private land then it is the responsibility of the landowner to dispose of the material, at their own cost, or face prosecution. Members are aware of several cases of this happening throughout the Borough and NIEA asked Members to provide details of these cases to them with a view of undertaking a retrospective review.

(Representatives from NIEA left the meeting at 8.24 pm)

2 DECLARATION OF CONFLICT OF INTEREST

Member declared an interest in the following but did not leave the room –

Building Services Report –
Councillor Robinson – Item B2 - Building Services Refusals – C/656/12

3 BUILDING SERVICES

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

OPERATIONAL

3.1 Refusals

DBS advised that as further information required had not been received he recommended refusal of the applications as listed on appendix 3.

3.2 Unapproved Development

DBS advised that plans have now been received from the undernoted and can be deleted from report:

Mr Donovan Ross Change of use and roof space conversion to Baliff's Lodge at 110 Ballygawley Road, Dungannon

3.3 Street Naming and Numbering

As per report DBS put forward suggested street names for proposed development at Clogherny Road, Cadian, Dungannon.

Proposed by Councillor McGuigan
Seconded by Councillor F Burton and

Resolved That proposed development at Clogherny Road, Cadian, Dungannon be named 'Cadian Glen'.

3.4 Biomass Project

In response to Members question regarding land at Eskragh Lough Dungannon, CM advised that land covers approximately 15-16 acres of which around 9 acres is currently planted in willow.

DBS advised that in the short term to get the project up and running it is proposed to buy heat per kilowatt for the biomass plant, in the longer term can look at schedule for planting and harvesting of willow.

3.5 Hill of the O'Neill/Ranfurly House

CM advised that works are continuing at the site and should be completed by end of June.

3.6 Adoption of Report

Proposed by Councillor McGuigan
Seconded by Councillor O'Neill and

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

(Messrs McClelland and McNeill left the meeting at 8.36 pm)

4 ENVIRONMENTAL SERVICES

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

STRATEGIC

4.1 The Street Trading Act (NI) 2001

As per report SLO highlighted to Members proposed amendments to the application process for street trading licences to allow Council to ask for some additional information.

Proposed by Councillor McGonnell
Seconded by Councillor O'Neill and

Resolved That it be recommended to Council to amend the application process for street trading licences as laid out in report.

4.2 Street Trading Act (NI) 2001 – Proposal to vary/rescind a designating resolution

In addition to report SLO circulated further supplementary information which contained responses to public notice placed, copy of Council policy on street trading pitch designation and relevant section of street trading legislation. Members considered each of the locations under review in turn –

Main Street, Caledon

Resolved That it be recommended to Council to rescind the part of the resolution designating Main Street Caledon.

Charlemont Street, Moy

Resolved That it be recommended to Council to rescind the part of the resolution designating Charlemont Street, Moy.

SLO reminded Members that although sites are being rescinded for street trading purposes there may be an opportunity to apply for a temporary street trading licence should there be a particular event planned or organised.

Ann Street, Dungannon

Resolved That it be recommended to Council to allow the resolution for Ann Street, Dungannon to stand as it is and continue to deal with applications on a case by case basis to determine the suitability of the trading activity proposed and attempt to deal with potential issues by enforceable conditions of licence.

Part of layby on Ballynakilly Road, approaching Tamnamore Roundabout

Proposed by Councillor Molloy
Seconded by Councillor Donnelly

That it be recommended to Council to allow the designation at layby on Ballynakilly Road to remain in force and continue to process applications for street trading purposes at this site for the following reasons:

- there has been no significant change in the layout or nature of the area in question since its original designation;
- any complaints that have been made relate to issues surrounding parking matters, not trading issues, and the Council are not the agency to enforce such matters;

- the traders have been operating for a number of years in the area and have built up a customer base and therefore are providing a service that the public want;
- consideration has been given to the provision of similar services nearby in permanent premises, however these businesses were established in the knowledge that there was already existing trading taking place;
- the level of rates that one premises or business pays as compared to the cost of a street trading licence is not a relevant consideration as the street trading legislation is very clear that fees and charges paid in relation to street trading must only cover the cost of the Council carrying out its functions under the 2001 Act.

13 voted in favour of the proposal and none against. Councillor Cuddy asked it to be recorded that he abstained from voting. The Chair declared the proposal carried.

OPERATIONAL

4.3 Closing Order

As per report SLO reminded Members of closing orders which were served on two premises in William Street, Dungannon, these closing orders stipulated that both premises were to be closed at 1.30 am every morning. SLO advised of complaints received regarding one of the premises remaining open well beyond the stipulated closing time.

SLO advised that the owner of the premises has been reminded of their requirement to close by 1.30 am by warning letter but has continued to operate in breach of the order. A statement has also been received from PSNI in relation to one particular incident of breach of the order and statements are pending relating to at least two other incidents.

Resolved That Council proceed to send file to Council Solicitor with a view to prosecuting the keeper of the premises ref: Food Reg No 866 for an offence contrary to Article 7 of the 1985 Order.

4.4 Health and Safety – Civic Amenity Sites

As per report WOM advised that Health and Safety Executive have revisited sites in respect of the improvement notice served on Council and are satisfied with the remedial action taken, as a result the improvement notice has been removed.

4.5 Review of Waste Management Plan

In response to Members question WOM advised that the Council does not have an individual waste management plan but buys into the SWaMP waste management plan of which this Council is part of.

WOM advised that Council continues to promote its recycling activity via press, council website etc.

4.6 Rethink Waste Application

WOM advised that Council's application for Rethink Waste Funding for upgrade of Drumcoo Civic Amenity Site has been turned down.

4.7 Affordable Warmth Scheme

DDEH advised that DSD plan to extend the Affordable Warmth Scheme and have asked Council to consider continuing its participation. Again this scheme will survey households within a designated area with a view to improving domestic energy efficiency.

Resolved That this Council goes forward as part of a cluster with Cookstown and Magherafelt Councils in participating in the Affordable Warmth Scheme.

4.8 Biodiversity Officer

DDEH advised that following a press release to publicise a "Butterflies and Bumblebees" event, the Biodiversity Officer had been asked to take part in a live interview for a BBC Radio Ulster programme on Saturday 25 May. Further involvement with the show has been requested which will help to publicise the biodiversity recording project. There may also be the opportunity to take part in the 'Gardener's Corner' programme to further promote wildlife gardening.

4.9 Adoption of Report

Proposed by Councillor McGonnell
Seconded by Councillor McGuigan and

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

5 ANY OTHER BUSINESS

5.1 Thanks

The Chair, this being his last meeting in the Chair before the Annual Council meeting, thanked Members and Officers for their support during the year.

6 DURATION OF MEETING

The meeting was called for 7.30 pm and ended at 9.23 pm.

MAYOR _____

CHIEF EXECUTIVE _____
(Acting)