

COOKSTOWN DISTRICT COUNCIL

Minutes of proceedings of a **STATUTORY MEETING** of the Council held in the Council Chamber on Tuesday 11 October 2011.

Present:	S Clarke, Chairman
Councillors:	Glasgow MBE, Kelly, Lees, Mallaghan, Mayo, McAleer, McCartney, McCrea, McElhone, McFlynn, McGarvey, McIvor, McNamee, Quinn, Wilson
Officers:	Clerk/Chief Executive Director of Corporate Services Clerical Officer
Other Representatives	Planning Services Ms S McCracken, Senior Planning Officer

1 APOLOGIES

There were no apologies.

2 MINUTES OF STATUTORY MEETING – 13 SEPTEMBER 2011

The Minutes of the STATUTORY meeting held on 13 September 2011, a copy of which had been previously circulated, were ADOPTED on the proposal of Councillor McGarvey and seconded by Councillor Glasgow.

3 MINUTES OF DEVELOPMENT COMMITTEE – 20 SEPTEMBER 2011

The Minutes of the DEVELOPMENT COMMITTEE meeting held on 20 September 2011, a copy of which had been previously circulated, were ADOPTED on the proposal of Councillor McGarvey and seconded by Councillor Wilson.

4 MINUTES OF POLICY RESOURCES & SERVICES COMMITTEE – 28 SEPTEMBER 2011

4.1 Matters Considered

Item 6.1 Policing and Community Safety Partnerships – Appointment of Political Members

Councillor McNamee referred to the above minute and proposed, seconded by Councillor McElhone that the panel to sit on the selection of independent members should be selected using the D'hondt method.

On the proposal of Councillor Wilson, seconded by Councillor Glasgow it was proposed that the panel consist of one member from each party.

Following a show of hands 6 members voted for the substantive motion and 9 members for the original motion.

The Chairman declared the original motion carried.

On the proposal of Councillor Mallaghan, seconded by Councillor McElhone it was AGREED that Councillors Clarke and McNamee would sit on the selection panel.

On the proposal of Councillor McGarvey, seconded by Councillor Mayo it was AGREED that Councillor Quinn would sit on the selection panel.

Councillor McCrea will advise the Chief Executive's department of the DUP nomination.

4.2 Adoption of Minutes

Subject to the above amendment the Minutes of the POLICY RESOURCES & SERVICES COMMITTEE meeting held on 20 September 2011, a copy of which had been previously circulated, were ADOPTED on the proposal of Councillor Quinn and seconded by Councillor McNamee.

4.3 Matters Considered

The Chief Executive (Acting) informed members that the Desertcreat College Information Evening was to be held on 25 October 2011 at 7.30 pm in the Glenavon Hotel.

Members AGREED to facilitate this meeting that the Policy Resources & Services Meeting scheduled for the same date would commence at 6 p.m. in order that members could attend the information evening.

5 MINUTES OF AUDIT RISK & GOVERNANCE COMMITTEE – 26 SEPTEMBER 2011

The Minutes of the AUDIT RISK & GOVERNANCE COMMITTEE meeting held on 26 SEPTEMBER 2011, a copy of which had been previously circulated, were ADOPTED on the proposal of Councillor McElhone and seconded by Councillor Mayo.

6 PLANNING MATTERS

6.1 Schedule

Submitted schedule dated 11 October 2011 copy of which had been previously circulated, showing details of the Department's opinion as to how planning applications within the District should be decided.

NEW APPLICATIONS

Ref No	Applicant	Development
I/10/0573/F	P McNally 6 Killybearn Lane Derrgonigan Road Cookstown	Dwelling

**The Senior Planning Officer agreed to an office meeting.
Councillors Mayo, McAleer, McFlynn, McIvor**

I/10/0575/F	J McKernan Rear 31 Chapel Street Cookstown	Change of use
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**The Senior Planning Officer agreed to an office meeting.
Councillor McNamee**

I/11/0008/F	G Johnston 170m S 27 Ballygonny Road East Money more	Dwelling
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**The Senior Planning Officer agreed to an office meeting.
Councillor McCrea**

I/11/0021/F	F Taylor 60m SE 72 Moneyhaw Road Money more	Dwelling
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**The Senior Planning Officer agreed to an office meeting.
Councillors Mayo, McAleer, McFlynn, McIvor**

I/11/0052/F	A Doyle 460m NW 31 Knockadoo Road Cookstown	Shed
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**The Senior Planning Officer agreed to an office meeting.
Councillors Clarke, McCrea, McGarvey**

I/11/0055/F	J Donnelly 107m W 75 Loughbracken Road Pomeroy	Change of house type
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The Senior Planning Officer agreed to defer this application

I/11/0111/F	N McAllister 109 Thornhill Road Rock	Alterations
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**The Senior Planning Officer agreed to an office meeting.
Councillors Glasgow, Lees.**

I/11/0213/F	C Wylie	Retention
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17 Lowerback Road
Killycolpy
Dungannon

**The Senior Planning Officer agreed to an office meeting.
Councillors Mayo, McAleer, McFlynn, McIvor**

I/11/0228/F	K McKeown 60m E 18 Mullinahoe Road Dungannon	Dwelling
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**The Senior Planning Officer agreed to an office meeting.
Councillors Mayo, McAleer, McFlynn, McIvor**

I/11/0241/F	S Beckett 9 Loy Street Cookstown	Conversion
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The Senior Planning Officer agreed to defer this application.

I/11/0246/F	S McNally 30 Limehill Road Pomeroy	Dwelling
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**The Senior Planning Officer agreed to an office meeting.
Councillor Clarke**

I/11/0268/O	McCloskey 55m E 146 Ardboe Road Ardboe	Dwelling
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**The Senior Planning Officer agreed to an office meeting.
Councillors Mayo, McAleer, McFlynn, McIvor**

I/11/0295/F	I Gault Rear 39/42 Kiltyclogher Road Sandholes	Workshop
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The Senior Planning Officer agreed to an office meeting.

Councillor Wilson

I/11/0323/F	M Cuskeran 43/45 Drum Road Cookstown	Dwelling
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The Senior Planning Officer agreed to an office meeting. Councillors Glasgow, McCrea

I/11/0326/F	P Devlin 40m SE 7 Drummullan Road Moneymore	Dwelling
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The Senior Planning Officer agreed to an office meeting. Councillors Mayo, McAleer, McFlynn, McIvor

I/11/0349/F	C Stewart 21 Morganshill Road Cookstown	Change of
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The Senior Planning Officer agreed to an office meeting. Councillors McCrea, Wilson, Roads Service

Applications Deferred from Previous Meetings

I/10/0225/F	Desertcreat Select Vestry 6 Desercreat Road Cookstown	Replacement
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The Senior Planning Officer agreed to defer this application

I/11/0202/O	TS Architects Rear 104 Drumenny Road Cookstown	Dwelling
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The Senior Planning Officer agreed to defer this application.

I/11/0214/F	J Lowe Opposite 43 Roughan Road	Dwellings
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The Senior Planning Officer agreed to defer this application

7 CONSULTATIONS

7.1 Presentation

The Chairman welcomed Mr Martin O'Rourke, SIPTU to the meeting.

Mr O'Rourke gave a presentation on the Community Sector which plays a unique part in contributing to and helping communities, and reversing the situation for those affected by deeply entrenched social exclusion.

Mr O'Rourke advised members that Government funding to the voluntary and community sector is only 45% of the sector's income with the groups having to make up the shortfall. He called on the Council to support SIPTU in their fight against cutting this funding.

The Chairman thanked Mr O'Rourke for his attendance.

7.2 Consultation Paper on Noise and Statutory Nuisances Guidance

Members considered an email dated 5 September 2011 from DoE regarding Consultation Paper on Noise and Statutory Nuisances Guidance.

It was AGREED to refer this matter to the Director of Environmental Health for a report and recommendation.

7.3 Licensing Scheme for Pavement Cafes

Members considered a letter dated 29 September 2011 from DFD regarding the above

It was AGREED to refer this matter to the Director of Environmental Health for a report and recommendation.

7.4 Consultation on Nuisance Parking and Abandoned Vehicles Guidance

Members considered a letter dated 28 September 2011 and Consultation on Nuisance Parking and Abandoned Vehicles

Guidance issued by the DoE.

It was AGREED to refer this matter to the Director of Environmental Health and Director of Operational Services for a report and recommendation.

7.5 Consultation Paper on Implementing EC Regulations 1071/2009 1072/2009 & 1073/2009 on Road Transport Operations and New Fitness and Financial Requirements for “Own Account” Operators to be Introduced by the Goods Vehicles (Licensing of Operators) Act (NI) 2011

Members NOTED receipt of a letter from DoE and Consultation Paper on Implementing EC Regulations 1071/2009 1072/2009 & 1073/2009 on Road Transport Operations and New Fitness and Financial Requirements for “Own Account” Operators to be Introduced by the Goods Vehicles (Licensing of Operators) Act (NI) 2011 DoE regarding Consultation Paper on Noise and Statutory Nuisances Guidance.

7.6 Consultation on Draft High hedges Guidance

Members considered an email dated 16 September 2011 and Consultation on Draft High hedges Guidance issued by the DoE.

It was AGREED to refer this matter to the Director of Environmental Health for a report and recommendation

7.7 Application for a New Road Service Licence – B2538 – Michael Joseph McGlinchey, 77 Cavan Road, Castlederg, Co Tyrone

Members NOTED receipt of a letter dated 22 September 2011 from the Driver & Vehicle Agency regarding the above.

7.8 Annual Monitoring Report on the Equality Impact Assessment of the Procurement Policy

On the proposal of Councillor Wilson, seconded by Councillor McGarvey it was AGREED to adopt the Annual Monitoring Report on the Equality Impact Assessment of the Procurement Policy under Section 75 of the Northern Ireland Act 1988.

7.9 Proposed Introduction of 20MPH at Tullagh Drive Cookstown and Drumcree/Chapel Road, Cookstown

Members NOTED receipt of a letter dated 15 September 2011 from Roads Service regarding the above.

7.10 A Telecommunications Action Plan for Northern Ireland 2011-2015

Members considered a letter and consultation A Telecommunications Action Plan for Northern Ireland 2011-2015 issued by DETI.

Members AGREED that the Department of Development would in liaison with the ICT Officer collate responses to this consultation and develop a course of action for the Council.

7.11 Policy for Car Parking Provision and Management in the Health & Social Care Sector

Members considered an email and consultation regarding Policy for Car Parking Provision and Management in the Health & Social Care Sector issued by the DHSS&PS.

Members expressed the opinion that parking for visitors at hospitals across the Province should be free but acknowledged that in many instances this was not the case. In this respect Council welcomed the review to ensure a more uniform approach across the region. Members stressed however that if charges were applicable that they should be affordable and reasonable and that concession rates should be in place for long term and seriously ill patients.

7.12 Consultation on the Identification of Bathing Waters in Northern Ireland 2011

Members considered an email and Consultation on the Identification of Bathing Waters in Northern Ireland 2011.

It was AGREED to refer this matter to the Director of Environmental Health and Director of Operational Services for a report and recommendation.

7.13 Consultation on Rating of Commercial Properties: Small Businesses, Large Retail Properties & Empty Shops

Members considered a response to the Department of Finance & Personnel Consultation on Rating of Commercial Properties: Small Businesses, Large Retail Properties & Empty Shops.

Members AGREED to amend the response and then forward response to the Department of Finance & Personnel.

8 TENDERS

8.1 Extension to Fitness Suite at Cookstown Leisure Centre

Following public advertisement four tenders were received by the return date for the extension to the Fitness Suite at Cookstown Leisure Centre

Company	Price
Brian Quinn Contracts 39 Corvanaghan Road, Cookstown	£29,536.00
Mulla Construction Ltd 20 Primates Manor, Rock Road, Armagh	£39,486.90
Dixon Contractors Ltd 143 Tullaghans Road, Dunloy, Ballymena	£45,325.00
David Patton & Son (NI) Ltd Woodside Road Industrial Estate, Ballymena	£73,600.00

The tenders were assessed by David Bell, Technical Officer and Nicky Doris, Technical Assistant using pre-agreed Tender Evaluation assessment criteria.

On the proposal of Councillor McGarvey, seconded by Councillor McNamee Council AGREED to adopt the report and recommendation of the Director of Operational Services and to award the tender to Brian Quinn Contracts at a cost of £29,536 00 plus VAT.

9 SEMINARS & CONFERENCES

9.1 Black Tie Royal Gala Dinner

Council AGREED to the attendance of Councillors Kelly and Wilson at The Somme Association black tie dinner in the City Hall, Belfast on 23 November 2011 at a cost of £65 per ticket.

9.2 NAC AGM Conference

Council NOTED the National Association of Councillors AGM and Conference would be held from 25/27 November 2011 in the Dalmeny Hotel, Lythan St Annes at a cost of £295 per delegate plus travel and accommodation.

10 NOMINATIONS

10.1 Board of Libraries NI

Council NOTED receipt of a letter dated 3 October 2011 from DCAL regarding appointment of two councillors to the Libraries NI Board..

11 FINANCE MATERS

11.1 Friends of the Somme

On the proposal of Councillor Wilson, seconded by Councillor Glasgow Council AGREED to the renewal of the yearly subscription to the Somme Association at a cost of £380 plus VAT.

12 NOTICES OF MOTION

12.1 To consider the following Notice of Motion in the names of Councillors Mallaghan, McAleer, McElhone, McIvor and McNamee

“Following the 3 recent damning reports which highlight the lowering of operational independence of the Ombudsman’s Office, that this Council calls for the immediate resignation of the Ombudsman Al Hutchinson in order to begin the restoration of public confidence within the Ombudsman’s Office,”

Councillor Wilson proposed, seconded by Councillor Glasgow an amendment to the Notice of Motion

“That this Council calls on the Northern Ireland Office to incorporate the roles of Prison, Police and Northern Ireland ombudsmen into one with a review to reducing overall expenditure.”

Following a show of hands 6 members voted for the substantive motion and 9 members for the original motion.

The Chairman declared the original Notice of Motion carried.

13 ANY OTHER BUSINESS

13.1 .MUSA Phase 2 Construction of Additional Changing Facilities

The Chief Executive (Acting) tabled a paper regarding the consultancy fees required to take the project forward.

Doran Consulting had been carried out the work in Phase 1 and 2 and fees were originally at 5.5% of the final cost for each phase. This was on the basis of a preliminary budget for both phases of £1.7m hence Doran Consulting would have anticipated fees of approximately £93,500.

The Phase 1 contract comprised £750K for the pitch and £950K for the two storey building. The Phase 1 contract which is underway is for £764,123.35 and the fees will therefore be approximately £42,026. The preliminary budget for Phase 2 is set at £250K and at 5.5% fees would equate to £13,750. On that basis fees would amount to approximately £55,776 which is about £37,724 (or 40%) less than anticipated at appointment.

With the significant reduction in professional fees Doran Consulting had asked for a fee of 7.5% of the cost of work (which would be in the region of £18,750).

Following discussion with Doran Consulting the Director of Building Control was able to negotiate a rate of 7%.

Members were of the view that if the proposed increased fee for Doran Consulting was not accepted then a new appointment would have to be made by way of public advertisement and this would incur advertising costs and no guarantee of a fee lower than 7%.

On the proposal of Councillor McNamee, seconded by Councillor McIvor it was AGREED to accept the recommendation of the Director of Building Control that Doran Consulting is appointed at a fee of 7%.

13.2 Civic Awards

The Chief Executive (Acting) tabled an Assessment Report prepared by the Civic Awards Committee on nominations to attend the Council's Civic Awards Ceremony on the 17 November 2011.

On the proposal of Councillor Wilson, seconded by Councillor McNamee it

was AGREED to adopt the report and recommendations of the Civic Award Committee.

13.3 Change Management Post

The Chief Executive (Acting) advised members that a letter had been received from Dungannon & South Tyrone Borough Council seeking to reconstitute the Voluntary Transition Committee and to support the work of this Committee to seek a contract extension to the Change Management Officer post from Antrim Council.

Members were of the opinion that since no direction had come from the NI Assembly regarding RPA that these actions were premature and should not be actioned.

13.4 Facilities Letter

On the proposal of Councillor McCrea, seconded by Councillor Quinn it was RESOLVED that

Council accept the facility offered by Ulster Bank Limited to the Council by Facility Letter dated 16 June 2011 subject to the general conditions and the Terms and Conditions set out in the Facility Letter.

That Adrian McCreesh, James Ivor Paisley and Marissa Canavan are hereby authorised to accept and sign the said facility letter for and on behalf of Cookstown District Council.

13.5 Parking

The Chief Executive (Acting) advised members that Councillor McCrea had forwarded a copy of a letter received from Mr Danny Kennedy, Minister for Regional Development in which he confirms that none of the car parks in Cookstown town centre are included in the list of 28 free car parks which will shortly become charged car parks.

Members welcomed this confirmation.

IN COMMITTEE

14 STAFF MATTERS

14.1 Chief Executive Post

The Chairman advised members that following the interviews on Wednesday 28 September 2011 the Interview Panel's recommendation was that Adrian McCreesh is appointed as Chief Executive (Acting) for a period of one year commencing 3 October 2011.

The Interview Panel also recommended that Ivor Paisley is appointed as Deputy Chief Executive for a period of one year.

Council AGREED with the recommendations.

Council also AGREED that the Local Government Staff Commission are contacted regarding advice on the remuneration package for the two posts.

The meeting ended at 8.10 p.m.

Chairman

Chief Executive (Acting)

Date

TABLED FOR INFORMATION

Minutes

Southern Education & Library Board
29 June 2011

REPORTS

The Children's Society
Annual Review 2010/11

Roads Service
Annual Report and Statement of Accounts 2010-11

NIHE
Rural Matters September 2011

Northern Ireland Local Government Officers' Superannuation Committee
Annual Report 2010/11

Mary Peters Trust
- Annual Report 2010

Parades Commission
- Annual Report & Financial Statements for the year ended 31 March 2010

Stroke Association
- Annual Review 2011

Sustainable NI
Annual Report 2010/11