

# COOKSTOWN DISTRICT COUNCIL

Minutes of proceedings of a **STATUTORY MEETING** of the Council held in the Council Chamber on Tuesday 11 October 2005.

<b>Present:</b>	P McGlone, Esq. Chairman
<b>Councillors:</b>	Baker, Cassidy, Lees, McAleer, McCartney, McCrea, McGarvey, McIvor, McNamee, Molloy and Quinn.
<b>Officers:</b>	Clerk/Chief Executive Director of Corporate Services Clerical Officer
<b>Other Representatives</b>	<b>Planning Services</b> Mr K McMahon, Senior Planning Officer

## 1 APOLOGY

Apologies were received on behalf of Councillors Clarke, Glasgow, Greer and Wilson.

## 2 MINUTES OF STATUTORY MEETING – 13 SEPTEMBER 2005

The Minutes of the STATUTORY meeting held on 13 September 2005, a copy of which had been previously circulated, were ADOPTED on the proposal of Councillor McGarvey and seconded by Councillor Molloy.

## 3 MATTERS ARISING

### 3.1 Lough Neagh Rescue Ltd

The Clerk/Chief Executive referred to a letter dated 5 October 2005 received from Lough Neagh Rescue Ltd thanking Council for their financial support.

### 3.2 Invest NI

A letter dated 22 September 2005 was received from Invest NI regarding the level of funding available for the Start a Business Programme.

Whilst Invest NI remains committed to this programme and is pursuing all avenues of potential additional funding it is anticipated that the financing for 2005/06 is likely to remain at the allocated level of £3.5m.

### **3.3 Best Kept Medium Town Award**

A letter dated 16 September 2005 was received from the Cookstown Chamber of Commerce congratulating Council on receiving the Best Kept Medium Town Award for Cookstown.

### **3.4 Southern Education & Library Board Funding**

A letter dated 15 September 2005 was received from Banbridge District Council advising that they had written to the Minister for Education seeking a meeting but had been declined.

### **3.5 Love for Life**

A letter dated 27 September 2005 was received from Love for Life thanking Council for their help and support during the academic year 2004/05.

### **3.6 Town Centre Promotional Activities Project**

The Clerk/Chief Executive advised the meeting that the Town Centre Forum had been awarded a sum of £73,926 from the Department of Social Development toward town centre promotional activities over the next three years. This funding will be matched by the Council.

Councillor McGlone congratulated the Development Department on their efforts.

### **3.7 Wild Bird Cover Information Event**

The Clerk/Chief Executive advised the meeting that an invitation had been received from the Department of Agriculture and Rural Development to attend a Wild Bird Cover Information Event on 15 October 2005 at Wellbrook Beetling Mill, Cookstown.

#### **4 MINUTES OF DEVELOPMENT COMMITTEE MEETING – 20 SEPTEMBER 2005**

The Minutes of the DEVELOPMENT COMMITTEE meeting held on 20 September 2005, a copy of which had been previously circulated, were ADOPTED on the proposal of Councillor McGarvey and seconded by Councillor McAleer.

#### **5 MINUTES OF POLICY RESOURCES SERVICES COMMITTEE MEETING – 28 JUNE 2005**

##### **5.1 Matters Considered**

##### **Item 5.11 Fitness Studio**

In the Director of Operational Services' Report presented to Council on 27 September 2005 the report read:

*Proposals to extend the existing facility were agreed in 2002 and Competition Line were financing the building extension and new equipment estimated to cost £400,000 in return for an extension of the contract for 10 years and a **65/35 share** of income (in favour of Competition Line).*

This should read

.....**55/45 share** of income .....

##### **5.2 Adoption of Minutes**

Subject to the above amendment the Minutes of the POLICY RESOURCES & SERVICES COMMITTEE meeting held on 27 September 2005, a copy of which had been previously circulated, were ADOPTED on the proposal of Councillor McCrea and seconded by Councillor Cassidy.

## **6 MINUTES OF LANGUAGE COMMITTEE MEETING – 29 SEPTEMBER 2005**

### **6.1 Matters Considered**

#### **Item 4 - Ongoing Projects**

Councillor McGlone advised the meeting that St Mary's, Bonn Scoil should read St Mary's, Bunscoil.

### **6.2 Adoption of Minutes**

Subject to the above amendment the Minutes of LANGUAGE COMMITTEE meeting held on 29 September 2005, a copy of which had been previously circulated, were ADOPTED on the proposal of Councillor McGarvey and seconded by Councillor McAleer.

## **7 MINUTES OF LOUGHRY COMMITTEE MEETING – 7 OCTOBER 2005**

The Minutes of the LOUGHRY COMMITTEE meeting held on 7 October 2005, a copy of which was circulated at the meeting, were ADOPTED on the proposal of Councillor McGarvey and seconded by Councillor McAleer.

## **8 PLANNING MATTERS**

### **8.1 Planning Systems: Workload Pressures**

The Clerk/Chief Executive advised the meeting that a letter dated 30 September 2005 had been received from the Chief Executive of the Planning Service regarding new arrangements for Council consultation.

The Chief Executive has noted Council's concerns but stated that the new arrangements are being introduced from October.

Council was of the opinion that the implementation of the new arrangements would hinder the planning process and not produce the efficiencies projected and was not in the best interests of the community.

Members were of the opinion that the new procedures were being implemented regardless of their protests and that under duress they would comply. Councillors wished it to be noted that they would need to receive the planning schedule much earlier than at present

so that members will have sufficient time to justify the deferral of an application, if appropriate, for a consultation meeting with Planning Service officials.

Members AGREED that a Planning Committee may be required to consider the office meeting deferrals.

Council AGREED that legal opinion should be sought on the consultation process and in particular the affect that this change will have in rural areas.

## **8.2 Schedule**

The Chairman expressed the opinion of the Council to the Senior Planning Officer.

The Senior Planning Officer advised the meeting that he had no option but to implement the procedures. He also stated that Planning Service was aware of the shortage of time at present between the receipt of the planning schedule and the meeting and that on this occasion *discretion* would be applied.

Submitted schedule dated 11 October 2005, a copy of which had been previously circulated, showing details of the Department's opinion as to how planning applications within the District should be decided.

### **NEW APPLICATIONS**

<b>Ref No</b>	<b>Applicant</b>	<b>Development</b>
I/05/0228/F	D Convery 94 Backlower Road Stewartstown	Dwelling

**Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Baker, McAleer, McGlone, McIvor to consider same.**

I/05/0502/O	G Millar 100m S 20 Lismoney Road	Dwelling
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## Cookstown

Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillor McCrea to consider same

I/05/0671/O	McNicholl 90m SE 12 Agaveagh Road Stewartstown	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Baker, McAleer, McGlone, McIvor to consider same.

I/05/0698/F	J Arrell 160m S 53 Ruskey Road Coagh	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Baker, McAleer, McGlone, McIvor to consider same..

I/05/0728/O	H Hessin 500m NE 44 Moneyhaw Road Moneymore	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillor Wilson to consider same..

I/05/0809/O	J Quinn Rear 76 Orritor Road Cookstown	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Cassidy, McGarvey, McNamee to consider same.

I/05/0848/O	B Law Adjacent to 2 Glenarny Road Cookstown	Dwelling
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**Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Cassidy, Glasgow, McGarvey, McGlone to consider same.**

I/05/0850/F	M McVey Adjacent to 27 Anneeter Road Coagh	Dwelling
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**Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Baker, McAleer, McGlone, McIvor to consider same.**

I/05/0937/O	C Mcdaid 120m NE 20 Spring Road Ballinderry	Dwelling
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**Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Baker, McAleer, McGlone, McIvor and Road Service to consider same.**

I/05/0945/O	D Wright 110m S 164 Ballyronan Road Magherafelt	Dwelling
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**Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Baker, McCartney, McGlone to consider same.**

I/05/0946/O	B Donaghy 150m NW 26 Keenaghan Road Cookstown	Dwelling
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**Council stated that it did not agree with the interpretation of**

policy and requested a meeting to include Councillors Clarke, McGarvey, Molloy to consider same.

I/05/0954/O	A Mullin 100m SE 40 Murnells Road Pomeroy	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Clarke, McGarvey, Molloy to consider same.

I/05/0970/O	J Quinn 25m S 370 Pomeroy Road Pomeroy	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Clarke, McGarvey, Molloy and Road Service to consider same..

I/05/0982/O	B Kane 135m NE 89 Cavanakeeran Road Pomeroy	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Clarke, Glasgow, McGarvey, Molloy to consider same.

I/05/0999/O	B Monaghan 310m N 6 Tamnaskeery Road Cookstown	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Clarke, Glasgow, McGarvey, Molloy to consider same.

I/05/1003/O	D Clarke 430m S 10 Maghadone Road	Dwelling
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## Money more

Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Baker, McGlone to consider same.

I/051004/O	A Hunter 150m E 26 Legnacash Road Cookstown	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillor Glasgow to consider same.

I/05/1027/O	J Rafferty 120m W 21 Baladoo Lane Cookstown	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Clarke, McGarvey, McGlone, Molloy to consider same.

I/05/1034/O	P Rooney 70m NW 12 Killybearn Lane Cookstown	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Baker, McAleer, McGlone, McIvor to consider same.

I/05/1036/O	E Cush 350m NW 45 Cornmaddy Road Cookstown	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Clarke, McGarvey, Molloy to consider same.

I/05/1044/O	D McLaughlin 95 Orritor Road Cookstown	Dwelling
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**Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Cassidy, McGarvey, McGlone, Quinn to consider same.**

I/05/1053/O	B McAleer Keerin Road Cookstown	Dwelling
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**Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Clarke, McGarvey, Molloy to consider same.**

I/05/1066/O	S Mullin 25m W 17 Killeenan Road Cookstown	Dwelling
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**Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Clarke, McGarvey, Molloy to consider same.**

II/05/1069/O	F Moore 100m SW 35 Corrycroar Road Pomeroy	Dwelling
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**Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Glasgow, Lees, McCare to consider same.**

I/05/1078/F	D Jordan 40m E 5 Drumhubbert Road Brockagh	Dwelling
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**Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Baker, McAleer, McGlone, McIvor to consider same.**

I/05/1079/O	C Devlin 180m N 49 Mulligan Road Loup	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors McAleer, McIvor to consider same.

I/05/1080/O	T Nesbitt 290m SE 44 Ballyneill Road Ballyronan	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Baker, McGlone to consider same.

I/05/1087/O	T Mawhinney 30m off 90 Loup Road Moneymore	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Baker, McAleer, McGlone, McIvor and Road Service to consider same.

I/05/1088/O	F McGuigan 120m N 15 Beltonean Road Ballynasollus Cookstown	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Clarke, McGarvey, Molloy to consider same.

I/05/1091/O	J Rooney Adjacent to and W 29 Donaghendry Road Stewartstown	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Baker, McAleer, McGlone, McIvor to consider same.

I/05/1096/O	D Howard 190m E 25 Drummullan Road Moneymore	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors McCartney, McCrea, McGlone to consider same.

I/05/1105/O	W&S Hammond 90m NW 7 Ballymaguire Road Stewartstown	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillor Glasgow to consider same.

I/05/1109/O	Gibson Design 260m SE 126 Killycolpy Road Stewartstown	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Baker, McAleer, McGlone, McIvor to consider same.

I/05/1138/O	G Girvan 320m NE 127 Limehill Road Pomeroy	Dwelling
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Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillors Clarke, McGarvey, Molloy to consider same.

I/05/1158/O	R Beggs	Dwelling
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150m W  
23 Blacktown Road  
Dungannon

Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillor Glasgow to consider same.

I/05/1165/O	J Dunlop	Dwelling
	130m E	
	8 Flo Road	
	Cookstown	

Council stated that it did not agree with the interpretation of policy and requested a meeting to include Councillor Glasgow to consider same.

### **8.3 Planning (General Development) (Amendment) Order (NI) 2005, SR 427**

Council NOTED receipt of a letter dated 28 September 2005 from Planning Service regarding the above Statutory Rule which comes into effect on 24 October 2005.

## **9 CONSULTATIONS**

### **9.1 Water Service – Capital Works Programme 2005-2007**

The Chairman welcomed Mr William Duddy, Director of Customer Services, Mr Raymond Moore District Networks Manager and Mr Kieran Grant, Project Manager Waste Water Procurement to the meeting.

A copy of the Capital Works Programme 2005/2007 had been previously circulated. Mr Duddy outlined the proposals in the programme and answered queries.

The Chairman welcomed the proposals and thanked the officials for their attendance.

**9.2 Proposal for Increased Water Supply Abstraction From Lough Neagh 2005-2015**

Council NOTED receipt of a letter dated 30 September 2005 from Water Service regarding the above.

**9.3 Councillors' Remuneration Working Group**

A letter dated 29 September 2005 was received from the Local Government Division regarding the above.

Council AGREED to refer this matter to the Members Services Committee and to seek the response prepared by the National Association of Councillors.

**9.4 Road Traffic and Vehicles Roads (Speed Limit) Order (NI) 1997 Proposed 40MPH Speed Limit at Dunnamore Road & Mill Road, Cookstown**

Council NOTED receipt of a letter dated 8 September 2005 from Roads Service regarding the above.

**9.5 Consultation on Regulation of Legal Service in Northern Ireland**

Council NOTED receipt of a letter and Consultation on Regulation of Legal Service in Northern Ireland issued by the Department of Finance & Personnel.

**10 NOMINATIONS**

**10.1 Northern Ireland Tourist Board**

Council NOTED receipt of a letter dated 27 September 2005 from the Department of Enterprise, Trade and Investment regarding the appointment of 3 members to the Northern Ireland Tourist Board.

**11 PROPERTY LAND & EQUIPMENT**

**11.1 Premises, William Street, Cookstown**

On the proposal of Councillor McCrea, seconded by Councillor McGarvey it was AGREED to sign and seal conveyance regarding the sale of the above premises.

## **11.2 Lands at Kingsmill, Stewartstown**

On the proposal of Councillor Molloy, seconded by Councillor Baker it was AGREED to sign the release regarding water rights on the stream at lands at Kingsmill, Stewartstown.

## **12 NOTICE OF MOTION**

To consider the following Notice of Motion in the names of Councillors McGlone, Baker, Cassidy, McGarvey, Quinn

*"That this Council holds a civic reception for the Tyrone Gaelic Football Team to celebrate the occasion of winning the All Ireland title on Sunday 25 September 2005."*

Councillor McCrea queried the policy and cost of such a reception and requested a recorded vote.

Following a show of hands Councillors Baker, Cassidy, McAleer, McGarvey, McGlone, McNamee, McIvor, Molloy and Quinn voted for the motion.

Councillors Lees, McCartney and McCrea voted against the motion.

The Chairman declared the motion carried.

Councillors Lees and McCartney wanted it to be recorded that they wished to be disassociated with the motion.

Councillor McAleer wished Peter Canavan and Christopher Lawn best wishes on their retirement from the Tyrone Team.

## **13 ANY OTHER BUSINESS**

### **13.1 Community Safety/Support Officer**

Council AGREED to advertise for the post of a Community Safety/Support Officer.

The meeting ended at 9.20 p.m.

Chairman

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Clerk/Chief Executive

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Date



## **TABLED FOR INFORMATION**

### **Minutes**

Southern Education & Library Board  
19 May 2005

### **REPORTS**

The Review of Mental Health and Learning Disability (NI) Team  
A Strategic Framework for Adult Mental Health Services 2005

Local Government Staff Commission for NI  
LGSC News – Issue 7

PSNI  
- Issue 10

Criminal Justice Services NI  
Annual Report 2004/05

Ombudsman NI  
Annual Report 2004/05

Translink  
Annual Report 2004/05

Organised Crime Task Force  
Annual Report 2005