

**MINUTES OF MEETING OF DUNGANNON AND SOUTH TYRONE BOROUGH
COUNCIL HELD ON MONDAY 9 MARCH 2009 IN THE COUNCIL OFFICES,
CIRCULAR ROAD, DUNGANNON**

MEMBERS PRESENT: In the Chair, Councillor R Burton, Deputy Mayor

Councillors Brush, F Burton, Cavanagh, Cuddy, Currie, Daly, Donnelly, Gildernew, Gillespie, Hamilton, McGuigan, McGonnell, McLarnon, McMahon, Molloy, Mulligan and O'Neill

APOLOGIES: Badger, Greenaway, Monteith and Morrow

OFFICERS PRESENT: Mr Burke Acting Chief Executive,
Mr Currie Head of Human Resources
Mr Frazer Director of Development
Mrs Kerr Director of Finance
Mr Lowry Senior Building Control Officer
Mrs McClements Acting Director of Environmental Health
Mr McMinn Director of Technical Services
Mrs Smith Council Business Manager

IN ATTENDANCE: DoE Planning Service
Mr Jim Fawcett, Mr Shane Mathers

The meeting started at 7.30 pm

1 MAYOR'S COMMENTS

1.1 Condolences

The Deputy Mayor, on behalf of the Council, extended sympathy to Ms Eileen Conlon, Technical Services on the death of her father.

All present stood for a minutes silence as a mark of respect.

1.2 Murder of Soldiers at Massereene Barracks, Antrim

The Deputy Mayor spoke of the tragic murder of two soldiers in Antrim and the injury of two civilians which had been condemned by all parties represented in the Chamber. He stated that while told was a threat never though it would come to the death of two young soldiers,

thought that the province moved on from this, a lot of hard work put in to try to bring peace to our country, many efforts and sacrifices made to bring about that peace and no one wants to go back.

The Deputy Mayor sought permission to write letters of sympathy, on behalf of the Council, to the families of the two murdered soldiers. Agreed.

2 MINUTES – COUNCIL – 9 FEBRUARY 2009

Proposed by Councillor McGuigan
Seconded by Councillor Gillespie and

Resolved That the minutes of the meeting of the Council held on Monday 9 February 2009, having been printed and circulated, be taken as read and signed as correct.

3 PLANNING

Representatives of the Planning Department were admitted to the meeting at 7.35 pm.

Mr Jim Fawcett introduced Mr Shane Mathers who had moved from Fermanagh to Senior Planning post looking after the Dungannon area. Planning schedule and late items lists dated 9 March 2009 were presented.

The Deputy Mayor, on behalf of the Council, welcomed Shane to the Council.

3.1 Schedule

Application No	Applicant	Reason for Deferral
M/2006/2396/F	Spoutfield Devs	Concern expressed in relation to whether infra structure can cope. Planning Officer stated that these applications being dealt with by Special Quality Team and would have not been brought before Council if approval was not sustainable. Defer for office meeting.
M/2006/2101/F	Spoutfield Devs	
M/2008/0169/F	McCann	Defer for office meeting to consider flood issue.
M/2008/0407/F	Coulter	No representation. Decision to issue.

M/2008/0572/F	O'Neill	Amended drawing received on 25 February. Defer to consider amended drawings.
M/2008/0727/F	Sinnamon	Refusal should be sustained considering objections received. Defer for office meeting.
M/2008/0797/F	Muldoon	Noise report received today. Defer to allow consideration of report. Concern expressed with regard to renewable energy issues in rural areas not being favourably considered.
M/2008/1138/F	Campbell	Withdrawn.
M/2008/1193/O	Casey	Defer for office meeting.
M/2008/1201/F	SELB	Drawings received 24 February. Defer to consider.
M/2008/1270/O	McNally	Land ownership challenge. Defer to consider.
M/2008/1288/F	Vodafone UK	Having looked at all information and certificates received commend approval. Could not justify having office meeting.
M/2008/1335/F	Daly & McGirr	Defer for office meeting.
M/2008/1346/F	McNeill	Defer for one month whilst Department negotiates with agent on suitable design.
M/2009/0014/O	Stafford	Defer for one month pending receipt and consideration of further information.
M/2009/0021/F	Madden	Design matter, defer for one month.
M/2009/0052/F	Torres	Defer for one month whilst look at amended scheme.
M/2009/0061/F	Cregg	Defer for office meeting.
M/2009/0068/F	Rafferty	Defer whilst reassess design which was recently submitted.
DEFERRED LIST		
M/2005/1113/O	Walshe	Still work to be done with Roads Service. Defer for 10 days and issue decision if no change in circumstances.
M/2007/0938/F	Kelly	Defer for one month whilst typing error in relation to relevant policies is corrected.

M/2008/0271/F	Nelson	Defer for one month whilst typing error in relation to relevant policies is corrected and to consider amended plans to be submitted.	
M/2008/0488/F	Quinn	Defer pending amended drawings which hopefully will address reasons for refusal. Councillors expressed concern that adequate time had been allowed and refusal should stand. Proposed by Councillor McGonnell Seconded by Councillor Gildernew that application be deferred for one month to allow planners to assess amended drawings and if make no material difference issue decision.	
M/2008/0983/F	Boyle	Defer for 10 days to consider amended plans to be lodged. If make no material difference issue decision.	
LATE ITEMS – ALL APPROVALS			
M/2008/1048/F	Coalisland Fianna GFC	M/2008/1207/F	Galbally GAC
M/2008/1208/F	Amc Ltd	M/2008/1217/F	Daly
M/2008/1281/F	Harper	M/2008/1307/RM	Donnelly
M/2008/1325/RM	Calvan	M/2008/1326/F	Hughes
M/2008/1331/F	Patterson	M/2008/1332/F	Donnelly
M/2008/1337/RM	Mulligan Councillor Mulligan declared an interest in this application.	M/2009/0005/F	McElduff
M/2009/0009/F	Steenon	M/2009/0023/F	Farmer
M/2009/0037/RM	Donnelly	M/2009/0065/RM	Rafferty
M/2009/0069/F	Corr	M/2009/0079/F	O'Neill
M/2009/0091/O	Woods	M/2009/0095/F	Richardson
M/2009/0100/F	Kearney	M/2009/0112/O	O'Neill
LATE ITEMS DEFERRED – ALL APPROVALS			
M/2008/0888/F	Irwin		

3.2 Planning Appeal – Residential Development to include 32 Apartments on Lands at No 11 Laureen, Moy Road, Ballynorthland Demense, Dungannon

The Acting Chief Executive referred to correspondence dated 6 February 2009 and statement of support for the rejection of the application for the development of 32 apartments at No 11 Laureen, Moy Road, Ballynorthland Demense, Dungannon which had been submitted by Mr & Mrs I Brewster, Park House, 9 Moy Road, Dungannon and seeking Council support in relation to their objection to the development.

Resolved That the Council endorse the views of those opposed to this development which have been sent to the Planning Appeals Commission.

3.3 April Council Meeting

The Deputy Mayor advised planning officials that, due to the Easter break, the next meeting of the Council would be held on Monday 6 April 2009.

Messrs Fawcett and Mathers left at 8.20 pm.

4 MATTERS ARISING – COUNCIL – 9 FEBRUARY 2009

4.1 Peace III & Rural Development (item 5.1)

The question of submitting application for gateway signage to villages across the borough was discussed.

The Director of Development advised that there are some 32 designated villages in the area plan most of which do not have gateway signage.

Proposed by Councillor O'Neill
Seconded by Councillor McGuigan and

Resolved That the Council prepare and submit application under Rural Development Programme for gateway signage to rural villages.

4.2 Gardners Hall (item 5.4)

In response to query the Director of Development advised that meetings have been held to progress the situation regarding distribution of landfill tax.

4.3 Eglish Primary School (item 4.3)

It was asked if there would be any benefit in writing to the Southern Education and Library Board that they maybe give consideration leasing or renting to play group.

The Director of Development stated that email had been forwarded asking that the Council be kept informed of situation in relation to the sale and that letter could be sent giving Council support for the use for educational purposes.

Agreed.

4.4 Set Rate for 2009/2010

Councillor Daly stated the need for correction to that which was recorded in minute 'Councillor Daly asked it to be recorded that he could not support this rate without some provision for the Blackwater area and that it would restrict the Council from being proactive.'

Members discussed looking at further efficiencies to assist with preparation of budgets for next year and the move towards RPA ie amalgamation/restructuring of departments, review of staffing structures etc. It was important for all to focus on what expenditure levels expecting this time next year.

Resolved That process would be put in place.

The Acting Chief Executive stated that in relation to preparation of new corporate plan there would be opportunity to include rate cap.

5 MINUTES – DEVELOPMENT COMMITTEE – 23 FEBRUARY 2009

Proposed by Councillor McGuigan

Seconded by Councillor McMahon and

Resolved That the minutes of the meeting of the Development Committee held on Monday 23 February 2009, having been printed and circulated, be taken as read and adopted.

5.1 SHSCT Cardiac Rehabilitation Project (item 1.10)

Members expressed concern and regret that this project was not advanced further through the Council. There was a need for transparency in relation to who was approached with regard to undergoing training, if this Council had went back to SHSCT or had they to pursue us and that SMT should look again at something being provided.

The Director of Development stated that background and all issues would be dealt with in report to the next meeting of the Development Committee.

5.2 Lands at Aughnacloy (item 1.3)

The Director of Development stated that land in question was two portions at Aughnacloy Playing Fields identified as surplus to requirement. Two interested parties had been willing to purchase and the Department had agreed this approach given that only one beneficiary from the disposal.

5.3 Blackwater Regeneration Partnership

In response to request for update the Director of Development stated that Armagh and Monaghan had confirmed contribution in budget for core funding to the project. Also that had been successful under IFI/Rural Development for funding for Training and Education Programme. Application under SEUPB re TRACE programme was still being considered.

5.4 Gortgonis Centre Fitness Equipment (item 1.6)

In relation to concern of Free Wheelers and scheduled annual road race the Director of Development stated that a member of staff would be meeting with the organisation to discuss their needs for the event.

5.5 Tyrone Home Coming Committee (item 1.12.8)

Member expressed concern at previous announcement to give £4,000 grant towards Tyrone Homecoming and that this had been carried in the press and asked if £2,000 could be granted.

The Director of Development stated that the Council had agreed to an allocation of £4000 without application having come in. Application has been received which showed that total spend was £2186 and it

had been recommendation to pay £1,000, 100 per cent rarely being given.

Member stated that reception was to be held for Tyrone Teams.

5.6 Planning Service – Erection of 24 Apartments in Two Blocks – Annagole Newell Road between Corrainey Park and Lisnahull Park

In response to query the Director of Development stated that he would be attending the appeal on behalf of the Council to confirm the original objections with no new evidence being able to be submitted at this stage.

Proposed by Councillor McGuigan
Seconded by Councillor Molloy and

Resolved That Councillor McLarnon also attend the appeal hearing.

6 MINUTES – PUBLIC SERVICES COMMITTEE – 24 FEBRUARY 2009

Proposed by Councillor Cavanagh
Seconded by Councillor Gillespie and

Resolved That the minutes of the meeting of the Public Services Committee held on Tuesday 24 February 2009, having been printed and circulated, be taken as read and adopted.

6.1 Castlecaulfield Community Allotments (item 2.1)

Disappointment was expressed at the proposed allotments not going ahead and the Director of Technical Services was to make enquiries and report to the next meeting of the Public Services Committee if the walled garden at Parkanaur would be made available for this purpose.

**6.2 CIWM Seminar & Briefing Sessions
Futuresource Exhibition and Conference – 9 to 11 June 2009
ExCel, London – (Total cost approximately £1200)**

Discussion ensued in relation to member and officer attendance at one or two sessions of this seminar. It was felt that as the event would be most beneficial to members on Tullyvar their attendance should be through the Joint Committee.

Proposed by Councillor Daly
Seconded by Councillor Brush and

Resolved That the Director of Technical Services attend a number of sessions.

Resolved That this issue be presented to Tullyvar Joint Committee at its next meeting on 20 March 2009 and if permission not grant for attendance the Council grants permission for Councillors Brush, Daly and Director of Technical Services to attend a number of sessions.

The Acting Chief Executive reminded members of the decision that £750 per member per annum was set aside in the budget for conferences.

7 MINUTES – CORPORATE SERVICES COMMITTEE – 25 FEBRUARY 2009

Proposed by Councillor Currie
Seconded by Councillor Brush and

Resolved That the minutes of the meeting of the Corporate Services Committee held on Wednesday 25 February 2009, having been printed and circulated, be taken as read and adopted.

7.1 Bonus (item 2.6)

In response to update the Head of Human Resources stated that hearing commenced this morning. The Director of Technical Services had been interviewed and cross examined with the Head of Human Resources to be interviewed and cross examined tomorrow following which the Tribunal will adjourn to consider written submissions.

8 MINUTES – CORPORATE POLICY, PLANNING & EQUALITY COMMITTEE – 26 FEBRUARY 2009

Proposed by Councillor McLarnon
Seconded by Councillor McGonnell and

Resolved That the minutes of the meeting of the Corporate Policy, Planning & Equality Committee held on Thursday 26 February 2009, having been printed and circulated, be taken as read and adopted.

8.1 Committee Meetings

Member stated that the Chair of the Corporate Policy, Planning and Equality Committee also serves on the Corporate Services Committee and it may be appropriate to swap the nights that these two committees meet.

The Acting Chief Executive stated that officer would look at this and bring options forward through Corporate Services Committee.

8.2 Procurement of Goods

Concern expressed at using three provincial papers to advertise for the purchase of a quantity of high visibility vests.

The Director of Finance advised that this was in accordance with procurement policy which was currently under review.

Resolved That detail of this purchase be brought to the next meeting of the Corporate Services Committee.

8.3 Local Anti Poverty Network

The Deputy Mayor called for nomination of members to LAPN.

Resolved That Councillors F Burton, Cuddy, Daly and McLarnon be nominated.

8.4 Delegation to meet with Ministers re provision of conductive education for children with Cerebral Palsy

The Deputy Mayor called for nominations to delegation to meet with Ministers with responsibility for Education and Health.

The Acting Chief Executive stated that arose out of information session called by the Mayor to which Ministers, MLAs and Councils had been invited to attend. To date twelve Councils has made nominations to the delegation.

Resolved That Councillors R Burton, Daly, Molloy and Mulligan be nominated.

9 PAYMENT OF ACCOUNTS

Proposed by Councillor Mulligan
Seconded by Councillor McGonnell and

Resolved That the accounts as presented, list dated 9 March 2009 and euro listing dated March 2009 be approved.

10 MISCELLANEOUS MATTERS

10.1 Electoral Office

Submitted letter dated 26 February 2009 from The Electoral Office for Northern Ireland requesting the use of Council premises to hold electoral registration and identification clinics.

Resolved That provision be made for this purpose.

10.2 Conference – Rainey/Smith Somme Tour 2009 28 June to 4 July 2009 – Cost not yet determined

Councillor Mulligan requested permission to attend and represent Council on the above tour.

Resolved That Councillor Mulligan attend.

11 OTHER RELEVANT BUSINESS

The undernoted correspondence having previously been circulated was noted by the Council:

11.1 Equality Commission

Letter & Document dated January 2009 re: Equality Commission Challenge Paper – New Migration, Equality and Integration – Issues and Challenges for Northern Ireland.

11.2 OFM/DFM

Comments sought to letter dated 12 February 2009 from the Office of FM/DFM re Review of Public Administration – Revised Definition of the RPA Affected Group.

11.3 Proposed Development of 32 Apartments on Lands at No 11 Moy Road, Ballynorthland Demense, Dungannon

Letter dated 6 February 2009 from Ian Brewster re Planning Appeal by developer against the refusal to allow his proposed development of 32 apartments on lands at No 11 Moy Road, Ballynorthland Demense, Dungannon.

11.4 Northern Ireland Housing Council

Summary Report for the period November 2008 – January 2009
Members' Report to Local Councils.

11.5 Northern Ireland Housing Executive

Document Northern Ireland Housing Market Review and Perspectives 2009-2012 and Housing Research Bulletin Issue 8 Spring 2009.

11.6 Other Councils

Letter received from Omagh District Council dated 10th February 2009 re Presbyterian Mutual Society – adoption of Motion.

Letter received from Newry & Mourne District Council dated 17th February 2009 re Rooney Family from Mayobridge's participation in the RTE's "Irelands Got Talent" competition.

11.7 Planning Service

Letter received from Chief Executive's Office re New Planning Service Website.

11.8 Post Office Ltd

Letter received dated 17th February 2009 re New Post Office arrangement at 1 Spout Road, Fivemiletown with opening for business on 26 March 2009.

11.9 Rally Ireland

Letter dated 10th February 2009 thanking Council for the significant contribution towards the running of Rally Ireland 2009.

11.10 Roads Service

Letter and map dated 20th February 2009 advising of Temporary Road Closures at C181 Derrygally Road, A45 Granville Road, C648 Minterburn Road.

11.11 Local Government Boundaries Commissioner for NI

Review of Northern Ireland Local Government Boundaries, Revised Recommendations Report, February 2009.

11.12 Household Fuel Payment Scheme

Letter dated March 2009 from Department of Social Development was submitted which outlined for members information details of the above scheme.

11.13 Mental Health Commission

Submitted details of information evening for service users, their carers, and providers of mental health and learning disability services regarding the transfer of the functions to the Regulation and Quality Improvement Authority under changes in health and social care structures in Northern Ireland.

12 DURATION OF MEETING

The meeting was called for 7.30 pm and ended at 9.25 pm.

MAYOR _____

CHIEF EXECUTIVE _____
(Acting)