

**MINUTES OF MEETING OF THE PUBLIC SERVICES COMMITTEE OF
DUNGANNON AND SOUTH TYRONE BOROUGH COUNCIL HELD ON
TUESDAY 29 SEPTEMBER 2009 IN THE COUNCIL OFFICES, CIRCULAR ROAD,
DUNGANNON**

- MEMBERS PRESENT:** Councillor Gillespie (Chair)
- Councillors Brush, R Burton, Currie, Greenaway,
McLarnon, Mulligan
- OFFICERS PRESENT:** A Burke, Director of Environmental Health
(DEH)
R Gillis, Senior Licensing Officer (SLO)
F Kirk, Deputy Director of Building Control
(DBC)
B McMinn, Director of Technical Services (DTS)
Y Zellmann, Agenda 21 Co-Ordinator (A21)
L Marshall (Secretariat)
- OTHERS:** Councillors F Burton, Daly, Molloy (8.20 pm)
- APOLOGIES:** Councillor Badger and Gildernew

The meeting started at 7.30 pm.

1 CHANGE TO ORDER OF AGENDA

Resolved That report of Agenda 21 Co Ordinator be taken first.

2 AGENDA 21

The report (appendix 1) and addendum (appendix 2) of the Agenda 21 Co-ordinator was presented reference being made to the undernoted:

2.1 Council Allotments Project

Councillor Brush declared a non pecuniary interest in this item.

A21 Co-Ordinator made presentation (appendix 3) with regards to Council run allotments. The presentation covered the benefits of allotments and other factors for consideration such as location, existing facilities, land/soil conditions and resources.

Potential sites for future allotments include 3 acres at Nunnery Hill at Dungannon Park and a 1 acre privately owned site near Donaghmore. A21 Co-Ordinator also welcomed any other suggestions for location. During discussion Members referred to –

- Present usage of Nunnery Hill for Council events.
- What the public interest is in having allotments.
- Potential for vandalism to allotments – need for area to be secure.

Whilst mindful of the concerns relating to vandalism and the uptake of allotment space Members felt it would be a shame if Council does not move forward positively on this issue.

DTS put forward a further suggestion for location of allotments at 'Barley Field', behind Drumglass High School, off Carland Road, Dungannon.

Resolved That it be recommended to the Council to invite representatives from Lisburn/Carrickfergus Council to future meeting to discuss how they dealt with allotments projects in their areas. Arrange visit for Members to established allotment sites. A21 Co-Ordinator to investigate potential of 'Barley Field'.

2.2 Allocation of Landfill Tax Funding (Landfill Communities Fund)

A21 Co-Ordinator put forward 8 project proposals as per report plus 1 additional proposal (appendix 2) for Landfill Tax Funding. A21 Co-Ordinator advised that there is 125k available.

Member requested that this item be deferred until next month as another Member who was absent from this meeting wanted to bring forward further proposal.

Members felt there is a need for a deadline in order to move forward with the allocation of funds for projects.

(Councillor Molloy entered the meeting at 8.20 pm)

Members discussed proposal for Fisherman's Lodge, Brantry which was previously put forward (but not included on this list) and the need to clarify the situation with this proposal.

Proposed by Councillor Currie
Seconded by Councillor R Burton and

Resolved That it be recommended to the Council to clarify situation with regards Fisherman's Lodge, Brantry and if viable to incorporate into list of proposals for this allocation of funds. No further proposals to be accepted at this time. A21 Co-Ordinator to provide further information for the evaluation of applications at future meeting. (10 proposals in total to be evaluated)

2.3 Adoption of Report and Addendum

Proposed by Councillor Currie
Seconded by Councillor McLarnon and

Resolved That it be recommended to the Council that the report and addendum of the Agenda 21 Co-Ordinator be adopted, and that all recommendations, subject to the foregoing, be approved.

(Y Zellmann left the meeting at 8.38pm)

3 ENVIRONMENTAL HEALTH

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

3.1 Test Purchasing for underage cigarette sales

DEH advised of response from NI Commissioner for Children and Young People as per report. Members discussed how they wished to proceed.

Resolved That it be recommended to the Council not to progress with involving children in test purchasing for underage cigarette sales.

3.2 Street Trading Act (Northern Ireland) 2001

3.2.1 Additional Applications

SLO advised he is in receipt of 3 applications for temporary street trading licences to operate at the Halloween Event planned for 30 October 2009 in Market Square, Dungannon. The applications have been forwarded to PSNI and Roads Service for their comments. Comments from these agencies have not yet been received.

Resolved That it be recommended to the Council that subject to no adverse comments being received from PSNI or Roads Service, that the licences be granted for the Halloween

event in relation to file refs: ST/TEMP/76/09, ST/TEMP/78/09 and ST/TEMP/79/09.

3.2.2 Aughnacloy Market

Member asked for thought to be given to raising the profile of Aughnacloy Market through the press.

Member also stated that approach has been made by representatives of Granville Car Boot Sale asking to make use of area utilised by market in Aughnacloy on alternate Wednesdays when the market is not on.

SLO advised that he would look into the matter and report back.

3.3 The Local Government (Miscellaneous Provisions) (NI) Order 1985

3.3.1 Closing Orders

SLO provided details of complaints received in 2009 relating to the 2 am Closing Orders for premises in William Street, Dungannon.

In total there were details of 12 alleged breaches, 2 at 2.15 am, 2 at 2.20 am, 1 at 2.25 am, 4 at 2.30 am, 1 at 2.40 am and 2 at 3am.

Observation was carried out on morning of 27 September – customers were allowed access up until 2.15 am when the front door was finally locked and at this time there were approximately 8 customers still on the premises who were not served until 2.35 am when the premises finally closed.

Members discussed options of enforcement.

Resolved That it be recommended to the Council to send warning letter to premises stating that if there were any further breaches to the current 2 am Closing Order Council will consider reducing trading hours to 1 am.

3.3.2 Application File Ref: 1/17

SLO provided information as per report which included an overview of the application process, copy of objection received and PSNI response.

As part of the process objectors and the applicant were given the opportunity to appear before Council and SLO provided a summary of both parties representations along with other factors for consideration.

Main points of discussion were –

- Need for clarification on issue with CCTV
- Duty of Council to get as much information as possible as decision cannot be made based on allegations.

Proposed by Councillor Brush

Seconded by Councillor McLarnon and

Resolved That it be recommended to the Council to invite Inspector Money Penny or representative to future committee meeting to further discuss concerns relating to this licence application.

Members discussed condition added to all licences in July 2009 which requires premises with alcohol licences to ensure that entertainment for children is not in breach of Licensing Order. This follows reports in press advising of underage drinking and young people being removed from premises around the Borough.

Resolved That it be recommended to the Council that Senior Licensing Officer investigate if premises are in breach of this added condition as above. All premises applying to renew their entertainment licence who also hold a liquor licence are to be held until SLO completes this investigation.

3.4 Adoption of Report

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

(R Gillis left the meeting at 9.40 pm)

4 TECHNICAL SERVICES

The report (appendix 5) and addendum (appendix 6) of the Director of Technical Services was presented reference being made to the undernoted:

4.1 Augher Showground Field

As per report DTS provided Members with costings to carry out remedial works at the above field.

Members questioned why this matter was being brought up again whenever it had been agreed that the grounds would be spiked at the

August Development Committee, this being resolved by Council in September.

DTS advised that the Acting Chief Executive had stated not to go ahead with the works as it would set precedent.

Councillor F Burton asked that it be recorded that the DTS had given a 'dispicable answer' on this issue.

Members also felt there was a danger of setting a precedent, that the land is privately owned and that Council already makes a contribution to Clogher Valley Show.

As there appeared to be confusion in the direction given by the Acting Chief Executive, a meeting between Director of Technical Services, Acting Chief Executive and concerned Members is to be arranged.

4.2 Moy Civic Amenity Site

Further to report DTS asked whether Members felt this site should remain open or as there is no tie in with the lease if Council should proceed with closure of the site.

Members discussed how closure may affect NILAS figures and DTS reminded Members that in neighbouring Councils such as Armagh, Cookstown and now Fermanagh the decision was taken to close some if not all civic amenity sites. This has meant an increase in the amount of material being taken to sites such as Moy from people outside the Borough.

Resolved That it be recommended to the Council that Director of Technical Services provide a breakdown of costs to keeping the civic amenity site at Moy open to future committee meeting.

4.3 Update of Recycling Initiatives

DTS asked that in the absence of the Recycling Officer that the items under 'Update of Recycling Initiatives' be held until next month until Recycling Officer is available to clarify items.

4.4 Civic Amenity Site – Tullyvar

In response to Members query DTS advised that arrangements at Tullyvar require attention to make it easier for visitors to dispose of material.

4.5 Addendum

DTS circulated addendum (appendix 6) for Members attention.

4.6 Adoption of Report and Addendum

Proposed by Councillor Currie
Seconded by Councillor Mulligan and

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

5 TULLYVAR UPDATE

Members were updated on Tullyvar as per report of Director of Technical Services (appendix 5).

6 BUILDING CONTROL

The report (appendix 7) of the Director of Building Control was presented reference being made to the undernoted:

6.1 Refusals

The Deputy Director of Building Control advised that as further information required had not been received he recommended refusal of the applications listed on appendix 8.

6.2 Adoption of Report

Proposed by Councillor Currie
Seconded by Councillor Mulligan and

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

7 ANY OTHER BUSINESS

7.1 Order of Agenda

In response to Members question DEH advised that the order of the agenda is rotated to ensure that each Director/Officer has an opportunity to present their report first.

Members also felt there is a need for an additional meeting to discuss LA21 issues prior to the start of this committee.

DEH advised that this could be investigated.

7.2 Polygon Recycling

DEH presented letter from Polygon Recycling informing Members of free disposal of waste silage plastic for recycling, where the plastic is dropped off at a civic amenity site and then transported to their premises at Milford, this being at the expense of the Council. DEH advised that representative from Polygon Recycling is willing to attend future committee meeting to discuss this service.

DEH advised that other organisations who have signed up to this scheme have found difficulties in that plastic being left for recycling is to be clean, in many cases it is not, this means that Council operatives would have to undertake the cleaning of this plastic. Material has to be transported to premises at Milford to which Council is responsible for cost etc.

It was agreed not to proceed with inviting representative from Polygon Recycling to future meeting to discuss disposal service due to concerns relating to cleaning of material and transport costs.

8 DURATION OF MEETING

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

MAYOR_____

CHIEF EXECUTIVE _____
(Acting)