

MAGHERAFELT DISTRICT COUNCIL

Minutes of Proceedings of a Meeting of Magherafelt District Council held in the Council Chamber, 50 Ballyronan Road, Magherafelt on Tuesday, 9 November 2010. The meeting commenced at 7.30 pm.

Presiding:

Mrs E A Forde

Other Members Present:

J F Kerr

P J Bateson

T J Catherwood

J Crawford

P E Groogan

O T Hughes

Miss K A Lagan

Mrs K A McEldowney

P McLean

J J McPeake

I P Milne

Miss B A Scullion

G C Shiels

Apology: J Campbell

Officers Present:

J A McLaughlin (Chief Executive)

W J Glendinning (Director of Building Control)

A Cassells (Director of Operations)

M Young (Director of Environmental Health)

Mrs Anne-Marie Campbell (Director of Policy & Development)

Mrs Audrey Junkin (Chief Executive's Secretary)

Representatives from Other Bodies in Attendance:

DRD Roads Service – Western Division:

Des McFarlane - Principal Network Planning Manager

Mr Gerry Hackett –Senior Engineer Development Control

Mr Gary Quinn – Local Section Engineer

DoE Planning Service:

Mr Melvin Bowman – Planning Officer

1 Minutes

1.1 The Chief Executive drew the Members' attention to Page 2 of the Minutes – Paragraph 1.1.1 and requested that the Minutes be amended to include the words "above amendment" at the end of the resolution.

1.1.1 He further requested that Paragraph 1.2.1 be amended to remove the words "subject to the above amendment" from the resolution.

2 **Matters Arising Out of the Minutes**

The Chief Executive advised that there was one letter of thanks from Mr Denis Broderick thanking the Council for its donation to the National Deaf Children's Society. Mr Broderick also stated that he had survived his cycle from Land's End to John O'Groats in aid of the charity.

Noted.

There were no other matters arising out of the Minutes.

3 **Co-option of Councillor to Fill Vacancy**

The Chief Executive advised that the Council required to co-opt a member to fill the vacancy caused by the resignation of Councillor Rev Dr R T Wm McCrea, MP. He said that in accordance with a previous resolution of the Council, in the event of a vacancy occurring for a Councillor, the Party to which that Councillor belonged had the right to co-opt unopposed an individual to fill that vacancy. Mr Samuel Wesley Stewart Brown had signed the Declaration Against Terrorism (Form LE28).

3.1 Accordingly, it was

Proposed by Councillor P McLean

Seconded by Councillor T J Catherwood, and

Resolved: That the vacancy be filled by the co-option of Mr Wesley Brown.

As Mr Brown was present in the Chamber, he was invited to join the meeting and took his seat.

4 **Sympathy**

Councillor P McLean expressed sympathy to the Chief Executive on the death of his mother and Mrs Anne-Marie Campbell, Director of Policy and Development on the recent death of her father-in-law.

The Chief Executive replied by saying that he was humbled by the number of Councillors and staff who had supported him during the bereavement by coming to the home and attending the funeral.

Noted.

5 **Congratulations**

Members congratulated Mr J J Tohill, Director of Finance and Administration on the birth, earlier in the day, of his fourth daughter.

Noted.

6 **Setting Aside of Standing Orders**

The Chief Executive referred to Item 9 in the Minutes of the previous Council Meeting and to the decision taken regarding the presentation of the Planning report to the Council. He explained that Standing Orders would require to be changed and as such the amendment would not come into practice until the meeting following the adoption of the Minutes, which in this instance would be the Council meeting in January 2011.

It was

PROPOSED by Councillor J F Kerr
Seconded by Councillor G C Shiels, and

RESOLVED: to receive the report of the Divisional Planning Manager.

7 **Planning Service**

185/11/2010

7.1 **New Planning Applications:**

H/2009/0130/F – Heron Bros Ltd

Approval. The Council agreed to the issue of the approval.

H/2009/0420/F – Tobermore Concrete Products Ltd

Approval. The Council agreed to the issue of the approval.

H/2010/0101/F – Mr J Conway

Deferred. Councillor Miss K A Lagan requested an Office Meeting on behalf request of Councillor J Campbell who was absent from the meeting. The Chairperson, Councillor Mrs E A Forde also requested to attend. Councillor Miss Lagan handed a letter of submission to the Planning Officer.

H/2010/0181/F – Carol & Colin Smyth

Approval. The Council agreed to the issue of the approval.

H/2010/0357/O – Mr P McPeake

Approval. The Council agreed to the issue of the approval.

H/2010/0370/F – Heritage Holdings Ltd

Approval. The Council agreed to the issue of the approval.

H/2010/0381/O – Mr George Stewart

Approval. The Council agreed to the issue of the approval.

H/2010/0384/F – Mr Alan Mawhinney

Deferred for an Office Meeting on the request of Councillor I P Milne and the Chairperson, Councillor Mrs E A Forde. Councillor Milne handed a letter of submission to the Planning Officer.

H/2010/0388/F – Mr John Martin

Deferred for an Office Meeting on the request of the Chairperson, Councillor Mrs E A Forde. Councillor Mrs Forde handed a letter of submission to the Planning Officer.

H/2010/0392/O – Mrs K McCloskey

Approval. The Council agreed to the issue of the approval.

H/2010/0394/F – Noel & Marie Lennon

Deferred. Councillor Miss K A Lagan requested an Office Meeting on behalf of Councillor J Campbell. Councillor Miss Lagan handed a letter of submission to the Planning Officer.

H/2010/0395/F – Mr J Higgins

Deferred. Councillor Miss K A Lagan requested an Office Meeting on behalf of Councillor J Campbell. Councillor Miss Lagan handed a letter of submission to the Planning Officer.

H/2010/0397/F – Ms Maureen McWilliams

Deferred. Councillor Miss K A Lagan requested an Office Meeting on behalf of Councillor J Campbell. Councillor Miss Lagan handed a letter of submission to the Planning Officer.

H/2010/0405/O – Mr Joey Nelson

Approval. The Council agreed to the issue of the approval.

The Planning Officer drew Members' attention to the contents of the letters being submitted objecting to the DoE's opinion to refuse. He said that just to disagree to the Department's opinion was not sufficient information for reconsideration, it had to be something new.

H/2010/0407/O – Mr Derek Kissick

Deferred for an Office Meeting on the request of Councillors Miss K A Lagan, G C Shiels and T J Catherwood. Councillor Miss Lagan handed a letter of submission to the Planning Officer.

H/2010/0422/F – Mr J McCloskey

Approval. The Council agreed to the issue of the approval.

H/2010/0426/F – Mr Peter Donnelly

Deferred. Councillor Miss K A Lagan requested an Office Meeting on behalf of Councillor J Campbell. Councillor J J McPeake requested that he be included. Councillor Miss Lagan handed a letter of submission to the Planning Officer.

H/2010/0429/F – M McCrystal

Deferred for an Office Meeting on the request of Councillor J F Kerr. Councillor Kerr handed a letter of submission to the Planning Officer.

7.1.2 Applications Deferred from Previous Meeting:

H/2006/0243/O – Ms M McCartney

Refusal.

H/2006/0938/O – Mrs Pam Taylor

Approval. The Council agreed to the issue of the approval.

H/2007/0277/F – Mr Thomas Hughes

Approval. The Council agreed to the issue of the approval.

H/2007/0850/O – Mr Stephen Moffett

Refusal. The Council agreed to the issue of the decision.

H/2007/0919/O – William Paul

Refusal. Councillor G C Shiels stated that he understood that the applicant would be withdrawing the application by Friday, 12 November 2010.

H/2008/0599/F – Mr Robert Brown

Deferred. It was agreed not to issue a decision until the meeting with an MLA and the Divisional Planning Manager had taken place on 24 November 2010. If the decision was unsuccessful the Council agreed to issue a Refusal decision.

H/2008/0708/O – Gilbert Crawford

Approval. The Council agreed to the issue of the approval.

H/2009/0359/O – Mr Kevin Kelly

Refusal. Councillor P E Groogan intimated that the applicant was likely to withdraw this application. He therefore requested that the decision would not be issued until Friday, 12 November 2010.

H/2009/0542/F – Mr Noel & Mrs Johanne Mullan

Refusal. The Council agreed to the issue the decision.

H/2010/0059/F – Mr Joe Agnew

Approval. The Council agreed to the issue of the approval.

H/2010/0145/F - Mr John Scullion
Approval. The Council agreed to the issue of the approval.

H/2010/0163/F – Mr John Donnelly
Approval. The Council agreed to the issue of the approval.

H/2010/0193/F – Mr C Molloy
Approval. The Council agreed to the issue of the approval.

H/2010/0200/F – Mr & Mrs R Lawrence
Approval. The Council agreed to the issue of the approval.

H/2010/0295/F – Mrs D O’Kane
Refusal. The Council agreed to the issue of the decision.

H/2010/0215/F – Mr A McEldowney
Refusal. The Council agreed to the issue of the decision.

H/2010/0219/F – Mr Danny Scullion
Approval. The Council agreed to the issue of the approval.

H/2010/0250/F – Mr & Mrs M Doyle
Refusal. The Council agreed to the issue of the decision.

H/2010/0289/O – J Henry
Approval. The Council agreed to the issue of the approval.

- 7.1.3 In reply to Councillor J J McPeake’s question if the issue of a refusal was a disadvantage to a future site application and if it would be better if the application was withdrawn. The Planning Officer stated that the only advantage was that it saved the Department having to issue a refusal decision and if a refusal notice was not issued there would be no Planning Appeal. The applicant could reapply at any stage (a five year policy did not apply) and there were no restrictions on the number of times a site could be applied for.

Noted.

- 7.1.4 It was

Proposed by Councillor G C Shiels
Seconded by Councillor J F Kerr, and

Resolved: to adopt the Planning Schedule dated 9 November 2010, subject to the above conditions and amendments.

- 7.2 Submitted schedule of Streamlined Consultation Decisions issued from 1 September to 30 September 2010 (copy previously circulated to each Member).

Noted.

8 **Resumption under Standing Orders**

It was

Proposed by Councillor J F Kerr

Seconded by Councillor J Crawford, and unanimously

Resolved: to resume under Standing Orders.

9 **Presentation – Roads Service**

The Chairperson, Councillor Mrs E A Forde welcomed the representatives from the Roads Service – Western Division to the meeting and asked Mr Des McFarlane to present the Roads Service Local Transport and Safety Measures Draft Programme for the Magherafelt District 2011-2013 (copy previously circulated to each Member) to the Council.

Mr McFarlane advised the Council that Mr Richard Hamilton was retiring at the end of November 2010 and he thanked the Members of the Council for their co-operation over the years he had been employed by Roads Service.

Mr McFarlane gave an update of the situation regarding Magherafelt Bypass, A31 scheme which would proceed from Killyneese Road. He said that the A6 dualling scheme from Toome to Castledawson would be managed by the Northern Division. There had been a groundswell of opposition to the proposed routes and Community Information events had been organised. As a result Roads Service was looking at a modification for the Annaghmore Road/Bellshill Road junction. The Environmental Statement would be submitted to public representatives and there would be a mail drop for the local residents in 2011, and hopefully if there was additional finance a right turn at Ballymoughan Road/ Ballyronan Road/ Ballymulligan Road junction, could be provided.

Mr McFarlane also spoke of Roads Service's plans to reorganise Section Offices and the combining of Magherafelt and Cookstown Section offices as a result of increasing financial pressure on its administrative budget. He explained that there would be one telephone number, one main office and one satellite office and the new combined section would look after network maintenance in both Council areas.

In conclusion, Mr McFarlane said that due to the current funding uncertainty the Divisional Roads Manager had been decided not to add any additional schemes to the draft programme but to focus on the development of schemes contained in the current programme based on design options, value for money and deliverability for the Magherafelt District. A reserve list had been compiled so that additional schemes could be brought forward at short notice to replace schemes which had not got on the ground.

Mr Hackett outlined the schemes contained in the Draft Local Transport and Safety Measures Programme for 2011-2013 (copy previously circulated to each Member).

The Chairperson then requested members to bring forward any comments or questions they wished to make on the report.

Individual member thanked Roads Service for the completion of schemes and raised many questions on schemes scheduled for the future. Issues of surface water, grass cutting and winter maintenance were also raised.

Mr McFarlane gave replies where possible and in instances where he could not, he promised to follow the issues up and reply to the Member/s in writing.

The Chairperson, Councillor Mrs E A Forde thanked the representatives from Roads Service for attending and answering Members' questions.

Representatives from Roads Service retired from the meeting at 9.30 pm.

Comfort Break

The Chairperson adjourned the meeting at 9.30 pm for a comfort break.

The meeting reconvened at 9.45 pm.

10 Building Control Department 210/11/2010

The Director of Building Control presented the Department's reports for the period 1 October to 31 October 2010 (copy previously circulated to each Member).

- 10.1 During this period thirty-three applications had been recommended for approval and one hundred and forty-five applications required amending by Architects and Agents before granting approval.
- 10.2 During this period there were two extensions of time – MA/2067/0096 for an extension to a dwelling in the name of Mr Michael Holgate, and MA/2067/0147 for an erection a dwelling and garage in the name of Mr Thomas Mooney.
- 10.3 There were five cancellations which had gone beyond the four years expiry date and had not commenced on site –

MN/2067/0005 – Clive Slevin – sunroom extension to a dwelling
MA/2067/0052 – Paul McMahon - extension to a dwelling
MA/2067/0074 – Creagh Building Products – workshop and offices
MA/2067/0090 – Jonathan Molloy – alterations to a dwelling
MA/2067/0145 – James McCready – erection of a dwelling and garage.

10.4 **Application for Notices and Regularisations**

During the period from 1 October 2010 to 31 October 2010 there were three Regularisations and one Notice issued.

10.5 **Building Regulations and Inspections**

During the month of September 2010 forty-three applications had commenced on site and seventeen applications were found to be complete in accordance with Building Regulations.

10.6 **Petroleum Legislation**

Annual Re-Licensing Applications

During the period of the report one re-licensing inspection was carried out.

10.7 **Naming and Numbering of Streets**

During the month of September 2010 twenty-four new Postal Numbers and Postcodes were issued for private dwellings.

10.8 **Property Certificates**

There were forty Property Certificates issued for this period.

10.9 On consideration it was

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

Resolved: to adopt the report as submitted.

11 **Naming and Numbering of Streets**

Consideration was given to the naming and numbering of six dwellings at Corrick Road, Draperstown for Edendale Properties Ltd. The names suggested were:

- 1 Corrick Mews
- 2 Crocmor View
- 3 Straw Villas
- 4 Chapel View.

Following discussion it was

Proposed by Councillor P E Groogan
Seconded by Councillor P McLean, and

Resolved: that the development of six dwellings at Corrick Road, Draperstown be named 'Corrick Mews'.

12 Licenses and Registrations

12.1 Entertainments Licences:

Submitted the following application for an Entertainments Licence which was recommended for renewal:

E.7 Union Road Presbyterian Church – Garden Street Hall,
Magherafelt -
Mr Brian Anderson

12.1.1 It was

Proposed by Councillor O T Hughes
Seconded by Councillor J J McPeake, and

Resolved: to approve the application as submitted.

12.2 Licensing Northern Ireland Order 1996

Submitted the following application which was for information only:

Application for the grant of a Restaurant Licence:

Mr Eamon McCusker, 1 Loves Hill, Castledawson.

Noted.

13 Environmental Health Department

196/11/2010

Mr M. Young, Director of Environmental Health submitted the report for the month of October 2010 (copy previously circulated to each Member).

13.1 The Poisons (NI) Order 1976 The Poisons Regulations (NI) 1983

In accordance with the above legislation, a total of thirteen persons had applied to have their premises retained in the register of persons entitled to sell poisons.

13.1.1 It was

Proposed by Councillor P McLean
Seconded by Councillor S W S Brown, and

Resolved: that the following premises are retained in the register of poisons.

Joesph Drennan, 41 Main Street, Tobermore
J C Stewart, 1 Union Road, Magherafelt

Animal Health Shop, 49 St Patricks Street. Draperstown
R Crawford & Co, 18 Main Street, Maghera
Dunnes Stores, Meadowlane Shopping Centre, Magherafelt
Noones, 92 Main Street, Maghera
Mid-Ulster Garden Centre, 35 Station Road, Maghera
Graham & Son Ltd, 17-19 Main Street, Bellaghy
NCCE Ltd, 29a Garvagh Road, Swatragh
Toners Supermarket, 26 High Street, Draperstown
Toners Supermarket, Diamond centre, Market Street, Magherafelt
Toners Supermarket, 19-21 Main Street, Castledawson
Toners Supermarket, 16 Coleraine Road, Maghera.

13.2 **Food Hygiene Rating Scheme**

Mr Young reminded Members of the discussion at the October 2010 Council meeting concerning the Food Hygiene Rating Scheme, and informed Members that the Food Standards Agency had made an offer of grant assistance as “early adopters” to carry out preparatory work if the Council wished to adopt the scheme.

13.2.1 After discussion it was

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

Resolved: that Council would not take up the offer of grant assistance from the Food Standards Agency to carry out preparatory work in relation to the Food Hygiene Rating Scheme, and would not adopt the scheme at present.

13.3 **Councillor Miss K A Lagan** advised Members of a response to the Department of Social Development’s strategy paper “Warmer Healthier Homes” which had been submitted to the Department on behalf of the Magherafelt Fuel Poverty Working Group, and also briefed Members on the work of the group referring in particular to the work carried out by the Energy Efficiency Officer and to support from the Environmental Health Department.

13.4 It was

Proposed by Councillor J F Kerr
Seconded by Councillor P McLean, and

Resolved: that Council adopt the remainder of the report, which was for information

14 **Operational Services Department**

322/11/2010

Submitted report by the Director of Operations for the month of October 2010 (copy circulated to each Member).

14.1 Mr Cassells gave a detailed presentation of his report, and where appropriate sought the Council's opinion/approval/permission regarding a number of specific proposals/recommendations contained in the report. In respect of these items the following resolutions were agreed by Council.

14.2 **Operational Services: Items for Information**

14.2.1 **Draperstown Public Toilets**

Following a discussion, it was

Proposed by Councillor P E Groogan
Seconded by Councillor J F Kerr, and

Resolved: that as a result of the persistent and prolonged vandalism against the building that the Public Toilets in Draperstown is demolished.

14.2.2 **Residual Waste Contract**

The Director of Operations informed Members that Mr Edwin Poots MLA, Minister for the Environment and Mr Cathal Boylan MLA, Chair of the Environment Committee at Stormont had both accepted an invitation to visit the Council for the formal signing of the above contract on Thursday 25 November 2010.

Noted.

14.2.3 Following the presentation of this section of the Directors Report

It was

Proposed by Councillor O T Hughes
Seconded by Councillor I P Milne, and

Resolved: that, in addition to the above item, the section of the Directors Report marked "Items for Information" was noted.

14.3 **Technical Services: Items for Decision**

14.3.1 **Bi-Lingual Street/Road Nameplates: Request for Survey**

It was

Proposed by Councillor I P Milne
Seconded by Councillor J F Kerr, and

Resolved: that the Council would survey the residents living on Manor Lane and Church Street, both of Magherafelt, and Brackaghlistlea Road, Draperstown, with regards to the erection of bi-lingual street/road nameplates.

14.3.2 **Bi-Lingual Street / Road Nameplates: Survey Results**

It was

Proposed by Councillor J J McPeake
Seconded by Councillor P J Bateson, and

Resolved: that the Council would erect bi-lingual street/road nameplates at Clarkes Road, Clarkes Drive, Clarkes Square, Clarkes Court (all of Gulladuff), Gortahurk Road, Crocknamohil Road, Iniscarn Road (all of Desertmartin), Regency Court, Baronscourt, Manor Lodge and Manor Place (all of Magherafelt).

15 **Development Department**

Mrs Anne-Marie Campbell, Director of Policy and Development submitted the Development report for the month of October 2010 (copy previously circulated to each member)

15.1 **Community Services**

15.1.1 **Internet and Email Policy**

Following discussion it was

Proposed by Councillor P McLean
Seconded by Councillor J F Kerr; and

Resolved: that the Internet and Email policy as outlined is approved.

Councillors Miss B A Scullion and Mrs K A McEldowney retired from the meeting at 10.45 pm.

15.1.2 **Funding for Christmas Lights**

Following discussion it was

Proposed by Councillor J F Kerr
Seconded by Councillor P McLean, and

Resolved: that funding for Christmas lights would be available to groups at the same level as it was last year. Funding could be provided in advance subject to receipts having been received for last years expenditure and an application form having been appropriately filled in.

15.1.3 **International School for Peace Studies**

Mrs Campbell advised that Mr Sean Henry, Good Relations Officer had been accepted as a Fellow of The International School for Peace Studies Mesen/Messines, Belgium and the District Council on 5 November 2010 had been admitted to the Friends of Messines Fellowship because of its efforts in pursuit of peace and reconciliation had shown commitment and dedication to the principles of the Fellowship.

Members expressed their pleasure.

15.2 **Economic Development**

Following discussion it was

Proposed by Councillor P McLean
Seconded by Councillor J F Kerr, and

Resolved: that the Chairperson, Councillor Mrs E A Forde and the Director of Policy and Development, Mrs Anne-Marie Campbell be nominated to sit on the steering group for developing proposals to access funding for economic development from DETI in partnership with Invest NI.

15.3 **Towns and Community Regeneration**

Following discussion it was

Proposed by Councillor K Lagan
Seconded by Councillor S Kerr; and

Resolved: that Council provide funding of £7,000 to the Rainey Centre as match funding for the Community Development Support in Magherafelt District programme supported by DARD. It was also agreed that there will be no further funding available for this type of work beyond March 2011 and that the processes should be put in place for community development work to be delivered internally.

15.4 It was

Proposed by Councillor S Kerr
Seconded by Councillor I Milne; and

Resolved: that the report for the Policy and Development Department as submitted, be adopted.

Councillors O T Hughes and P E Groogan retired from the meeting at 10.45 pm.

16 **Payment of Accounts**

Submitted Statement of Expenditure setting out payments to be made during the month of December 2010 (copy circulated to each Member).

16.1 The statement made provision for £794,782.25 out of the Revenue Account and £513,562.53 out of the Capital Account.

16.2 It was

Proposed by Councillor J F Kerr
Seconded by Councillor P McLean, and

Resolved: to approve the Statement of Accounts as submitted for December 2010.

17 **General Exchequer Grant**

The Chief Executive explained that at a recent Party Group Leaders' Meeting the matter of the reduction of the resources element of the General Exchequer Grant had been discussed. It had been agreed to follow the campaign of other Councils to lobby the Minister regarding the impact of reduced funding on rural councils and the potential equality implications, and to send a standard letter outlining the Council's concerns to local MLA's encouraging them to ask questions in the Assembly

Noted.

18 **Tenders**

Submitted report on tenders received for the resurfacing of part of the recycling yard at 50 Ballyronan Road, Magherafelt (copy circulated to each Member).

18.1 Following discussion it was

Proposed by Councillor P McLean
Seconded by Councillor J F Kerr, and

Resolved: that the lowest tender from F P McCann, Drumard Road, Magherafelt in the sum of £23,325 plus VAT be accepted.

18.2 It was further noted that the work could be completed within three weeks with a twelve month guarantee.

19 Financial Contributions

Submitted the following letters of application for financial assistance from:

19.1 Mr Brian Wood – Great Ethiopian Run:

Submitted letter from Mr Brian Wood seeking sponsorship for the Great Ethiopian Run. He intimated that he and his daughter Lesley Holgate would be going to Ethiopia to run for the charity ActionAid (copy previously circulated to each Member).

19.1.1 Following discussion, it was

Proposed by Councillor G C Shiels
Seconded by Councillor P McLean, and

Resolved: that the Council make a donation £200 directly to the charity.

19.2 Sperrins Tourist Limited:

The Chief Executive reminded Members of the presentation made by Sperrins Tourism Limited at a recent Special Meeting of the Council at which the Council was requested to consider becoming a member of Sperrins Tourism Limited.

19.2.1 After consideration it was agreed that the Council would not join the organisation.

19.2.2 Councillor J F Kerr spoke of some benefits to the Council area from the work had been carried out by Sperrins Tourism Limited.

19.2.3 It was

Proposed by Councillor G C Shiels
Seconded by Councillor J F Kerr, and

Resolved: that the Council make a contribution of £5,000 and that the Council would review each year the actual payment and the amount based on its ongoing assessment of the benefit it derived from the organisation and its own broader budgetary situation.

Councillor Miss K A Lagan retired from the meeting at 11.00 pm.

20 Conferences and Courses

Consideration was given to the nomination of delegates to attend The Private Rented Sector Awareness Raising Seminar to be held in Newtownabbey Borough Council Offices on Friday, 19 November 2010 (details previously circulated to each Member).

20.1 After discussion it was agreed to leave nominations open.

21 Notice of Motion

212/11/2010

21.1 In accordance with his Notice of Motion, Councillor J J McPeake proposed:

“That this Council has serious concerns about the impact of the British Government’s comprehensive spending review proposals; and calls on the Stormont Executive to collectively address these concerns; in consultation with the First Minister and Deputy First Minister and all other Executive colleagues, to bring forward appropriate and agreed Budget proposals for approval by this Assembly which will address these concerns and protect key front-line services.”

21.1.1 The motion was seconded by Councillor P J Bateson.

21.1.2 Councillor McPeake said that these spending review proposals would impact upon key frontline services and would not support growth, fairness and public sector reform. The reduction of 40% for Capital projects would adversely affect the community and the gravity of the current unemployment situation. He sought the Stormont Executive in consultation with the First and Deputy First Ministers to bring forward an agreed budget for approval by the Assembly to address these concerns.

21.1.3 Members agreed to support the motion.

22 Consultation Documents

Submitted the following consultation documents:

22.1 Consultation on the Remuneration of Defence Representation in the Crown Court and Impact Assessments issued by the Northern Ireland Courts and Tribunals Service seeking comments by 19 November 2010.

22.2 Consultation on the Northern Health and Social Care Trust Volunteering Policy and Procedures seeking comments by 19 December 2010.

22.3 UK Consultation on the Next Steps for Healthy Start on proposals to extend the scheme to add frozen fruit and vegetables to the foods already allowed, and to minimise the risk of voucher misuse.

22.4 Consultation on Piloting the New Dental Contracts issued by the Health and Social Care Trust seeking comments by 31 January 2011.

22.5 Consultation on a Code of Practice for Victims of Crime published by the Department of Justice seeking comments by 14 January 2011.

- 22.6 Consultation on the Review of Financial Assistance for Domestic Properties not served by a Water Main carried out by the Department of Regional Development seeking comments by 4 February 2011.
- 22.7 Following discussion it was agreed that if any Member of Party Grouping wished to comment on any of the documents they should forward their comments to the Chief Executive who would arrange to have them forwarded to the Government Department or body concerned.
- 22.8 Submitted NILGA's draft and final responses to the Consultation on the Introduction of Restrictions on Landfilling of Certain Wastes (previously circulated to each Member). It was noted that Magherafelt's response had been included in NILGA's draft response but had not been included in NILGA's final response.

23 **Local Government and 2012 –Council Representatives**

Submitted a letter from Councillor Maurice Bradley, Chair of the Local Government 2010 Olympic Committee Northern Ireland through NILGA dated 3 November 2010 requesting the Council to nominate two local government 2012 representatives to act as a point of contact and liaison – one Councillor and one officer (letter circulated to each Member).

23.1 It was

Proposed by Councillor I P Milne
Seconded by Councillor P J Bateson, and

Resolved: that Councillor J J McPeake and Mr Laurence Hastings, Head of Leisure Services be nominated by the Council to the Local Government 2012 Olympics Committee.

24 **Presentations to Council**

Following discussion it was

Proposed by Councillor J F Kerr
Seconded by Councillor P McLean, and

Resolved: that a Special Meeting of the Council be held on Tuesday, 16 November 2010 at 7.00 pm to receive presentations from The Quarry Products Association, the Northern Ireland Independent Retail Trade Association (NIIRTA) and local residents objecting to Planning Application H/2010/0254/F – a proposed Food Superstore at Moneymore Road, Magherafelt.

25 **Northern Ireland Housing Executive**

Submitted a letter of reply to issues raised at the Council Meeting held on 14 September 2010 during the presentation to Council of the District Housing Plan (copy previously circulated to each Member).

Noted.

26 **Roads Service** 279/11/2010

26.1 Submitted letter dated 4 October 2010 proposing the introduction of 20mph at Queen's Avenue, Kirk Avenue, Princess Terrace, Princess Gardens, Princess Drive, Greenvale Park, Sperrin Drive, Sperrin View and Slemish View, Magherafelt (copy of letter and map previously circulated to each Member).

26.1.1 Members agreed to the proposed introduction of 20mph in the Queen's Avenue area, Magherafelt as outlined by Roads Service.

26.2 **The Private Streets (Northern Ireland) Order 1980**

Submitted letters, Adoption Certificates, etc in connection with Deerpark Road, Toomebridge and Mullaghboy Glen/Heights/Lane, Magherafelt (copies previously circulated to each Member).

Noted.

27 **Water (Northern Ireland) Order 1999** 280a/11/2010

Submitted an application from Mr William Armstrong for consent to discharge effluent to a waterway from 25 Eden Road, Upperlands, Maghera under the Water (Northern Ireland) Order 1999 seeking Council comments (copy previously circulated to each Member).

27.1 Following discussion the Council decided not to make any comments on this application.

28 **Resolution to Proceed "In Committee"**

It was

Proposed by Councillor P McLean

Seconded by Councillor J F Kerr, and

Resolved: that the Council proceeds "In Committee".

Council "In Committee"

29 **North West Region Waste Management Group**

This item was taken “In Committee”.

Councillor G C Shields retired during this item at 11.22 pm.

30 **Audit Committee**

This item was taken “In Committee”.

31 **Staff Matters**

This item was taken “In Committee”.

32 **Legal Matters**

This item was taken “In Committee”.

33 **Resolution to Proceed in “Open Council”**

It was

Proposed by Councillor P McLean

Seconded by Councillor T J Catherwood, and

Resolved: that proceedings be resumed in “Open Council”

Proceedings in “Open Council”

It was

Proposed by Councillor P McLean

Seconded by Councillor T J Catherwood, and

Resolved: that the foregoing proceedings of the Council “In Committee” be and they are hereby approved and adopted.

34 Memorial Stones

The Chief Executive advised that applications had been received from:

Miss Nora Roberts Caldwell (grantee and sister of deceased), 5 Rosegarron Road, Magherafelt BT45 6EP to erect a memorial stone at Plot A109 – Samuel James Caldwell (deceased).

Mrs Dorothy Bradley (grantee and daughter of deceased), 152 Moneymore Road, Magherafelt BT45 6HL to erect a memorial stone at Plot A111 – William Hunter.

34.1 Following discussion it was

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

Resolved: that the Council authorise the erection of a memorial stones in accordance with the Rules and Regulations of Polepatrick Cemetery at Plots A109 and A111.

35 Sealing of Documents

There were no items for sealing.

36 For the Information of Members

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

- (a) Minutes of Meeting of the North Eastern Education and Library Board held on Tuesday, 28 September 2010
- (b) Copy of QPA Northern Ireland's message – Construction Costs Set to Increase (copy circulated to each Member)
- (c) Copy of the Housing Council's latest report 'Why the Private Sector Should Build to Lifetime Homes Standards'
- (d) Copy of the Consumer Council's view on the Department of Social Development's consultation paper on a new fuel poverty strategy (copy circulated to each Member)
- (e) Copy of response by Magherafelt Fuel Poverty Steering Group to "Warmer Healthier Homes" – DSD's consultation paper on a new fuel poverty strategy for Northern Ireland (copy circulated to each Member)
- (f) Copy of 'Consumer 2010' a summary of research carried out by the Consumer Council into the concerns and aspiration of the Northern Ireland Consumer
- (g) Consultation on A Sentencing Guidelines Mechanism launched by the Department of Justice
- (h) Groundwork NI Annual Review 2009-2010

- (i) Equality Commission for Northern Ireland Review Report of the 'Effectiveness of the Disability Duties'
- (j) Annual Report and Accounts of NILGOSC – 2009/2010
- (k) Northern Ireland Housing Council's first independent annual report – 1 April 2009 to 31 August 2010.

The meeting concluded at 11.50 pm.

CHIEF EXECUTIVE

The foregoing Minutes are hereby Confirmed.

_____ (Chairperson)

_____ (Date)