

## 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 2004. The meeting commenced at 7.30 pm.

Presiding: P E Groogan

Other Members Present: R A Montgomery  
T J Catherwood (joined the meeting at 7.33 pm)  
O T Hughes  
J Junkin (joined the meeting at 7.33 pm)  
Miss K A Lagan  
J F Kerr  
J A McBride  
Rev Dr R T Wm McCrea (joined the meeting at 7.32 pm)  
P H McErlean  
P McLean (joined the meeting at 7.33 pm)  
J J McPeake  
H E Mullan  
S O'Brien  
J P O'Neill  
G C Shiels

Officers Present: J A McLaughlin (Chief Executive)  
J J Tohill (Director of Finance and Administration)  
C W Burrows (Director of Environmental Health)  
W J Glendinning (Director of Building Control)  
T J Johnston (Director of Operations)  
Mrs A Junkin (Chief Executive's Secretary)

Representatives from Other Bodies in Attendance: **Water Service:**  
Mr W Duddy – Director of Customer Services  
Mr J Little  
Mr K Walls

**Department of Regional Development –  
Water Reform Unit:**  
Mr David Sterling – Deputy Secretary

**Planning Service:**  
Miss D Dickson – Planning Officer

1. **MINUTES**

Submitted Minutes of Meeting of the Council held on Tuesday, 12 October 2004 (copy circulated to each Member).

1.1 **Councillor Miss K A Lagan** referred to Page 44 of the Minutes – Item 17.7.1 – Fort Riding Centre, Maghera, and stated that as she had retired from the meeting she could not have proposed that the Council make a payment to the Centre. She requested that this be amended.

1.2 Accordingly it was

PROPOSED by the Councillor Miss K A Lagan  
Seconded by Councillor J F Kerr, and

RESOLVED: that the Minutes of the Meeting of the Council held on Tuesday, 12 October 2004 subject to the above amendment, be taken as read and signed as correct.

**Councillor Rev Dr R T Wm McCrea joined the meeting at 7.32 pm.**

2. **MATTERS ARISING  
OUT OF THE MINUTES**

56/11/2004

2.1 The Chief Executive submitted letter of thanks from the Projects Manager, Action MS Northern Ireland for the Council's donation which would provide support to many people to the Action MS Careline, counselling, advocacy and medicare breaks.

Noted.

2.2 Submitted letter of thanks from Homefirst Community Trust thanking the Council for financially supporting four people who attended Maghera Day Centre and participated in the Special Pool World Championship in July 2004.

Noted.

**Councillors T J Catherwood, J Junkin and P McLean joined the meeting at 7.33 pm.**

2.3 The Chief Executive advised the Council that there was an outstanding meeting which required to be arranged and suggested suitable dates.

2.3.1 On consideration it was

PROPOSED by Councillor Rev Dr

R T Wm McCrea,

Seconded by Councillor J F Kerr, and

RESOLVED: that a Special Meeting of the Council would be held on Wednesday, 17 November 2004 at 7.30pm in the Council Chamber.

3. **SYMPATHY**

260/11/2004

**Councillor G C Shiels** referred to the recent death of HRH Princess Alice, Duchess of Gloucester in her 103<sup>rd</sup> year. He brought this to the Council's attention because Princess Alice had been the Patron of The Somme Association and he was the current Council's representative on the Association.

3.1 Councillor Shiels said that many people particularly remembered Princess Alice when, as part of her Royal duties, she visited Belfast during the Blitz in 1941. He proposed that the Council send a letter of sympathy to The Queen on the death of her aunt.

This was seconded by Councillor Rev Dr R T Wm McCrea and adopted by the Council.

4. **CONGRATULATIONS**

260/3/2004

4.1 **Councillor R A Montgomery** proposed that a message of Congratulations be sent to Mr Robert Watt, Maghera on winning the prestigious G S MacLennan Piping Competition held in San Diego, California.

This was seconded by Councillor Rev Dr R T Wm McCrea and adopted by the Council.

4.2 **Councillor G C Shiels** proposed that a message of Congratulations be sent to R Crawford & Co on receiving the Neighbourhood Retailer Post Office of the year award for 2004 from Chesterfield Security.

This was seconded by Councillor R A Montgomery and adopted by the Council.

4.3 **Councillor J F Kerr** referred to the success of Slaughtneil GAC on winning the John McLaughlin Cup in the County Derry Senior Football Club Championship 2004 and proposed that a message of Congratulations be sent to the Chairman of the Club.

This was seconded by Councillor Miss K A Lagan and adopted by the Council.

5. **SUSPENSION OF  
STANDING ORDERS**

**Councillor Miss K A Lagan** requested permission to bring forward an emergency resolution on the Planning Service.

5.1 The Chief Executive advised that for this to happen the Council required to set aside Standing Orders.

5.2 It was

PROPOSED by Councillor Miss K A Lagan  
Seconded by Councillor J A McBride, and  
unanimously

RESOLVED: that Standing Orders be suspended.

6. **EMERGENCY  
RESOLUTION**

**Councillor Miss K A Lagan** proposed:

*“That this Council requests a meeting with the Chief Executive of the Planning Service to discuss the serious situation arising from those applications which, having gone through Council as approvals may now, in the light of a recent PAC decision be faced with refusal or postponement until after the Public Inquiry stage of the Area Plan.”*

Councillor J A McBride seconded the motion.

6.1 Councillor Miss Lagan said that there was the intention to approve these applications but now this effectively meant that the Planning Service were not fulfilling that commitment and further that that commitment was made public at Council. There was therefore the expectation that there would be delivery and confirmation of that decision. To now tell the applicants that their approvals may be in doubt was to place the

Council in an unacceptable position and it was patently unfair.

6.2 Councillor Miss Lagan stated that there should have been the willingness by the Planning Service to uphold the decisions taken prior to the 13 October 2004 when the PAC decision was received. For this reason it was imperative that the Chief Executive of the Planning Service be challenged on this position at Council.

6.3 **Councillor J A McBride** said that delays in the Planning Service in processing applications and bringing forward opinions to Council were well documented. Councillor McBride pointed out that the recent decision by the Planning Appeal Commission posed very real problems and he could not impress too strongly the seriousness of the situation.

6.4 **Councillor Rev Dr R T Wm McCrea** hoped that Councillors would not be called to look in retrospect at cases which the Planning Service had already taken the decision. He said that it would be dangerous for the Planning Service to reverse decisions taken on approvals that had gone through the system. He said that he would be bringing the matter of overturning decisions to the attention of the Chief Executive of the Planning Service and the Minister particularly when it had been agreed on a green form. He said that the Planning Service would be better employed if they got rid of the backlog of applications.

6.5 **Councillor R A Montgomery** in supporting the motion said that he knew of one application which had been approved and then became a refusal. He said that the situation was somewhat different with the North Down and Ards Area Plan. There seemed to be a different rule for the Magherafelt District.

6.6 **Councillor J F Kerr** said that there was no accountability and local democracy. He endorsed the motion and all that had been said. To overturn planning decisions was unfair on the rural community and a death-knell for their way of life. He further said that the Chief Executive should be called to account for the Department's action.

6.7 Councillor Miss Lagan agreed that Mr Ferguson, the Chief Executive of the Planning Service should be invited to come to a Council Meeting.

6.8 **Councillor G C Shields** asked if the motion could be broadened.

6.8 Members felt that the motion was broad enough and it was unanimously adopted. The Chief Executive was instructed to write to the Chief Executive of the Planning Service requesting him to attend a Council meeting.

7. **RESUMPTION UNDER  
STANDING ORDERS**

It was

PROPOSED by Councillor Miss K A Lagan  
Seconded by Councillor P H McErlean, and

RESOLVED: that the Council resume under  
Standing Orders

8. **WATER SERVICE**

280/11/2004

The Chairman, Councillor P E Groogan welcomed Mr Duddy, Mr Little and Mr Walls to the meeting. He asked that they discuss the 2003/2006 Capital Works Programme and schemes for future years (copy circulated to each Member).

4.1 Mr Duddy said that the major projects for the area included the upgrading of Magherafelt Wastewater Treatment Works, the rationalisation of Castledawson sewerage system and new outfalls at Knockloughrim and Maghera Wastewater Treatment Works. He said that Water Service was committed to improving compliance with environmental and drinking water quality standards and there were plans to invest around £590 million to upgrade 300 water and sewerage infrastructure projects across Northern Ireland in the period to 2006. The funding had to be used to meet priorities in a balanced way to ensure that the investment provided effective and efficient development of the infrastructure. He said that £10 million would be spent in the Magherafelt District on wastewater treatment.

4.1.1 Mr Duddy said that the projects had been listed in three categories in the Capital Works Programme – Projects completed, Projects scheduled to commence within the next two years and other projects under consideration.

4.1.2 Mr Duddy referred to the Castledawson Sewerage Rationalisation Scheme costing £535,000 which was under construction for the pumping of Castledawson to Killyneese wastewater treatment works, as well as Magherafelt Wastewater Treatment Works Scheme upgrading costing £599,000 which was still under construction

4.1.3 Under projects scheduled to start within the next two years, Mr Duddy referred to schemes at Aughagaskin Road, Magherafelt; Tamlaghtduff Road, Bellaghy, Main

Street, Tobermore, Maghera Drainage Area Plan and Bellaghy Wastewater Treatment Works.

4.1.4 **Councillor J Junkin** enquired about a foul sewerage extension scheme at Garvagh Road, Portglenone. After some discussion it was agreed that it should have been Garvagh Road which was not in the Magherafelt Council area.

## 4.2 Members' Questions

**Councillor Rev Dr R T Wm McCrea** reported that recently a constituent had shown him a portion of pipe which was disgusting and he wanted to know what was being done by the Water Service to modernise the infrastructure.

In reply, Mr Duddy said that Northern Ireland was only slightly behind GB in modernising and £80 million was being spent on watermain rehabilitation in Northern Ireland.

Councillor Rev McCrea then asked about the water supply for Knockloughrim.

Mr Little said that the Knockloughrim area supply was piped from Curran and Lurgangoose Road. When there was a burst they had to be rezoned into a lower pressure supply but residents were made aware of the cut-off. It was Water Services intention to complete the scheme to replace Curran and Lurgangoose Road within four months.

**Councillor J A McBride** enquired if there was any collaboration with the Rivers Agency in Water Service's plans.

Mr Duddy said that there were close liaison with the Water Agency and Roads Service regarding flood management and before improvements in infrastructure were being carried out and also with the Fire Authority.

**Councillor J J McPeake** stated that he was concerned about the dangerous condition of a feed pipe at Ballymaguigan Waste Water Works, particularly for local children. He said that he was disappointed that the scheme was not mentioned in the schedule as it had been promised to start in March 2005.

Mr Duddy stated that if there were an issue of public safety then Water Service would want to follow the matter up.

Mr Little said that the scheme may be a local maintenance scheme and not a major capital works.

**Councillor Miss K A Lagan** enquired about a sewerage scheme at Craigmore Road, Maghera where manholes in the older houses were placed in the back gardens and requested that Water Service look at that type of system. She said that all the sewerage from Sunnyside and Craigmore was now passing close to people's back doors. She suggested that rather than move manholes further up gardens it would be more acceptable in this day and age if the sewerage could all be brought to the main road.

In reply Mr Duddy said that drainage surveys were being carried out all over Northern Ireland. This was not unique to Magherafelt and the situation was similar in other Council areas. He said that to change this system would be very expensive. However he would consider the situation and discuss the matter further.

**Councillor P H McErlean** enquired if water meters would be installed on private property and did access to them have to be kept clear.

Mr Duddy explained that the water meter was usually put at the boundary and they did have to be left clear. The policy was to put meters on public property. If this were not possible then they would put the meter on private property.

**Councillor T J Catherwood** enquired about the Lismoyle, Swatragh Water Treatment Works.

Mr Duddy said that they were moving 65 metres of coiled sewer a short distance down the road and explained the scheme to Councillor Catherwood showing him on a map what they were doing.

Councillor Catherwood enquired about the Drumnacannon Road and problems with water supply. The residents particularly those with new bungalows wanted a watermain down the road and not through the land.

Mr Duddy replied stating that this road was currently being served from a different watermain, but he would consider the matter and come back to the Councillor on it.

The Chairman thanked Mr Duddy and his colleagues for attending and addressing the meeting.

**Representatives from the Water Service retired from the meeting at 8.15 pm.**

## 9. **WATER REFORM UNIT**

The Chairman welcomed Mr David Sterling from the Department of Regional Development, Water Reform Unit and asked him to address the Council on the Government's arrangements for reforming the current arrangements for delivering water and sewerage services in Northern Ireland.

9.1 With the use of PowerPoint, Mr Sterling explained that Government Ministers had decided that Water and Sewerage Services should become self-financing and as a consequence households should begin to pay a direct charge for water and sewerage services, and that the existing arrangements for non-domestic charges should be reformed.

Their reasons were:

- To meet a £3 billion investment need
- To provide a secure and reliable source of income for our water and sewerage services
- To ease financial pressures on other public services



- To take advantage of a significant Treasury concession
- To comply with the European Water Framework Directive.

9.1.1 Mr Sterling explained that the £3 billion was needed to address a legacy of under-investment, to repair and upgrade ageing sewers, pipes, treatment works and facilities. It was also needed to protect public health and the environment. The Government had to respond to housing growth and lifestyle changes and also reduce the risk of flooding to homes and businesses. He explained the Investment Programme for 1985 – 2006 and the Investment Programme for 2003 – 2022.

9.1.2 Mr Sterling explained “The Green Dowry”. He said that in 1989, £5.2 billion of debt had been written off, plus £1.5 billion cash and capital allowances to English Plcs. Since then £60 billion had been invested by Plcs financed by charges from customers and borrowing. Northern Ireland received £50 billion as a consequence of Barnett and continued to enjoy this to present. The treasury had agreed to write down assets of GoCo by over £4 billion and over £1 billion would be invested by 2007-2008 before charges were fully phased in. He compared the average property charge, the average direct water charge and the total household contributions for England & Wales, Scotland and Northern Ireland.

9.1.3 Mr Sterling stated that the charges would come into effect from 1 April 2006 or as soon as practical thereafter. He said that all households should pay something if they were connected to a water and sewerage system. All households would pay a standing charge of around £55 each for water and sewerage - £110 total to both services. There would be a variable element, which would be based on the capital value of the property, and the capital value would be assessed by the Valuation and Lands Agency.

9.1.4 Mr Sterling further added that households in receipt of Housing Benefit, Rate Rebate or the proposed new Rate Relief would receive a 25% discount. A special hardship relief scheme would provide temporary assistance for exceptional circumstances.

Mr Sterling said that the new charges would be phased in over three years – one third in the first year, two-thirds in the second year and full charges in the third year. Metering would be available after the phasing-in period. This would provide an incentive to reduce consumption and would be seen as “fair”. It could be considered costly - £200 for an old house and £50 for those build after 1994. Mr Sterling said that there would be no cross-subsidisation between the domestic and non-domestic sectors. The existing domestic allowance would be phased out. Sewerage charges would be introduced for metered non-domestic customers and new charges would be phased in alongside domestic charges. The metering of non-domestic premises would be widened. Un-metered customers would pay standing charges for both water and sewerage services plus a variable charge based on rateable value and the charging for the disposal of trade effluent would be widened.

9.1.5 A Water and Sewerage Government Company (GoCo) would be established under company legislation and wholly owned by the Government. The GoCo would have greater flexibility to deliver the most efficient service to its customers at affordable

prices. The Board of Directors would be appointed by the Regional Development Minister and Crown Immunity would be removed.

9.1.6 The General Consumer Council for Northern Ireland would be appointed as the consumer representative on water and sewerage issues.

9.1.7 The next step would be the delivery of a leaflet to every household in Northern Ireland outlining the new household charges. An Integrated Impact Assessment would be carried out on the wider impacts of Water Reform including equality, rural and business impacts and would be issued for public consultation in the Autumn. New Primary Legislation would be issued for consultation during the first half of 2005.

9.1.8 In conclusion, Mr Sterling said that there was no credible alternative to the current proposals, whereby the current levels of investment could be sustained, a secure and reliable source of income for water and sewerage services would be provided and it would ease the financial pressures and release resources to other public services.

## 9.2 Members' Questions:

**Councillor J A McBride** stated that one family in five in England and Wales were in debt to a water company. He felt that Northern Ireland ratepayers were being asked to 'pick-up the tab' and be taxed twice. As far as the SDLP Party was concerned they were opposed to the introduction of water charges. He further requested that the General Consumer Council be asked to put this plan on hold until alternatives were considered.

In reply Mr Sterling stated that the Treasury was difficult to deal with. If the Reform programme was in anyway delayed the Treasury incentive would be withdrawn.

**Councillor Rev Dr R T Wm McCrea** said that in Mr Sterling's conclusion he had said that there was no credible solution but then brought in devolution. A devolved Government had no tax raising powers, and in reality this was taxation through the back door. He asked if there would be a reduction in taxation when this reform was introduced. The answer was no. For years there was under-investment. Councillor Rev McCrea then asked why funds were not going to infrastructure. He said that the people of Northern Ireland had been told that they were not paying anything towards water and sewerage. He suggested that the Department tell the whole story. He sympathised with those people in the community whose income was just over the benefit level and who were expected to pay everything. He said that the Minister had a closed mind.

Mr Sterling referred to the difficult constitutional position, which this presented to the Civil Service. Civil Servants had to provide information and advice to whoever was the Minister. The Treasury had stated that Northern Ireland had the highest public spend in the United Kingdom but collected the lowest level of charges. He said through GoCo the Government were trying to address the years of under-investment. With regard to the issue of a reduction in charges, Mr Sterling stated that this was a matter for the Minister.

**Councillor J F Kerr** said that some months ago the Council had written to the Minister and stated its objection to the introduction of water charges. He felt that it was double taxation and not investment in infrastructure.

**Councillor R A Montgomery** pointed out to Mr Sterling that under the 1989 Water Act it was illegal in England and Wales to raise water and sewerage charges calculated on the rateable value of property.

In reply, Mr Sterling said that he was not aware of the legislation but that he knew that in different areas the charges were calculated in different ways. The Government felt that the new charges would be fairer. He said that the Treasury was reviewing the issue of Council Tax in England and Wales.

Councillor Montgomery suggested that if people paid low rates then their water charges would be low. He said that this to him was the equivalent to District Rates.

**Councillor Miss K A Lagan** said that in the current system the poor did not have to pay rates but with this regime everyone had to pay. She believed that no one should have to pay for water.

Mr Sterling said that there was need for more debate and there should be room for such a group of people. The matter could be addressed through the consultation process on the Paper.

**Councillor J Junkin** accused the present Labour Government of being full of deceit. He said that water charges were included in the rates. He referred to Roads Tax which was not being used by Government on the roads. He asked how the local people could be confident that their money would be used on infrastructure.

Mr Sterling said that the Ministers had given a guarantee that water charges would be used in infrastructure.

Councillor Junkin said that he was not confident.

**Mr Sterling retired from the meeting at 9.10 pm.**

10. **BUILDING CONTROL**  
**DEPARTMENT**

210/11/2004

The Director of Building Control presented the Department's report for the period 6 October to 2 November 2004 (copy circulated to each Member).

10.1 Mr Glendinning stated that during the period of the report fifty-eight applications had been recommended for approval. A total of eighty-five applications require amending by architects and agents before approval may be granted. There was one notice and one regularisation issued.

10.1.1 There was one cancellation MN/2045/0075 – Mr Patrick McGuigan, 10 Moykeeran Drive, Draperstown for a new oil system.

10.1.2 Forty-seven applications had commenced on site and twenty-eight applications were found to be complete in accordance with Building Regulations.

10.2 On consideration it was

PROPOSED by Councillor Rev Dr

R T Wm McCrea,

Seconded by Councillor J F Kerr, and

RESOLVED: to adopt the report as submitted.

11. **ENTERTAINMENT  
LICENCES**

Submitted the following applications for Entertainment Licences which were in order and recommended for renewal:

- E. 4 The Shepherds Rest  
220 Sixtowns Road, Draperstown –  
Mr Michael Doyle
- E. 45 Culnady Presbyterian Church Hall  
Culnady, Upperlands, Maghera –  
Mr James Kyle
- E. 55 O'Donnell's Bar  
19-21 High Street, Draperstown –  
Mr Nigel O'Donnell
- E.143 Maghera Leisure Centre  
48A Coleraine Road, Maghera –  
Magherafelt District Council

11.1 It was

PROPOSED by Councillor J F Kerr  
Seconded by Councillor J A McBride, and

RESOLVED: that the applications as submitted be renewed.

12. **PETROLEUM  
LICENCES**

Submitted the following applications for Petroleum Licences which were in order and recommended for renewal:-

- P.45 Weirs Filling Station,  
71 Clady Road, Portglenone –  
Mrs K Weir
- P.81 Straw Service Station,  
76 Sixtowns Road, Straw, Draperstown –  
Mr P McKenna
- P.93 PSNI – Magherafelt  
C/o Transport Services,  
18 Lislea Drive, Magherafelt –  
Mrs Antoinette Hannigan

12.1 On consideration it was

PROPOSED by Councillor S O'Brien  
Seconded by Councillor J F Kerr, and

RESOLVED: that the applications as submitted be renewed.

13. **STREET TRADING  
LICENCE**

Submitted an application for a temporary Street Trading Licence which was in order and recommended for approval:

T2      Armour Balloons  
63 Blackisland Road

Mrs Estelle Iris Cochrane  
**Coleraine Road, Maghera on Saturday,  
27 November 2004**

13.1 On consideration it was

PROPOSED by Councillor Rev Dr  
R T Wm McCrea  
Seconded by Councillor J F Kerr, and

**RESOLVED:** that the application as submitted be approved.

14. **AMUSEMENT  
PERMIT**

Submitted the following application for an Amusement Permit for the following premises which was recommended for renewal:

A.1      Joe Dorman, Queen Street, Magherafelt

14.1      On consideration it was

PROPOSED by Councillor J F Kerr,  
Seconded by Councillor S O'Brien, and

**RESOLVED:** that the application as submitted be approved.

15. **PLANNING SERVICE  
MANAGEMENT BOARD**

184/11/2004

15.1      **Application H/2003/0760/O – Mr H**

**Mr H Leacock:**

Councillor G C Shiels requested that the submission to be made for this application be deferred for a further month.

Noted.

15.2 **Application H/2003/1257/F –**

**Mr D Young:**

It was

PROPOSED by Councillor J A McBride  
Seconded by Councillor Miss K A Lagan, and

**RESOLVED:** that the following submission be forwarded to the Planning Service Management Board.

1. The application was initially refused by the Department on the grounds of it having a detrimental impact on the amenity of the town.

The Council's contention is that the Planning Department's decision (which has been reversed on two occasions; firstly being approved subject to an office meeting held at the request of the applicant, and, secondly being refused again following a meeting arranged at the behest of the neighbouring property owners Mr & Mrs McCloskey, 30 Woodlands Drive, Magherafelt) was invalid.

2. The applicants can only interpret the Department's reason for recommending refusal on the basis that it interferes with the "view" of the residents of 30 Woodlands Drive. This was not and never could be an appropriate planning consideration in this instance.

Adverse visual amenity in the context of this case is not a valid or reasonable ground to recommend the refusal of the permission. The objectors have no "right to a view" as such nor do they have a "right to light".

3. Should the applicants apply to build another dwelling house on this site it would also affect the objector's view. Equally the appellant could have chosen to plant a hedge on the boundary between his property and that of the objector's, which would have a greater impact on the neighbours' view and the likelihood is that the Planning Office would not have intervened.
4. In conclusion the applicants have gone to great expense to protect the relevant objecting parties amenity by erecting keep nets to avoid stray balls entering their property and possibly constituting a nuisance by potential trespass or worse causing injury or damage to the latter's property.

16.1 The letter explained that the Planning Service was facing rapidly increasing and unprecedented workload pressures well in excess of what could reasonably have been anticipated. The objections to the last two Draft Area Plans had generated a huge amount of work. Planning applications had risen by 20% last year and the forecast for this year was well above this figure, together with a staff recruitment programme and Modernising Planning Processes had all added to the build-up of work over past months.

16.1.1 However, the Department's commitment to the Magherafelt Area Plan would be protected so that Public Inquiries could go ahead. The letter further set out the measures Planning Service would be taking in the immediate future in the hope that the temporary measures would bring about much needed stability to the operational, demand-led side of their work by reducing the build-up of pressure arising from the increase in planning applications and improve processing times.

16.1.2 **Councillor Rev Dr R T Wm McCrea** suggested that Mr Ferguson should be invited to attend a meeting of the Council to explain the Planning Service's workload pressures and the measures to be taken.

16.1.3 Members unanimously agreed that Mr Ferguson should be invited to explain the situation to the Council.

185/11/2004

16.2 Submitted the Divisional Planning Service's report dated 9 November 2004 (copy circulated to each Member).

16.2.1 **New Applications:**

H/2003/0127/O – C & G Hurl

The Planning Officer advised that this application had been withdrawn.

H/2003/0290/O – Mr G Watt  
Approval.

H/2003/0395/F – Mr P Boyle  
Approval.

H/2003/1054/F – Mallaghan Convenience DIY  
Products  
Approval.

H/2003/1112/O – Mr M McLarnon

Deferred for two weeks on the request of Councillor J Junkin in order that an office meeting with the objectors could be arranged.

Councillor R A Montgomery stated that the application was dependent on European funding. Originally applications had to be lodged by the end of October but the expiry date had been extended until the end of November. He requested that after the office meeting, if there were no new issues raised and the Department remained of the opinion to approve, that the decision should be issued without delay. He further added that the Council had supported Mr McLarnon's application some months ago.

Councillors J Junkin and T J Catherwood said that the matter should be brought back to Council.

Councillor Catherwood stated that the objectors were very concerned. There were problems with access.

It was

PROPOSED by Councillor R A Montgomery  
Seconded by Councillor J J McPeake, and

RESOLVED: that the Council defer the application for two weeks to allow the objectors to meet with the Planning Service to discuss their problems and if there was no new evidence then the Planning Opinion to approve be issued without coming back to Council.

H/2003/1182/F – A Lennox  
Approval.

H/2003/1351/F – Mr L O’Kane  
Approval.

H/2003/1352/F – Mr L O’Kane  
Approval.

H/2003/1407/F – F Craig  
Approval.

H/2003/1413/F – Mr Shiels  
Approval.

H/2003/1443/F – Mr S McCloskey  
Approval.

H/2003/1444/O – S Comer  
Deferred. Site meeting to be arranged. Councillor Miss K A Lagan to attend.

H/2003/1447/F – C & M Madden  
Approval.

H/2003/1452/F – C McCann  
Deferred. Councillor Rev Dr R T Wm McCrea stated that Roads Service could not have given a decision on this application until after the 16 November. He produced a P2 form. The service of notice on landowners and those with an interest had only taken place on 6 November 2004 and he felt that by putting this application on the schedule with a planning opinion without full consultation and using the proper procedure the Planning Service had left itself open for criticism. He said that he would be asking the Minister to intervene and the Department’s creditability would be challenged.

The Planning Officer informed the Council that Roads Service had no objections to the proposal and that additional electronic monitoring was being carried out. If this resulted in the Roads Service changing its opinion, then the application could be brought back to Council. She said that the late notice had prejudiced no one. The Planning Officer referred to a judicial review case – Callen in Derry and quoted that the case was dismissed as no-one had been prejudiced by defective P2 notice and the Department’s decision had been vindicated.



Councillor J J McPeake claimed that this particular application had been under more scrutiny than any other application and that he believed that Councillor Rev McCrea had supported the application at outline stage but was not supporting it at full permission stage. He said that the opinion to approve should be issued.

Councillor J A McBride also said that justice would be served by issuing an approval decision.

It was

PROPOSED by Councillor J J McPeake,  
Seconded by Councillor J A McBride

That the Planning Service's opinion to approve this application should be issued after the expiry of service of notice and Road Service's comments on electronic monitoring.

On a vote being taken, 10 Members voted for the motion, 5 Members voted against, 1 Member abstained, voting being by show of hands. The Chairman declared the motion carried.

H/2003/1462/O – K Hawe

Deferred. Site meeting to be arranged. Councillor G C Shiels to attend.

H/2003/1479/O – Mr D McKenna

Approval.

H/2003/1520/O – Mrs A Coulson

Approval.

H/2003/1546/F – Kramaer Ltd

Approval.

H/2004/0028/F – S Downey

Deferred. Site meeting to be arranged. Councillors J A McBride and J F Kerr to attend.

H/2004/0036/O – Mr J Duffy

Approval.

H/2004/0060/O – Mr & Mrs P McLean

Deferred. Site meeting to be arranged. Councillors Rev Dr R T Wm McCrea and T J Catherwood to attend.

H/2004/0083/O – Ms M Bradley

Approval.

H/2004/0121/O – Mr E O'Kane

Approval.

H/2004/0131/F – Vodafone UK Ltd

Refusal.

H/2004/0143/O – Mr P McAllister

Approval.

H/2004/0150/O – M McGarvey

Approval.

H/2004/0151/O – P McGlade

Approval.

H/2004/0165/O – J McCrea

Approval.

H/2004/0167/O – Mr L Quigg

Approval.

H/2004/0178/F – Mr J McCann

Approval.

H/2004/0180/O – J Kennedy

Deferred. Site meeting to be arranged. The Chairman, Councillor P E Groogan to attend.

H/2004/0190/F – Mr P Toner

Approval.

H/2004/0237/RM – Mr Scullion

Approval.

H/2004/0240/O – Mr S Butcher

Deferred. Site meeting to be arranged. Councillors H E Mullan and J F Kerr to attend.

H/2004/0251/F – Mr M McGlade

Deferred. Site meeting to be arranged. The Chairman Councillor P E Groogan and Councillor Miss K A Lagan.

H/2004/0271/F – Dr M Logan

Approval.

H/2004/0286/O – O O'Neill

Deferred. Site meeting to be arranged. Councillors J J McPeake and O T Hughes to attend.

H/2004/0288/O – Estate of J Donnelly (Decd)

Deferred. Site meeting to be arranged. Councillor Miss K A Lagan to attend.

H/2004/0290/O – Mr R Miller

Deferred. Site meeting to be arranged. Councillors Rev Dr R T Wm McCrea and T J Catherwood to attend.

H/2004/0298/O – W Wylie

Deferred. Site meeting to be arranged. Councillor J Junkin to attend.

H/2004/0303/O – Mr C O'Hagan

Deferred. Site meeting to be arranged. Councillors O T Hughes and Miss K A Lagan to attend.

H/2004/0304/O – Mr J O'Hagan  
Approval.

H/2004/0312/O – Mrs S O'Brien  
Deferred. Site meeting to be arranged. Councillor P H McErlean to attend.

H/2004/0324/O – Mr Canavan  
Approval.

H/2004/0327/O – Mrs M Quinn  
Deferred. Site meeting to be arranged. Councillor Miss K A Lagan to attend.

H/2004/0334/O – Mrs Quinn  
Deferred. Site meeting to be arranged. Councillor Miss K A Lagan to attend.

H/2004/0335/O – Mr Mulholland  
Approval.

H/2004/0341/O – M McBride  
Approval.

H/2004/0343/O – L McConnell  
Approval.

H/2004/0344/O – A McConnell  
Deferred. Site meeting to be arranged. Councillor K A Lagan and the Chairman, Councillor P E Groogan to attend.

H/2004/0347/O – AHS  
Deferred. Site meeting to be arranged. The Chairman, Councillor P E Groogan to attend.

H/2004/0348/O – Mrs Quinn  
Deferred. Site meeting to be arranged. Councillor Miss K A Lagan to attend.

H/2004/0351/O – Mr Gibson  
Deferred. Site meeting to be arranged. Councillor Rev Dr R T Wm McCrea to attend.

H/2004/0352/F – Mr W White  
Approval.

H/2004/0361/O – Mr T Brown  
Approval.

H/2004/0372/O – Mr T Rainey  
Approval.

H/2004/0375/O – D Quinn  
Deferred. Site meeting to be arranged. Councillors H E Mullan and J F Kerr to attend.

H/2004/0376/O – Mr S McEldowney  
Approval.

H/2004/0381/O – Mr W Carlisle

Approval.

H/2004/0389/O – Mr C Leatham

Approval.

H/2004/0395/O – Mr S Sloan

Deferred. Site meeting to be arranged. Councillors  
Rev Dr R T Wm McCrea and T J Catherwood to attend.

H/2004/0399/O – Mr A McKee

Deferred. Site meeting to be arranged. Councillor Rev Dr R T Wm McCrea to attend.

H/2004/0402/O – Mr D Heron

Approval.

H/2004/0406/O – P Clarke

Deferred for one month on the request of Councillor P H McErlean.

H/2004/0425/O – Mr H McMaster

Deferred. Site meeting to be arranged. Councillor Rev Dr R T Wm McCrea to attend.

H/2004/0426/O – Mr W McMaster

Deferred. Site meeting to be arranged. Councillor Rev Dr R T Wm McCrea to attend.

H/2004/0427/F – Mr J Mulholland

Approval.

H/2004/0430/O – W Speir

Deferred. Site meeting to be arranged. Councillors J Junkin and Rev Dr R T Wm  
McCrea to attend.

H/2004/0581/F – Mr T Newcombe

Approval.

H/2004/0588/RM – Mrs C Quinn

Approval.

H/2004/0592/RM – Mrs M Connery

Approval.

H/2004/0603/F – L McPeake

Approval.

H/2004/0710/F – J Young

Deferred. Site meeting to be arranged. Councillors J A McBride and J J McPeake to  
attend.

H/2004/0713/F – NEELB

Approval.

H/2004/0725/F – Mr P Shaw

Approval.

H/2004/0744/F – Mr McNally

Approval.

H/2004/0772/O – Mr F McMullan  
Approval.

H/2004/0800/F – L Garvey  
Approval.

H/2004/0803/F – Clear Channel NI Ltd  
Approval.

H/2004/0808/F – Clear Channel NI Ltd  
Approval.

H/2004/0841/F – G McGuigan  
Approval.

H/2004/0860/F – C Donaghy  
Approval.

H/2004/0876/F – Mr & Mrs H & A McWilliams  
Approval.

H/2004/0886/F – BTNI  
Approval.

H/2004/0899/RM – Mr F McEldowney  
Approval.

H/2004/0925/F – Mr P Brown  
Approval.

H/2004/0927/F – A O’Kane  
Approval.

H/2004/0928/RM – Mr & Mrs J Quinn  
Approval.

H/2004/0946/RM – Mr F Lennox  
Approval.

H/2004/0960/F – Mr G McGuigan  
Approval.

H/2004/0970/F – Integrated Utility Services  
Approval.

H/2004/1010/F – NIE  
Approval.

H/2004/1012/F – Mr W Agnew  
Approval.

H/2004/1014/F – Father B Doherty  
Approval.

H/2004/1026/F – P Gray

Approval.

H/2004/1065/F – R O'Donnell

Deferred. Site meeting to be arranged. Councillors Miss K A Lagan and J F Kerr to attend.

H/2004/1066/F – J Duggan

Approval.

H/2004/1070/F – Mr P Lavery

Approval.

H/2004/1074/RM – Mr P McErlean

Approval.

H/2004/1075/F – Clean Channel NI Ltd

Approval.

H/2004/1078/F – NIE

Approval.

H/2004/1087/RM – J McMullan

Approval.

H/2004/1088/F – Mr M J McGrath

Approval.

H/2004/1097/F – Miss C Martin

Approval.

H/2004/1103/F – Mr D Doyle

Approval.

H/2004/1105/O – Blackquarter Properties Ltd

Approval.

H/2004/1110/F – HBG Developments

Approval.

H/2004/1121/F – Mr K McKenna

Approval.

H/2004/1121/RM – P Brown

Approval.

H/2004/1137/F – P Young

Approval.

H/2004/1143/RM – Mr & Mrs H & K Doherty

Approval.

H/2004/1147/RM – Mr P McGlade  
Approval.

H/2004/1155/F – Site Express  
Approval.

H/2004/1160/F – Mr H Ryan  
Approval.

H/2004/1163/RM – Mr K Bradley  
Approval.

16.2.2

### **Applications Deferred from Previous**

#### **Meeting:**

H/2001/0416/O – Mrs L Young  
Deferred for an office meeting on the request of Councillor J A McBride.

H/2002/0048/F – F P McCann Developments Ltd  
Deferred. Site meeting to be arranged. Councillor R A Montgomery to attend.

H/2002/0805/F – F P McCann (Developments)  
Refusal

H/2002/0846/O – Mr P Watters  
Deferred. Councillor Rev Dr R T Wm McCrea requested a site meeting with the Environment & Heritage Service.

H/2002/1013/F – W Nesbitt  
Approval.

H/2002/1059/A – Invest Northern Ireland  
Deferred. Councillor Rev Dr R T Wm McCrea requested an office meeting.

H/2002/1173/F – F P McCann  
Deferred. Councillor R A Montgomery requested an office meeting.

H/2003/0158/O – Planning Direct  
Deferred for one final month on the request of Councillor Rev Dr R T Wm McCrea.

H/2003/0217/F – Mr J Downey  
Deferred for one final month on the request of Councillor J A McBride.

H/2003/0274/F – Mr W Garvin  
Deferred for an office meeting on the request of Councillor G C Shields.

H/2003/0295/O – Mr T Rainey  
Deferred for one final month on the request of Councillor Rev Dr R T Wm McCrea.

H/2003/0396/O – A Palmer  
Deferred for one month on the request of Councillor Rev Dr R T Wm McCrea.

H/2003/0430/O – S O'Hagan  
Councillor J A McBride requested three weeks to withdraw or refusal issued.

H/2003/0524/O – Mr J Kelso

Deferred for one final month on the request of Councillor T J Catherwood.

H/2003/0556/O – Mr P Hughes

The Planning Officer advised that this application had been withdrawn.

H/2003/0809/O – Mr O Young

Deferred for one month on the request of Councillor O T Hughes for additional information.

H/2003/0848/O – Mr W Bradley

Councillor Miss K A Lagan requested three weeks to withdraw or refusal issued.

H/2003/0929/O – Mrs J Mullan

Councillor Miss K A Lagan requested three weeks to withdraw or refusal issued.

H/2003/1229/F – M Clarke

Deferred for one month on the request of Councillor J A McBride.

H/2003/1257/F – Mr D Young

Deferred. Submission made to the Planning Service Management Board by Councillor J A McBride.

H/2003/1348/F – Alliance & Leicester Plc

Councillor Miss K A Lagan requested three weeks to withdraw or refusal issued.

H/2003/1466/O – R Milne

Deferred for one month on the request of Councillor P H McErlean.

H/2003/1480/F – Mr S McKinley

Approval.

H/2003/1492/O – Mr R J Mawhinney

Approval.

H/2004/0218/O – Mr W Jamison

Approval.

H/2004/0502/F – Mr Brown

Approval.

H/2004/0856/F – L Doyle

Approval.

#### 16.2.3

#### **Applications Deferred from Previous Meeting**

#### **and still under consideration:**

H/2003/0515/O – Mr & Mrs M Ferris

Councillor S O'Brien stated that there was additional information to be submitted.

H/2003/0519/F – Mr P Kelly

Refusal. Councillor Miss Lagan said that applicant wished to proceed to a Planning Appeal.



H/2003/0769/O – S Dougan

Councillor O T Hughes stated that there was additional information to be submitted.

H/2003/1454/F – Mr G O'Neill

Councillor O T Hughes requested an update on this application.

H/2003/1525/O and H/2003/1526/O – G McKenna

Councillor Miss K A Lagan requested a site meeting.

H/2004/0185/O – Mr S J Kempton

Councillor T J Catherwood requested that a site meeting be held this month. Councillor G C Shiels asked to be included.

16.2.4

It was

PROPOSED by Councillor Miss K A Lagan

Seconded by Councillor Rev Dr

R T Wm McCrea, and

RESOLVED: that the Council concur in the opinions expressed in the Planning Manager's report dated 9 November 2004 subject to the above conditions and amendments.

16.2.5

The Planning Officer advised that site meetings would be arranged for Wednesday, 17, Thursday, 18 and Wednesday, 23 November 2004. She then when the schedule was complete she would e-mail it to the Chief Executive's Secretary for circulation.

16.3 Submitted letter from the Divisional Planning Manager advising that the following planning application had been lodged with the Planning Appeals Commission by the applicant under Article 33 of the Planning Northern Ireland Order:

- Messrs C & P Mulholland – lands West of Nos. 4 and 11 Ringsend Close, Swatragh (demolition of dwelling and erection of residential development).

Noted.

16.4 Submitted letter setting out the Department's view to refuse planning permission on the following grounds:

- Mr N Menary – Moyola Lodge Estate, 9 Brough Road, Castledawson (redevelopment of former hotel lands for housing development purposes (existing listed building to be retained) and advising that an appeal had been lodged with the Planning Appeals Commission

with respect to this application (copy circulated to each Member).

- Mr N Menary – lands at 1 Annaghmore Road and lands to rear of 1,3,5 and 7 Annaghmore Road, Castledawson (demolition of dwelling and erection of residential development) and advising that an appeal had been lodged with the Planning Appeals Commission with respect to this application (copy circulated to each Member).
- Ms Kathleen Tohill – Ronan Drive, Ballyronan Road, Magherafelt for an extension to a housing development and advising that an appeal had been lodged with the Planning Appeals Commission with respect to this application (copy circulated to each Member).
- Three-Four Ltd – off Sandy Braes/Pound Road, Magherafelt for a housing development – 52 apartments, 46 town houses, 16 semi-detached dwellings, 31 detached dwellings and roadways for private streets determination and advising that an appeal had been lodged with the Planning Appeals Commission with respect to this application (copy circulated to each Member).

Noted.

16.5 Submitted a letter from the Principle Planning Officer (Plans and Policy) in connection with objections received regarding the Draft Area Plan 2015 (copy circulated to each Member).

Noted.

16.6 Submitted a letter from The Planning Service Headquarters and copy of the Planning (Development Plan) (Amendment) Regulations (Northern Ireland) 2004 SR No. 438 advising that the Regulations would come into operation on 17 November 2004.

16.6.1 The Regulations increased the time period within which persons may make written objection to a draft development plan from six to eight weeks. The Regulations also provided for the notification and public display of objections and the invitation of representations about those objections (also known as “counter objections”). There was also the provision for the consideration of both objections to a draft development plan and of representations about those objections at a Public Inquiry.

16.6.2 The Chief Executive advised that these Regulations were really amendments for other Area Plans.

Noted.

17. **ENVIRONMENTAL  
HEALTH  
DEPARTMENT**

Submitted report for the month of October 2004 (copy circulated to each Member). The following matters were taken into consideration:-

196/11/2004

17.1 Public Health (Ireland) Act 1878

Mr Burrows advised that an application had been received from Mrs Philomena Quinn of 1 Limetere Manor, Magherafelt to have her premises at 52 Mullaghboy Heights, Magherafelt, of which she is landlord, inspected in order to ascertain whether or not it met the Regulated Tenancy Standards under the above legislation.

17.1.1 An inspection of the property revealed that the following matter was considered prejudicial to the health of the occupants of the dwelling:

Penetrating dampness to the dwelling via defective door and frame (doorway to gable of the house).

17.1.2 Mr Burrows recommended that the Council consider issuing a Statutory Abatement Notice on the owner requiring her to carry out the following remedial work within six months.

Replay the door and frame to the gable of the house.

17.1.3 On consideration it was

PROPOSED by Councillor R A Montgomery  
Seconded by Councillor J F Kerr, and

RESOLVED: that the Council issue a Statutory Abatement Notice on the owner requiring her to carry out the recommended work within six months.

17.2 The Poisons (Northern Ireland) Order 1976  
The Poisons Regulations (Northern Ireland)  
1983

It was

PROPOSED by Councillor J F Kerr  
Seconded by Councillor R A Montgomery, and

RESOLVED: that the following businesses have their names retained in the Register of Persons entitled to sell poisons:-

1. H H Graham & Son, 17-19 Main Street, Bellaghy
2. The Pound Shop, 26 Rainey Street, Magherafelt
3. Noones of Maghera, 92 Main Street, Maghera
4. Animal Health Shop, 49 St Patrick's Street, Draperstown
5. R Crawford & Co, 18-22 Main Street, Maghera
6. Joseph Drennan, 41 Main Street, Tobermore
7. Mid-Ulster Garden Centre, 35 Station Road, Maghera

8. The Pound Shop, 6 Coleraine Road, Maghera
9. J C Stewart, 1 Union Road, Magherafelt
10. Swatragh Filling Station, 19 Moneysharvin Road, Swatragh
11. Northern Counties Co-op, Garvagh Road, Swatragh
12. Dunnes Stores, Meadowlane Shopping Centre, Moneymore Road, Magherafelt
13. A Scott & Son Ltd, 2-4 Main Street, Maghera

### 13.3 Workplace Smoke Free Policy

Mr Burrows reported that The Northern Investing for Health Partnership had recently hosted Smoke Free Training within the Northern Health and Social Services Board area in conjunction with the Ulster Cancer Foundation. He said that the benefits of smoke free workplaces include protection from the dangers of environmental tobacco smoke and reduced sickness and absentee rates. There was a growing public demand for smoke free environments and the Council as an employer had a duty under health and safety to ensure the health, safety and welfare of employees.

17.3.1 Mr Burrows reminded Members that the Council had adopted a resolution to implement a non-smoking policy within Council buildings to which the public had access in March 2004. The aim was now to drive this forward and expand it to include all Council workplaces.

17.3.2 It was

PROPOSED by Councillor J P O'Neill  
Seconded by Councillor J F Kerr, and

RESOLVED: that the Council expand its non-smoking policy to include all Council workplaces.

### 17.4 Fuel Poverty

Mr Burrows referred to the Minutes of the Northern Investing for Health Partnership meeting held on Friday, 24 September 2004 attached to his report and advised that the annual fuel payment had been increased from £200 to £300.

Noted.

17.5 It was

PROPOSED by Councillor J F Kerr  
Seconded by Councillor J P O'Neill, and

RESOLVED: to adopt the remainder of the report which was for the information of Members.

18. **LICENSING OF  
PLACES FOR  
ENTERTAINMENT**

Submitted copy of the Terms and Conditions relating to the Licensing of Places for Entertainment (copy circulated to each Member). Mr Burrows stated that the Terms and Conditions were for Members information.

Noted.

19. **OPERATIONAL  
SERVICES  
DEPARTMENT**

Submitted report by the Director of Operations for the month of November 2004 (copy circulated to each Member).

322/11/2004

**Development Services:**

19.1 District Marketing

Mr Johnston advised the Members that in order to progress these proposals further meetings had been held with the business sector and community groups. He reported that all sectors had been very positive to any marketing proposals that would assist or encourage new business or visitors to the area. In light of this positive response it was now proposed that the Council employed the services of a marketing consultant to hold a series of workshops with the business and community sectors. The cost of carrying out these workshops and compiling a report for Council, and for the business and community sectors, was estimated at £1,800. Mr Johnston said that the Acting Manager of Sperrins Tourism Limited had advised that the Council could fund this project out of the grant offer they had received to market rural tourism under the NRRTI funding programme. In view of these developments, Mr Johnston asked the Council for permission to employ the services of a marketing consultant on the basis of this report.

19.1.1

On consideration it was

PROPOSED by Councillor J F Kerr  
Seconded by Councillor S O'Brien, and

RESOLVED: that the Council authorised the officers to employ the services of a marketing consultant to hold a series of workshops on marketing the district with the business and community sectors and compile a report for Council.

19.1.2

**Councillor J Junkin** congratulated the Northern Constitution on the way in which the District Council had been marketed in the previous weeks copy of the newspaper.

19.1.3

**Councillor P McLean** said that he was somewhat disappointed that Building Control had been omitted from the edition.

19.1.4

The Chief Executive explained that the omission of Building Control in the special edition featuring 30 years of Local Government in the Magherafelt District was not a fault on the reporters' part. The printers had omitted to include Building Control in the handout.

19.1.5 Members suggested that the Northern Constitution produce a special feature on the Building Control Department in the near future.

### **Community Relations:**

#### **19.2 Lower Bann Fishing Points**

Mr Johnston reminded the Members that a meeting had been held in Bellaghy Bawn for farmers who owned land along the Lower River Bann in an effort to secure land for additional fishing points. The proposed access to these additional fishing points had been a matter of concern for these landowners and it was agreed that the Council would investigate two alternative access routes that had been suggested at this meeting. He advised that the two routes had been investigated.

19.2.1 The first was a continuation of the route through the forest and then along a right-of-way owned by Mr Pat Cousley eventually leading into his field where a car-park could be constructed. On the 12 September 2004, Mr Cousley confirmed that he was agreeable to these proposals.

19.2.2 On 7 October 2004 Mr Daryl Ridge, the District Forestry Officer for the area, at a site meeting stated that he could not see a problem with the Council using this proposed access through the forest. He asked for time so that he could discuss the proposal with his line manager.

19.2.3 On 11 October 2004 Mr Ridge telephoned to say that the Forestry Service would agree in principle to this access route but would like a formal meeting with Council officials to discuss this proposed route.

Mr Johnston stated that this route was therefore a viable option, but it was very long and in his opinion it would be costly to engineer if it was to be used for vehicular traffic.

19.2.4 The second proposed route was a laneway off the Culbane Road that led to Culbane Clay Pigeon Club's car-park. The owner of this land, Mr Martin Loughran (who also owned the Clay Pigeon Club) would agree to the Council using this route and also constructing a road from the Clay Pigeon Club's car-park through his land to where it met land owned by Mr Emmett McNally or Mr Joe McNally. If agreement was reached with the landowners this route to the river would be taken. Mr Johnston stated that this was a much shorter route, would be easier to construct and was in a much better location as it was in the middle of the proposed new fishing points. He said that the officers had taken this project as far as they could without further Council guidance. He felt the issues that the Council must now consider were the cost of the project, estimated at £1.5 million if it was value for money, would it be used to justify the cost and how high was it on the Council's list of spending priorities. He said that he also wished to advise the Council that the majority of the current ninety fishing points at this facility were in urgent need of refurbishment. He advised that this could cost in the region of £200,000 and £500,000.

19.2.5 There followed a lengthy discussion on the matter with a number of Councillors, particularly from the Moyola District Electoral Area expressing support for this project.

19.2.6 It was agreed that the Officers would consider the issues raised at the meeting and submit a further report to Council.

#### **19.3 Ulster Coarse Fishing Federation (UCFF)**

Mr Johnston advised that he had received a letter from Mr Robert Buick who was Chairman of the Ulster Coarse Fishing Federation complaining about the level of vehicular access to the individual fishing points.

He said that in this letter Mr Buick stated that there appeared to be a lack of understanding within the Council regarding the level of access required by tourists and local competition anglers to these fishing points. The amount of fishing equipment carried by the anglers effectively meant that the walking distance was limited to about 15-20 pegs (that is, about 250 metres). Mr Johnston said that Mr Buick further stated that he regretted to inform the Council that unless accommodation could be reached regarding the access problem then any hope of the facility developing into the prime angling area in the country could be forgotten. In conclusion, Mr Buick stated in his letter that he could not reiterate this point strongly enough. It was pointless trying to promote a competition facility without allowing access for large numbers of competition anglers. It was for this reason alone that other competition rivers had parking every 20-30 pegs.

19.3.1 Mr Johnston said that in considering this letter, Members should be aware that the fishing points were not designed for vehicular access beyond the car-parks. There were walkways or footpaths only between the individual fishing points. The Council's insurance company had an issue with vehicles and pedestrians using the same access route as vehicles. There were obvious health and safety issues if this was the case and to construct a new roadway and car-parks would involve considerable costs even if the Council could obtain the additional land that would be required to carry out such work.

19.3.2 It was

PROPOSED by Councillor Rev Dr

R T Wm McCrea

Seconded by Councillor J Junkin, and

RESOLVED: that the Council would hold a meeting of all interested parties in the hope of finding a way forward regarding this matter.

#### 19.4 Request for Community Relations

##### Grant-aid

Mr Johnston advised the meeting that a written request had been received from the Ulster Scots Association to help finance an awareness concert to be held in Magherafelt High School on 19 November 2004.

19.4.1 On consideration it was

PROPOSED by Councillor Rev Dr

R T Wm McCrea

Seconded by Councillor G C Shiels, and

RESOLVED: that the Council would authorise a community relation grant of £300 to enable the Ulster Scots Association to hold an awareness concert in Magherafelt High School on 19 November 2004.

#### 19.5 Proposed Country Concert

Mr Johnston advised reminded Members that Country and Gospel Singer, Derrick Mehaffey had performed in a concert at the Greenvale Leisure Centre on 31 July 2004. An estimated 250 people attended this concert and were so impressed that they had been asking for a repeat concert in Magherafelt. He advised that a possible date for this concert was 26 July 2005 and that Mr Mehaffey's fee would be £1,500.

19.5.1 It was

PROPOSED by Councillor G C Shields  
Seconded by Councillor R A Montgomery, and

RESOLVED: that the officers should consider other artists and types of music and bring a further report back to Council.

19.5.2 **Councillor Rev Dr R T Wm McCrea** stated that he had received a number of complaints regarding Radio Mid's decision to drop the Irish Country and Gospel programme "The Golden Country" from its allocated time slot. He felt that the programme and its presenter Mr T J McSwiggan were sadly missed and that the Council should write to Radio Mid to seek an explanation for their actions.

19.5.3 It was

PROPOSED by Councillor Rev Dr  
R T Wm McCrea  
Seconded by Councillor P McLean, and

RESOLVED: that the officers would write to Radio Mid to seek explanation as to why the Irish Country and Gospel programme "The Golden Country" had been dropped from its normal allocated time slot.

#### **Leisure Services:**

19.6 Mr Johnston reported that the total income for Leisure Services for October 2004 had increased by 9% totally over £71,000. Greenvale Leisure Centre and Tobermore Golf Driving Range had a particularly good month with increases in income of 13% and 25% respectively. The remainder of the Leisure Services report was for information, however he wished to highlight Paragraph 5 on Page 4 of the report. He advised that the North Eastern Education and Library Board Area Partnership Big Lottery Fund PE and Sport Programme Steering Committee had met twice during the month. Both meetings were held at the Antrim Board Centre.

19.6.1 Mr Johnston stated that the main items of business were an update on the Portfolio, a review of the future role of the Area Partnership and the assessment of the future requirements for Portfolio Management. The most significant news in the Council's area was the formal written notification from the Big Lottery Fund of a Capital Grant offer to Magherafelt District Council of £397,536 for the planned development of Meadowbank Recreation Centre.

Noted.



### Technical Services:

## 19.7 Vandalism

Mr Johnston reported that during the month there had again been extensive vandalism and that toilets would now seem to be the main target for these attacks. He reported that the toilet block at Rainey Street, Magherafelt had been continually vandalised during October with vandals repeatedly damaging porcelain toilets and wash-hand basins in both the male and female toilets.

Noted.

## 19.8 Lateness of Hour

The Chief Executive reminded the Chairman of the lateness of the hour and that the meeting had lasted continuously for four hours and the meeting would stand adjourned unless two-thirds of the members present resolved to continue sitting.

19.8.1 On consideration it was

PROPOSED by Councillor P McLean  
Seconded by Councillor O T Hughes

That the meeting continue.

19.8.2 On a vote being taken all the Members present voted in favour of the meeting continuing, voting being by show of hands. The Chairman declared that the meeting would continue.

### 19.9 Knockloughrim Football Pitch Changing

## Rooms

Mr Johnston advised the Members that some time ago he reported that the portacabin changing facilities at Knockloughrim and Queen's Avenue, Magherafelt football pitches were long past their expected lifespan and required expensive ongoing maintenance to keep them in service. He stated that at that time it was agreed that the portacabin at Queen's Avenue, Magherafelt would be removed as teams using this pitch could change at the Greenvale Leisure Centre, and that ongoing work should be carried out to keep the Knockloughrim facility in service. These instructions have been carried out, but he had now to report that there had been a rapid deterioration in the condition of the portacabin at Knockloughrim with workmen from the Council's Building Maintenance Department having to carry out major repairs each month, basically to keep this facility safe for public use. He suggested that this was no longer sustainable and that the Council might wish to consider replacing the portacabin changing facility at this site. He advised that the cost of replacement, either a new portacabin or a built changing block had not been included in the estimates.

19.9.1 The cost could range between £35,000 to £100,000 depending on what was decided but to keep the facility operational it was necessary in the near future to replace the changing facilities at Knockloughrim.

19.9.2

On consideration it was

PROPOSED by Councillor Rev Dr

R T Wm McCrea

Seconded by Councillor P McLean, and

RESOLVED: that the officers would investigate the cost of new facilities and bring a further report to Council.

19.10

Bus Shelters

Mr Johnston said that in accordance with the Council's instructions the officers had investigated requests for the provision of bus shelters at the following locations:

*1. Mayogall Road, Gulladuff:*

A site meeting had been held with the Department of Regional Development Roads Service at the proposed location. The DRD representative stated that the department was concerned about the traffic build-up in the area and suggested that the children and Ulsterbus should be encouraged to use the Chapel car-park 50 yards further along this road, thus alleviating the traffic build-up in the area. Mr Johnston stated that he believed that the Chapel representatives would have reservations about this proposal particularly with regard to insurance and health and safety issues. In order to progress this matter his department had asked the DRD for a further site meeting at this location.

*2. Glenone Road, Clady:*

A site meeting had also been held with the Department of Regional Development Roads Service at the proposed location. The DRD representative stated that the bus shelter would have to be moved further down the road, away from the brow of the hill at Beechland Gardens, and suggested a cantilever shelter on the footpath as an alternative to the Council's proposal.

*3. Magherafelt Road, Castledawson:*

Mr Johnston advised that Council officers monitoring this site had reported that only two children used this bus stop. A local resident whose house overlooked the site had also expressed concern regarding the erection of a bus shelter on this site.

*4. Killygullib Crossroads, Kilrea:*

Mr Johnston reported that Council officers monitoring this site had reported that five to six children regularly use this bus stop. In light of this development a site meeting had been arranged with the DRD to seek their opinion regarding the erection of a bus shelter on this site.

19.10.1 **Councillor Rev Dr R T Wm McCrea** asked that the officers continue to monitor Magherafelt Road, Castledawson site for a further two months. He felt that this would be a more accurate reflection of the situation as a number of children had been on holidays from school.

19.10.2 It was

PROPOSED by Councillor J P O'Neill  
Seconded by Councillor O T Hughes, and

RESOLVED: that a further site meeting would be held at the Mayogall Road, Gulladuff to discuss the exact location for a bus shelter at this site, that a cantilever type shelter would be erected on the footpath at Glenone Road, Clady, that the Magherafelt Road, Castledawson site would be monitored for a further two months and a report submitted to Council and that the officers would meet with representatives of the Department of Regional Development Roads Service to consider the proposed bus shelter at Killygullib Crossroads, Kilrea.

19.11

#### Refuse Collection Calendars

Mr Johnston stated that since the inception of the blue and brown bin recycling schemes the Council had delivered annual refuse collection calendars to each household in the District. However because the calendars were specific to each bin collection route they could not be delivered by postcode and therefore had to be delivered by hand. This was a very laborious and time consuming exercise that tied up valuable staff resources. Mr Johnston felt that the Council should produce a bi-annual calendar delivered only once every two years, thereby halving the staff resources tied up in the delivery of these calendars. He recommended that the Council should proceed with the delivery of annual calendars for 2005 to allow his department to complete the planned review of the refuse collection routes prior to the delivery of a bi-annual collection calendar for 2006 and 2007.

19.11.1 It was

PROPOSED by Councillor J F Kerr  
Seconded by Councillor Rev Dr  
R T Wm McCrea, and

RESOLVED: that the Council authorise the officers to proceed with the delivery of an annual calendar for 2005 to allow the department to complete the planned review of refuse collection routes prior to the delivery of a bi-annual calendar for the years 2006 and 2007.

19.12

#### Pedestrian Mechanical Suction Sweeper

Mr Johnston stated that the Members were aware that the standard of cleanliness throughout the District was an ongoing issue and advised that in order to resolve this issue they had for some time been accessing the need for a pedestrian mechanical suction sweeper. He stated that Magherafelt were one of the few Councils that did not have or operate a pedestrian suction sweeper to enhance the appearance of town centres. Mr Johnston stated that a number of footpaths in the Magherafelt Council area were particularly narrow and therefore for the machine to be effective in all areas it had to be narrow and lightweight, yet capable of achieving a high suction power. He confirmed that to date they had numerous demonstrations of all the leading mechanical pedestrian suction sweepers without achieving these requirements. They then became aware that Applied Sweepers of Scotland had a lightweight narrow pedestrian suction sweeper on the market. He advised that the officers had expressed an interest in this machine and were offered the use of an Applied 525 demonstration model for three days in October 2004. Mr Johnston stated that they had found this sweeper to be ideal for their needs. It was 1.1 metres wide, was compact and manoeuvrable, had a variable width sweep of

between 1.2 metres and 1.8 metres and had variable suction power that allowed for a high or low rate of lift, depending on the areas and type of material being swept.

Mr Johnston said that in his opinion the standard of cleanliness in Magherafelt Town centre had increased dramatically during the three days they had the use of this demonstration sweeper.

19.12.1 Mr Johnston advised that during their follow-up discussions with Applied Sweepers officers asked if the model currently on demonstration, was or would soon be available for sale at a reduced rate. They were advised that the demonstrator was currently being offered to Councils at a cost of £26,500 plus VAT. Mr Johnston stated as this make and model of machine was basically the only pedestrian mechanical suction sweeper that suited the Council's specific requirements they had asked Applied Sweepers to submit quotes for both a new sweeper and the model they had on demonstration.

19.12.2 He stated that these quotations showed that a new Applied 525 Pedestrian Suction Sweeper would cost £34,000 plus VAT. It would have a stainless steel 750 litre hopper with high level discharge for the deposit of waste into skips, a 175 litre capacity water tank for dust control and high pressure washing, variable speed 4 x 4 hydrostatic drive and was capable of 20 mph when travelling between towns and villages. It also had a comprehensively equipped cab and would be delivered complete in all aspects and ready for use. It would be covered by the manufacturer's warranty for a period of twelve months.

19.12.3 The demonstrator Applied 252 Pedestrian Suction Sweeper to this specification would cost £26,000 plus VAT. The quotation confirmed that this model was one year old, had worked approximately 350 hours and would be checked and fully serviced by a local agent, McCreath Taylor Ltd of Lisburn before being delivered to the Council. It would be covered by the manufacturers warranty for a period of six months.

19.12.4 Mr Johnston stated that Members would note that the demonstrator represented a saving of approximately £8,000 when compared to the cost of a new machine. He suggested that with only 350 hours of work the demonstrator was as good as a new machine and in his opinion represented excellent value for money on this occasion. The machine was however available to any Council who agreed to pay the asking price, basically first come first served, and therefore rather than lose the opportunity to avail of this savings by waiting to the Council meeting on Tuesday, 9 November he had approached the Party Group Leaders to seek their approval to immediately purchase this sweeper.

Mr Johnston confirmed that the Party Group Leaders all approved this request and the machine was ordered on Tuesday, 26 October 2004. Mr Johnston asked the Members to accept that on this occasion the officers had acted in the best interests of the Council.

19.12.5 It was

PROPOSED by Councillor R A Montgomery  
Seconded by Councillor Rev Dr

R T Wm McCrea, and

RESOLVED: that the Council endorse the actions taken by the Party Group Leaders to purchase the demonstrator Applied 525 Pedestrian Suction Sweeper at a cost of £26,000 plus VAT.

19.13

Christmas Lighting

Mr Johnston advised that a number of requests had been received from towns and villages and community groups for financial assistance towards the cost of festive lighting in their respective areas. He said that in his opinion the festive lighting last year in a number of towns and villages did not reflect the Council's donation and he recommended that the Council formulate a policy on how funding would be allocated for this year's Christmas lighting. Basically a number of community groups that received funding, for example £450 provided a less than satisfactory Christmas tree. He suggested that this did not cost £450 and therefore he felt that the Council should at least request receipts or invoices to show how the money was being spent. He felt that it would be in order for the Council to seek a refund from any community groups for money not spent.

19.13.1 It was

PROPOSED by Councillor Rev Dr

R T Wm McCrea

Seconded by Councillor J Junkin, and

RESOLVED: that the Council would initially provide funding to community groups to allow them to decorate their respective towns and villages but that community groups would be required to submit receipts or invoices to show that the money had been spent for this purpose.

If community groups were not in a position to submit receipts, to cover the full amount of the funding, they would be required to pay back the difference between the amount given by the Council and the amount covered by the receipts submitted to the Council.

19.13.2 Mr Johnston also advised that he had received a letter from Castledawson Development Association. In their letter they stated that they were writing to request the Council's recognition of Castledawson's status as the third biggest settlement in the District and also its commercial importance by taking responsibility for the erection of Christmas street decorations. The letter intimated that over the past few years their Community Group had taken on the task but regrettably were no longer capable of fulfilling this function due to the need for excessive public liability insurance and the lack of suitable equipment. They advised that the entire village would welcome the Council's willingness to do this and it would seem to be a natural extension of the progress made in the village in recent times as a direct result of the co-operation between the Council and voluntary community leaders.

19.13.3 Mr Johnston said that in his opinion there were a number of issues regarding this request. The initial cost of carrying out this work would be approximately £15,000 this year and the money was not in the estimates. It was now mid November 2004 and therefore his department had little or no prospect of getting festive lighting to do this work. He felt that the statement about this being a natural extension of the progress being made in the village in recent times as a direct result of the co-operation between the Council and community leaders was a matter for debate. He suggested that the community group had constructed a major shrub bed at Loughinsholin Park and then

asked the Council to maintain it. They had also received money from the Council to build a hotel which was yet to be completed. The Council had provided a play facility in Boyne Row on the understanding that the community group would provide a caretaker. The community group had not provided this caretaker to date and therefore Castledawson play area remained closed. He pointed out that this was in sharp contrast to the efforts being made by Tobermore Community Group.

In Mr Johnston's opinion Castledawson was one long street, as was Tobermore, yet Tobermore Community Group was capable every year of decorating their village, obtaining insurance, etc. They could also open and close their play area without difficulty. He suggested that if Tobermore Community Group could do all this work with a donation that was substantially less than Castledawson received for decorating their village. If the Council agreed to decorate the village of Castledawson they could be setting a precedent for others to follow. Mr Johnston said that his department could facilitate this work either "in house" or by the employment of outside contractors. It would however mean additions to budgets and staff resources. He said that he would of course abide by any decision taken by the Council.

19.13.4 There followed an extensive discussion on this matter with representatives from other towns and villages stating that if Castledawson could be decorated by the Council then they would expect similar work to be carried out in their areas.

19.13.5 It was

PROPOSED by Councillor J F Kerr  
Seconded by Councillor O T Hughes, and

RESOLVED: that the Council were not in a position to erect Christmas street decorations in Castledawson in 2004.

19.14 Ulster in Bloom 2004

Mr Johnston advised that he had attached a copy of the winners of the Translink Ulster in Bloom Competition and also a copy of the judges' comments in respect of the towns and villages entered by this Council. He stated that the general opinion would seem to indicate that the Council required more business and community involvement to improve the appearance of the Magherafelt area if we were to be successful in future competitions.

Noted.

19.15 Public Conveniences

Mr Johnston advised that in accordance with the Council's instructions he had submitted a number of leaflets regarding the refurbishment of the Council's public conveniences. Prices had been obtained for a number of these toilets and he advised that:

- A Healthmatic '2000' Free Standing APC toilet would cost approximately £88,000.

- A Healthmatic Wessex Free Standing APC toilet would cost approximately £75,000
- A Healthmatic T-Box-H-Matic ES Modular APC toilet would cost approximately £55,000
- A Healthmatic Multi User toilet would cost approximately £75,000 to £105,000.

19.15.1 Mr Johnston stated that the submission by JCDcaux advised that they provided toilets on a rent and maintenance basis. They suggested that their

- Universal Superloo Pillar Design would cost £21,000 per year.
- The Pillar Automatic public convenience would cost £18,978 per year.
- The Standard Automatic public convenience V6 would cost £17,500 per year; and
- The Standard Automatic Public Convenience V3 would cost £17,500 per year.

Regarding InterPublic Units they advised that their policy was to refurbish existing toilets with prices commencing at £75,000. He said that they could not be more specific until they were asked to tender.

19.15.2 Mr Johnston stated that there were a number of other issues for the Council to decide before agreeing a policy on the refurbishment or replacement of toilets. He pointed out that should the Council decide to refurbish existing toilet blocks, then Planning Permission would not be required. If the Council decided to provide toilets on a new site, as was suggested for Castledawson, then Planning Permission would be required.

19.15.3 Mr Johnston in summarising stated that the Members would note that there were a number of companies with agencies in Northern Ireland who offered new or refurbished public conveniences varying from conventional to automatic operation as well as offering a design and build scheme.

A number of companies were offering to lease toilets and provide a full-time or part-time maintenance programme.

19.15.4 Mr Johnston asked the Members to accept that this was an initial report to allow the Members to decide how they wished to progress this matter.

19.15.5 There followed an extensive discussion on this subject with concerns being expressed with regard to costs, vandalism and other issues relevant to public conveniences.

19.15.6 It was

PROPOSED by Councillor Rev Dr

R T Wm McCrea

Seconded by Councillor Miss K A Lagan, and

RESOLVED: that the officers obtain further detailed information with regard to toilets and costs and submit a further report to the Council.

19.16 Mr Johnston then requested permission to raise one additional item and this was agreed to.

19.17 The Art of Regeneration

Mr Johnston advised the Members that the Arts Council of Northern Ireland had recently launched a new funding programme under the title “The Art of Regeneration”. The programme was open to Local Authorities in Northern Ireland working in partnership with other statutory agencies and community or voluntary bodies. A local authority must be the lead applicant, naming at least two other partners which must be either another local authority, a statutory agency and/or community or voluntary body linked to the lead applicant by geography, or aims. The Programme fund was £2.4 million, funded by the Arts Council and the Department of Culture, Arts and Leisure. Mr Johnston stated that the Arts Council was suggesting that this programme should not be considered as a community based arts response serving only as a diversionary programme for those who may potentially become involved in crime or anti-social behaviour. They were suggesting that by definition the project would seek to place professional arts practices alongside a range of other accepted mythologies to deal with community safety priorities.

19.17.1 In summary, Mr Johnston said, the initial project’s objectives were:

1. To map issues of commonality between each partner area in order to produce a coherent development plan for integrating arts practice within community safety priorities.
2. Integrate the mainstream proposed arts activities within local community safety action plans to ensure a lasting legacy beyond the funding lifecycle of the project.
3. To prepare and implement arts based intervention programmes matching appropriate art forms and arts practitioners to key issues identified at local level.
4. To share experience and develop models of best practice within the context of the local community safety action plans.
5. Through partnership working to establish an evocative research model to identify and explore the impact of arts practice across a range of community safety issues.

19.17.2 Mr Johnston stated that with regard to implementation initially each partner area, through Local Authority and community safety networks would be asked to nominate representatives onto a project steering group. This group would seek to have a broad representation from the key sector areas. Arts and cultural representatives of each Authority would provide a secretarial function for the steering group. The group would be tasked with developing a detailed job description and personal specification for the appointment of a Projects Co-ordinator and provide feedback to the Community Safety Partnership. Mr Johnston stated that following a process of recruitment and appointment



of a Projects Co-ordinator a service level agreement would be agreed with the local partner authorities and endorsed by the respective Community Safety Partnerships. It was being proposed that the service level agreement should be sustained beyond the funding lifecycle of the project with a comprehensive project evaluation establishing a basis for continuation. Mr Johnston advised that the Members were being asked to agree in principle to participate in this project, basically to submit with Antrim and Ballymena Councils an application for funding.

19.17.3 If this consortium of Councils application was successful then it would be up to the Council to take a definite decision as to whether or not they wish to proceed with the project.

19.17.4 It was

PROPOSED by Councillor Miss K A Lagan  
Seconded by Councillor J P O'Neill, and

RESOLVED: that the Council would agree in principle to participate in the project and to submit with Antrim and Ballymena Councils an application for funding. If this consortium of Councils application was successful, then the Council would take a define decision as to whether of not they wished to proceed with this project.

19.18 It was

PROPOSED by Councillor Rev Dr  
R T Wm McCrea  
Seconded by Councillor Miss K A Lagan, and

RESOLVED: that the report as submitted be adopted.

20. **PAYMENT OF  
ACCOUNTS**

11/2004

Submitted Statement of Expenditure setting out payments to be made during the month of November 2004 (copy circulated to each Member).

20.1 The schedule provided for £569,226.41 out of the Revenue Account and £167,697.16 out of the Capital Account.

20.2 It was

PROPOSED by Councillor Rev Dr  
R T Wm McCrea,  
Seconded by Councillor O T Hughes, and

RESOLVED: that the Statement of Accounts as submitted for November 2004 be approved.

21. **TENDERS**

21.1 Submitted report on tenders received for an In-Vessel Composting Plant for the treatment of kitchen and/or organic waste (copy circulated to each Member).

21.1.1 Mr Johnston advised that RPS Kirk McClure Morton had prepared the report.

21.1.2 the report stated that tenders were sought using an open tender procedure, as approved by the Council and that tender documents had been made available to prospective tenderers from the date of the advertisement with the deadline for the receipt of tenders being 19 October 2004. He said that tenders had been received from:

- SRS (Sustainable Recycling Solution)
- NEC Hot Rod
- Celtic Composting
- VCU
- Active Compost
- Allertex
- Bedminster
- CES

He advised that the evaluation criteria was selected and included in the tender documentation. The criteria scoring and weighting was developed and agreed prior to the opening of the tender documents. A panel consisting of Mr Andrew Baskin and Mr Haylett from RPS Kirk McClure Morton, and Mr John Murtagh and himself from Magherafelt District Council carried out the evaluation process. The panel met in the offices of RPS Kirk McClure Morton on 4 November 2004. Mr Johnston advised that all tenders were evaluated using the pre-agreed valuation criteria, scoring and weighting, the result of this procedure showed VCU to be the preferred tender.

21.1.3 As the evaluation process had identified VCU as having provided the preferred tender it was therefore recommended that the Council proceed with this organisation and the VCU technology to treat Magherafelt Council's kitchen and garden waste, subject to the Council obtaining the necessary planning permission, Waste Management Licence and other statutory consents.

21.1.4 It was

PROPOSED by Councillor J Junkin  
Seconded by Councillor J F Kerr, and

RESOLVED: that the Council would accept the tenders submitted by VCU for the provision of a composting plant to treat the Council's kitchen and garden wastes, subject to the Council receiving the

necessary planning permission, Waste Management Licence and other statutory consents.

**21.2 Pulse Fitness:**

The Chief Executive advised Members that Pulse Fitness who supplied equipment to the Leisure Centres also provided a marketing facility for membership cards. On revenue generated up to £100,000 including VAT, Pulse would take 25% share of the direct debits; any amount over £100,000 Pulse would take 20% share of the direct debits. The Chief Executive stated that Ballymoney Borough Council had used this facility and the membership at their leisure centre had increased to 800. He explained that people in the District were telephoned and asked if they would take out membership at their local Leisure Centre. He said that in contrast to the usual high-pressure sales this was encouraging people to do something good for themselves. He felt this was a positive move for the Council and would generate more revenue in Leisure Services and thus keep the rates down. He suggested that the Council give Pulse a fair trial.

**21.2.1 Councillor J F Kerr** stated that he was concerned about high-pressure sales and enquired if the Council was not happy could it be stopped.

**21.2.2** The Chief Executive stated that the marketing facility could be stopped if the Council was not satisfied.

**21.2.3 Councillor Rev Dr R T Wm McCrea** felt that the Council should be actively engaged in promoting membership at the Council's leisure centres, and accordingly it was

PROPOSED by Councillor Rev Dr

R T Wm McCrea

Seconded by Councillor Miss K A Lagan, and

RESOLVED: to employ Pulse Fitness in marketing membership of the Council's leisure facilities for a period of one year.

**22. CONFERENCES AND  
AND COURSES**

268/11/2004

Consideration was given to the nomination of delegates to attend the following:

**22.1 Stakeholder Meetings:**

Submitted details of meetings when members of the Department of the Environment would give a short presentation on the key issues contained in the Discussion Paper 'National Parks and Other

Protected Landscapes' (copy circulated to each Member).

22.1.1 On consideration it was

PROPOSED by Councillor S O'Brien  
Seconded by Councillor H E Mullan, and

RESOLVED: that Councillor J F Kerr attend one of the presentations.

**22.2 Housing Courses for Councillors and  
Public Representatives:**

To be held on:

26/27 November 2004 in the Marine Hotel, Ballycastle

14/15 January 2005 in the Manor House Hotel, Killadeas, Enniskillen, and

18/19 February 2005 in the Radisson SAS Hotel, Limavady

Copy of letter circulated to each Member.

22.2.1 On consideration it was resolved to mark the letter  
"read".

**23. CONSULTATION  
DOCUMENTS**

195/11/2004

Submitted the following consultation documents:

(a) New Draft Quality Standards published by the  
Department of Health, Social Services and  
Public Safety for:

1. Children's Services for under 12's -  
Childminding  
Crèches
2. Children's Homes
3. Residential Homes
4. Nursing Homes
5. Domiciliary Care Agencies
6. Fostering Agencies
7. Nursing Agencies

Public consultation would begin on  
28 September and would end on 20 December  
2004.

(b) Letter and Consultation on the convenience  
charge for credit card payments of Vehicle  
Excise Duty (VED) seeking comments by 14  
January 2005 (copy circulated to each  
Member)

(c) Letter and Discussion Paper on New  
Countryside Legislation 'National Parks and

other Protected Landscape Areas' prepared by the Department of the Environment seeking comments not later than 12 January 2005.

- (d) Consultation Document prepared by the Department of the Environment 'The Local Government (Northern Ireland) Order 2005 (proposals for amending Local Government legislation) seeking comments by 10 January 2005.

Councillor R A Montgomery said that the Council should respond to this consultation document as he felt the Local Government Auditor who be given too much power.

It was agreed that the Chief Executive respond to this consultation document.

- (e) Consultation Documents for Northern Ireland:
  - 1. Draft Priorities and Budget 2005-08 (copy circulated to each Member)
  - 2. Draft Economic Vision (copy circulated to each Member)
  - 3. "Fit for Purpose" – The Reform Agenda in the Northern Ireland Civil Service (copy circulated to each Member)

seeking views by Tuesday, 7 December 2004.

- (f) Public Consultation Papers on the Regional Transportation Strategy for Northern Ireland 'Draft Accessible Transport Strategy' and 'Equality Impact Assessment' prepared by the Department of Regional Development seeking comments by 19 January 2005.
- (g) Consultation Paper prepared by the Waste Management and Contaminated Land Unit, Department of the Environment entitled 'The Transfrontier Shipment of Waste (Fees) Regulations (Northern Ireland) 2005 – Proposed Regulations seeking comments by 4 January 2005.
- (h) Discussion Document "Partnership in the Arts" seeking comments by Monday, 1 November 2004 (copy circulated to each Member).

It was agreed that if any Member or party grouping wished to make comments on any of these documents they should forward them to the Chief Executive who would then arrange to have them sent on to the appropriate body.

24. **NOTICE OF MOTION**

In accordance with his Notice of Motion,  
Councillor J F Kerr proposed:

212/11/2004

*“This Council is disappointed at the decision of Lisburn Council to exclude nationalists from the positions of chairs, vice-chairs of council committees, and membership of outside bodies at its Annual General Meeting on 24 June 2004.*

*This decision by Lisburn Council is contrary to the spirit of the Good Friday Agreement in advocating the principle of partnership politics. The only way local councils can serve the people they represent effectively is if they are committed to partnership, equality and mutual respect. These principles are particularly important in local government, which must be seen to represent everyone.*

*Many local councils have already in place power-sharing arrangements, which allow for the participation of all political parties in the political life of the council. We would therefore call on Lisburn Council to implement power-sharing arrangements which will make Lisburn Council more representative and inclusive of the people it serves.”*

24.1 Councillor Kerr said that Lisburn and also Castlereagh Councils by having no power-sharing agreement, were acting in contravention of the Good Friday agreement. He said that the only way that local councils could serve the people they represented was by being prepared to be more representative and inclusive of the people they served.

24.2 **Councillor G C Shiels** questioned why the Council was considering this Notice of Motion as he felt that under Standing Orders, motions were not considered which did not apply to the District and this should not be a matter for debate.

24.3 The Chief Executive advised that this was not in Standing Orders but there was the convention within the Council that this type of issue was not discussed.

24.4 **Councillor Rev Dr R T Wm McCrea** said that the Good Friday Agreement was dead. He felt that the Council could not lecture to Lisburn City Council when Magherafelt limited D’hondt to the position of Chairmanship of the Council. He said that from 1981 to 2002 the DUP had been denied the chair and discriminated against for 21 years.

24.5 **Councillor J J McPeake** seconded the motion. He said that power-sharing was no laughing matter in Lisburn and as far as his party was concerned the Good Friday Agreement still lived on.

24.6 On a vote being taken, 10 Members voted for the motion, 5 Members voted against, 1 Member abstained, voting being by show of hands. The Chairman declared the motion carried.

25. **ROADS SERVICE**

279/11/2004

Submitted letter from Lands and Legislation Branch, Roads Service dated 27 October 2004 proposing to introduce pay and display parking in Rainey Street and Union Road Car-parks, Magherafelt (copy circulated to each Member).

25.1 **Councillor G C Shiels** pointed out that he was opposed to this and wished to register his objection to the introduction of pay and display parking in Magherafelt.

25.2 **Councillor Rev Dr R T Wm McCrea** proposed that Mr Pat Doherty be brought to the Chamber to explain the rationale for this decision in light of the Council's opposition to such a move. He failed to understand why they had removed charging for parking in Cookstown yet wished to introduce it in Magherafelt.

25.3 Councillor P McLean seconded the proposal to invite Mr Doherty to attend a Council meeting to discuss the matter.

25.4 **Councillors J F Kerr and H E Mullan retired from the meeting at 12 midnight.**

25.5 **Councillor Miss K A Lagan** felt that to invite Mr Doherty was a good way to resolve this situation.

25.6 On a vote being taken, 7 Members voted in favour, 1 Member voted against and 5 Members abstained, voting being by show of hands. The Chairman declared the motion carried.

26. **WATER (NI)**  
**ORDER 1999**

Submitted letters and copies of applications as follows:

280A/11/2004

26.1 the letter was dated 6 October 2001 and the application was made by Michael McLarnon for consent to discharge effluent to a waterway under the Water Order from 81 Bellshill Road, Castledawson, Magherafelt, seeking the Council's comments (copies circulated to each Member).

26.2 The letter was dated 22 October 2004 and the application was made by Oakleaf Contracts for consent to discharge effluent to a waterway under the Water Order from a housing development at Moneymore Road, Magherafelt, seeking the Council's comments (copies circulated to each Member).

26.3 On consideration it was agreed to make no comments on these applications.

27. **RESOLUTION TO**  
**PROCEED "IN**  
**COMMITTEE"**

It was

PROPOSED by Councillor Rev Dr

R T Wm McCrea

Seconded by Councillor P McLean, and

**RESOLVED:** that the Council proceed "In Committee".

**Council "In Committee"**

28. **STAFF MATTERS**

This item was taken “In Committee”.

29. **LEGAL MATTERS**

This item was taken “In Committee”.

30. **RESOLUTION TO  
PROCEED IN  
“OPEN COUNCIL”**

It was

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

**RESOLVED:** that proceedings be resumed in “Open Council”.

**Proceedings in “Open Council”**

It was

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

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

31. **SEALING OF  
DOCUMENTS**

The seal of the Council is hereby affixed to the following document

Plots A71 and A72 - Grant of Right of Burial to Mrs Denise Rollins, 10 Sandybraes, Magherafelt – deceased Mr George Rollins.

32. **ITEMS FOR  
INFORMATION**

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

- a) Press Release of the Northern Health and Social Services Board’s October 2004 meeting.
- b) Inserts – Northern Investing for Health updates 2004/2005 on Health Improvement Plan 2003/2008 (copies circulated to each Member)
- c) Copy of Draft Order in Council under paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 and Explanatory Memorandum – The Unauthorised Encampments (Northern Ireland) Order 2004.
- d) Copy of Analysis of Responses to the Environmental Protection Consultation Findings prepared by Dr Liz Fawcett of Liz Fawcett Consulting.
- e) Copy of Report of the Task Force on Resourcing the Voluntary and Community Sector.



- f) Copy of Evaluation Report of Partners for Change, Government's Strategy for support of the Voluntary and Community Sector – June 2004.
- g) Copy of Climate Change Indicators for Northern Ireland prepared by the Environment and Heritage Service.
- h) **Annual Reports:**
  - 1. FOLD
  - 2. The Samaritans, Ballymena
  - 3. Fisheries Conservancy Board NI
  - 4. Health Promotion Agency.

The meeting concluded at 12.10 p.m.

CHIEF EXECUTIVE

The foregoing Minutes are hereby Confirmed.

\_\_\_\_\_ (Chairman)

\_\_\_\_\_ (Date)