

**MINUTES OF MEETING OF THE PUBLIC SERVICES COMMITTEE OF
DUNGANNON AND SOUTH TYRONE BOROUGH COUNCIL HELD ON
TUESDAY 23 JUNE 2009 IN THE COUNCIL OFFICES, CIRCULAR ROAD,
DUNGANNON**

- MEMBERS PRESENT:** Councillor Gillespie (Chair)
- Councillors Brush, R Burton (7.34 pm),
Cavanagh, Currie, Gildernew, Greenaway
(7.31 pm), McLarnon, Mulligan
- OFFICERS PRESENT:** A Burke, Director of Environmental Health
(DEH)
R Gillis, Senior Licensing Officer (SLO)
J Hamilton, Recycling Officer (RO)
J McClelland, Director of Building Control
(DBC)
B McMinn, Director of Technical Services (DTS)
L Marshall (Secretariat)
- OTHERS:** Councillors F Burton (7.34 pm), Daly, Donnelly,
Molloy
- APOLOGIES:** Councillor Badger

The meeting started at 7.30 pm.

1 CONGRATULATIONS

The Mayor led Members in congratulating the Director of Technical Services on his recent recognition in the honours list. The Mayor mentioned the numerous accolades the Council has won over the past years of which the technical services department has put in a lot of the work.

All Members congratulated the Director of Technical Services on his achievement.

2 ELECTION OF CHAIR

The Mayor, Councillor Mulligan, took the Chair for the election of Chair.

Under the previously agreed d'hondt arrangement nomination was sought from Sinn Féin Party.

Resolved That Councillor Gillespie be elected Chair.

3 ELECTION OF VICE CHAIR

Under the previously agreed d'hondt arrangement nomination was sought from Democratic Unionist Party.

Resolved That Councillor R Burton be elected Vice Chair.

4 BUILDING CONTROL

The report (appendix 1) of the Director of Building Control was presented reference being made to the undernoted:

4.1 Refusals

The Director of Building Control advised that as further information required had not been received he recommended refusal of the applications listed on appendix 2.

4.2 Street Naming

Following on from last month's meeting where Members requested a new proposed name for housing development at Lisaclare Road, Coalisland, DBC advised that he had received correspondence from the architect requesting Councillors to reconsider the name 'Lisafort Plain'. This is because the development has already been advertised as such and that legal documents are with Water and Roads Service with the name 'Lisafort Plain'.

Members were of the view that as the proposed name 'Lisafort Plain' does not make for a sensible translation and that this Council has always been strong on townland names, it is important to adhere to accuracy and get a name for the development that is correct. Members suggested various other names which could be put forward to the developer.

Members also felt that Council should not accept the reasons given by the architect, as approval should have been sought by Council before commencing advertising for the development.

Resolved That it be recommended to the Council for Director of Building Control to go back to architect and developer stating Council's position. Other names for proposal along with relevant translation to be provided.

4.3 Adoption of Report

Proposed by Councillor Gildernew
Seconded by Councillor Mulligan and

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

(J McClelland left the meeting at 7.45 pm)

5 ENVIRONMENTAL HEALTH

The report (appendix 3) of the Director of Environmental Health was presented reference being made to the undernoted:

5.1 Interconnector Meeting

Following meeting on 18 June with regard to proposed Interconnector, Members recorded their disappointment that assurances could not be given by the Health Protection Agency representative regarding direct health problems of individuals in close proximity to such electromagnetic fields.

Members raised the issue of the possibility of underground cabling and the cost of same as opposed to overground cabling.

Resolved That it be recommended to the Council for Director of Environmental Health to carry out research with regard to cost of underground cabling. DEH to also write to Health Protection Agency in Republic of Ireland to ascertain if advice being given by them is same as advice received by representative at meeting on 18 June.

5.2 Additional Conditions of Licence

As per report SLO provided information with regard to requests from third parties asking Council to add certain conditions to Entertainment Licences.

Request has been made by The Performing Rights Society (PRS) asking Council to include as a condition of licence that a PRS licence must be obtained before music can be played and that Council should ensure that events organised by the Council should be covered by a PRS licence.

SLO advised that whilst Council should ensure that events run by the Council must have all necessary licences and permissions in place he did not recommend that a condition requiring licensees to obtain the relevant PRS licence should be added to each Entertainment Licence. To do so could place the burden of enforcing copyright legislation on the Council and could result in unnecessary delays in the processing of an entertainment licence application.

A further request has been received by PSNI asking that Council take into account advice from their legal advisor which states that the current Licensing (NI) Order 1996 does not permit the running of discos for persons under the age of 18 in premises where a licence to sell alcohol has been granted. The request asked Council that when granting or renewing Entertainment Licences a condition be added stipulating that an Entertainment Licence is not valid for any under 18 year old event held on licensed premises.

SLO advised that there are already existing additional conditions of an Entertainment Licence (known as Appendix B) which apply to entertainments provided for children and recommended that a condition be added to this Council's Appendix B Entertainment Licence Conditions.

Resolved That it be recommended to the Council to add condition to Council's Appendix B Entertainment Licence Conditions stating "Where entertainments for children and persons under the age of 18 is provided, and where the premises has been granted a licence to sell alcohol, the licensee shall ensure that such entertainment is not in contravention of the Licensing (NI) Order 1996."

5.3 Parking at Granville Mart

SLO asked for Members opinion with regard to moving this matter forward. SLO suggested a meeting between interested parties to come up with solution to problems being experienced at Granville Mart.

Resolved That it be recommended to the Council to organise meeting between Councillors, Roads Service and other interested parties to discuss ongoing parking issues at Granville Mart.

5.4 Street Trading Act (Northern Ireland) 2001 File Ref: ST/KM/04

SLO as per report provided information to guide Members as to whether the licence to trade at Killymaddy Amenity Centre lay-by should be issued.

During discussion members raised the following –

- How Council stands if licence is not granted as precedent has been set by granting previous licences.
- Council could be seen as protecting interests.

- Two traders do not compare.
- No further need for trade along this stretch of road – already have provision at Killymaddy and Cabragh close by.
- Point 6.6 (c) in conditions for refusal to grant a stationary licence
 - “There are sufficient traders trading in the street/area, or at premises adjoining it, in the articles, things or services that the trader proposes to offer.”
 Members felt this gives the Council reasonable grounds for refusal
- Need for consistency.

Proposed by Councillor Cavanagh

Seconded by Councillor Brush

That it be recommended to the Council not to grant application to sell hot food at Killymaddy Amenity Centre lay-by, Monday to Saturday between the hours of 7am and 4pm.

Other Members felt they were unable to make a decision tonight and needed more time for perusal of information provided by SLO.

The proposer and seconder of the above proposal agreed to withdraw their proposal.

Resolved That it be recommended to the Council to defer decision on grant of licence for one month to further consider information provided.

(Councillors Molloy and Donnelly left during discussion of this item. Councillor Molloy left at 8.20 pm and Councillor Donnelly left at 8.45 pm)

5.5 Noise Complaint

Member referred to recent noise complaint he had been made aware of and the misleading advice being received by the police in relation to the reporting of such matters.

DEH advised that when his department is made aware of any such complaints that these will be investigated, this however is not a 24/7 service.

5.6 Adoption of Report

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

6 AGENDA 21

The report (appendix 4) of the Agenda 21 Co-ordinator was presented.

6.1 Adoption of Report

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

(R Gillis left the meeting at 8.55 pm)

7 TECHNICAL SERVICES

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

7.1 Coalisland Environmental Improvement Scheme

Member referred to seating which has been removed from Lineside, Coalisland due to vandalism and asked if there is any possibility of restoring these seats.

DTS confirmed that the seats had been removed as several had been set on fire and complaints were also received regarding youths congregating and drinking in this area. DTS advised that if it was the wish of the Committee a more robust seat could be sited.

Proposed by Councillor Cavanagh
Seconded by Councillor McLarnon and

Resolved That it be recommended to the Council to restore a smaller number of a more robust type of seat along Lineside, Coalisland.

7.2 Graffiti

In response to a query, DTS advised that it is Roads Service responsibility to remove graffiti on private property.

Resolved That it be recommended to the Council to write to Roads Service regarding removal of graffiti at Hoggs Bridge, Coalisland.

7.3 Chewing Gum Removal

DTS advised that there are two contractors providing a clean and removal service of chewing gum. One of the contractors uses compressed air soda blasting whilst the other uses a water jet system.

DTS advised that the compressed air soda blasting had been demonstrated on an area of Scotch Street today and whilst it was successful there is no money in budget to carry out the blasting over a larger area. DTS advised that blasting is at a cost of approximately £4 per square metre. Demonstration of the water jet system is to be arranged but again it was stressed that due to budget constraints it is unlikely that this issue will be moved forward in the near future, one option is to look for surpluses in the budget at the end of the year.

Members spoke of this unsightly problem and suggested that Government should put a tax on a packet of chewing gum to help contribute to its clean up cost.

Resolved That it be recommended to the Council to write to the relevant government agencies with regard to putting a tax on chewing gum.

7.4 Bus Shelter, Fivemiletown

Members spoke of the importance of bringing the right of way up to Roads Service standard for adoption and that signage be sited to make the public more aware that the car park exists at Edfield Way, Fivemiletown.

DEH suggested that a meeting be arranged to move this matter forward.

(Councillor Brush left the meeting at 9.20 pm)

7.5 Gas Management

DTS advised that contract has been signed by RPS and equipment has been ordered.

7.6 Recycling

As per report RO brought Members up to date with recycling and landfill rates and targets in relation to the Northern Ireland Landfill Allowance Scheme.

RO advised that whilst landfill material is going down, there is still a lot of work to be done. If landfill tonnages for 09/10 year are much the same

as 08/09 then this Council will exceed its NILAS allocation in 09/10 by approximately 932 tonne. RO advised that the fine per exceeded tonne is likely to be £150 per tonne with the possibility of an EU fine on top of this.

DTS advised that the population of the borough has grown considerably in recent years and that this has had an effect on the amount of waste going to landfill. Other points for consideration were the difficulty which RPA brings with regard to waste management, sharing of surpluses etc. DTS further informed Members that this Council has kept the cost of collecting commercial waste down whilst other Councils have raised their charge which has resulted in businesses moving away from the collection service being provided.

7.7 Northern Ireland Environmental Agency

DTS advised of payment to be made to above for inspection of 6 sites throughout the borough. Cost per site is £2750 – total £16,500.

Proposed by Councillor Cavanagh
Seconded by Councillor Gildernew and

Resolved That it be recommended to the Council to pay fees to Northern Ireland Environmental Agency of £16,500 for inspection of 6 sites.

7.8 Retirement

DTS advised of member of staff who has recently retired after 43 years service to the Council within the technical services department. DTS advised that this staff member will be sorely missed and will be a big loss to the Council.

Resolved That it be recommended to the Council for Mayor to facilitate an event in recognition of the length of service by this former staff member.

7.9 Adoption of Report

Proposed by Councillor Currie
Seconded by Councillor Mulligan and

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

8 TULLYVAR UPDATE

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

9 DURATION OF MEETING

The meeting was called for 7.30 pm and ended at 9.57 pm.

MAYOR_____

CHIEF EXECUTIVE _____
(Acting)