

# 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 September 2014. The meeting commenced at 7.30 pm.**

## **Presiding:**

Mrs K A McEldowney

## **Other Members Present:**

J Campbell

P J Bateson

J Crawford

Mrs E A Forde

M G Kearney

G T McFalone

B McGuigan

P McLean

J J McPeake

Mrs C M O'Neill

G C Shiels

D O Totten

## **Officers Present:**

J A McLaughlin (Chief Executive)

W J Glendinning (Director of Building Control)

M Young (Director of Environmental Health)

A Cassells (Director of Operations)

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

Mrs A Junkin (Chief Executive's Secretary)

## **Representatives from Other Bodies in Attendance:**

### **DoE Planning Service -**

Ms Julie McCurdy – Planning Officer

## **1 Apologies**

Councillors T J Catherwood, Mrs C Elattar and Mrs P L Smith

## **2 Minutes**

2.1 **Councillor P J Bateson** referred to Page 18, Item 15, paragraph 15.2.1 and enquired if Mr J J Tohill was no longer the Deputy Chief Executive, and to the wording "now had been employed by Mid Ulster District Council".

2.1.1 The Chief Executive, after some discussion, suggested that the word "employed" be replaced with "seconded", and said that if Mr Tohill decided to terminate his secondment with the Mid Ulster Council he would return to his former position with Magherafelt District Council.

2.2 It was

Proposed by Councillor J Campbell  
Seconded by Councillor Mrs E A Forde, and

**Resolved:** that the Minutes of the Meeting of the Council held on Tuesday, 12 August 2014 (copy previously circulated to each Member), subject to the above amendment be taken as read and signed as correct.

3 **Matters Arising Out of the Minutes**

3.1 The Chief Executive advised that there were no matters arising.

4 **Declarations of Interest**

There were no Declarations of Interest.

5 **Planning**

185/09/2014

5.1 **New Planning Applications:**

H/2014/0102/F – Mr B McPeake

The Planning Officer requested that an amendment be made to the application number referred to in Reason 4 which should have read H/2009/0646/F and not H/2007/0958/F.

Deferred for an Office Meeting on the request of Councillor J J McPeake. Councillor McPeake agreed to forward a letter of submission to the Planning Officer requesting the application be deferred for an office meeting under Criterion 5. Councillor McPeake to attend the meeting.

The Planning Officer advised that there was one letter of objection to this application.

H/2014/0104/O – Mr Thomas Ward

Deferred for an office meeting on the request of Councillor M G Kearney. Councillor Kearney handed a letter of submission to the Planning Officer. Councillor Kearney to attend the meeting.

The Planning Officer advised that there were eight letters of objection to this application.

H/2014/0189/F – Mr A Booth

Deferred for an office meeting on the request of Councillor Mrs E A Forde. Councillor Mrs Forde handed a letter of submission to the Planning Officer – Criterion 5. Councillors Mrs E A Forde, J Campbell and G C Shiels to attend the meeting.

H/2014/0228/F – Mr Ciaran O'Hagan

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

The Planning Officer advised that there were two letters of objection to this application.

H/2014/0248/O – Gerry Murphy & Mary Dowling

Deferred for an office meeting on the request of Councillor J J McPeake. Councillor McPeake promised to forward a letter of submission by email to the Planning Officer – Criterion 5. Councillors J J McPeake and B McGuigan to attend the meeting.

## 5.2 **Applications Deferred from Previous Meeting:**

The Planning Officer advised that there were no deferrals.

### 5.2.1 It was

Proposed by Councillor Mrs E A Forde  
Seconded by Councillor J J McPeake, and

**Resolved:** to adopt the Planning Schedule dated 9 September 2014 subject to the above conditions and amendments.

## 6 **Building Control Department**

210/09/2014

The Director of Building Control presented the Department's report for the period 1 August to 31 August 2014 (copy previously circulated to each Member).

6.1 During this period 1 August to 31 August 2014 twenty-six applications had been recommended for approval. A total of eighty applications required amending by Architects and Agents before granting approval.

### 6.2 **Building Regulations Inspections**

During the period from 1 July 2014 to 31 July 2014 seventy-one applications commenced on site and sixty-seven applications were found to be complete in accordance with Building Regulations.

The department carried out two hundred and seventy inspections during this month.

### 6.3 **Naming and numbering of Streets**

During the period from 1 July 2014 to 31 July 2014 fourteen new postal numbers and postcodes were issued for private dwellings.

### 5.5 **Granting of Extension of Time and Cancellation of time lapsed Approvals**

During the period from 1 August 2014 to 31 August 2014 – five applications were cancelled having gone beyond the 4 year expiry date and not having commenced on site.

There were no extensions of time applied for during this period.

### 5.6 **Annual Re-Licensing Applications**

During the period of this report one 17 re-licensing inspection has been carried out.

### 5.7 **Entertainment Licensing**

Mr Glendinning reported that during the period of this report seven Entertainment Licensing inspections were carried out.

## 5.8 **Property Certificates**

There were thirty-seven Property Certificates issued for this period.

## 5.9 It was

Proposed by Councillor P McLean  
Seconded by Councillor J Campbell, and

**Resolved:** that the report as submitted be adopted.

## 5.10 **Meadowbank Sports Arena - Pitches**

Mr Glendinning reported that following an International Rugby Board (IRB) analysis of the Independent Field-Test Reports, the pitch at Meadowbank had been added to the official IRB list of certified synthetic turf rugby pitches.

Mr Glendinning further reported that the new synthetic pitch at Meadowbank was now the only pitch in Northern Ireland and Southern Ireland certified to the highest standards for all three sports disciplines of –

Football – FIFA 2-star certified  
Rugby – IRB Certified List  
GAA – 2009 Performance Standard

**Councillor J Campbell** commented that this was quite remarkable and said that it was a credit to all involved in the planning and development of the synthetic pitches at Meadowbank. The district of Magherafelt now had a sports field playable by all three disciplines at a quality of which was best in Ireland and that others should take account of the high standards.

Members agreed.

## 6 **Licences and Registrations**

### 6.1 **Entertainment Licences**

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

EL15/14 Watty Graham's GAC, 62 Tirkane Road, Maghera  
BT46 5AG – Mr Sean Keane

EL66/14 Mal's Bar & Restaurant, 62 Hillhead Road, Toomebridge  
BT41 3S1 – Mr Malachy Wilson

EL73/14 Magherafelt Youth Centre, 1 Princess Terrace, Magherafelt  
North Eastern Education & Library Board

#### 6.1.1 It was

Proposed by Councillor Mrs C M O'Neill  
Seconded by Councillor G T McFalone, and

**Resolved:** to grant the renewal of the Entertainments Licences, as submitted.

- 6.2 Submitted the following application for an Outside Entertainments Licence which were in order and recommended for granting:-

OEL/02/14	Laurel Villa Guest House, 60 Church Street, Magherafelt – Mr Eugene Kielt <i>Event – ‘On Home Ground 2014’</i>
-----------	--

6.2.1 It was

Proposed by Councillor Mrs C M O’Neill  
Seconded by Councillor G T McFalone, and

**Resolved:** to grant the Entertainments Licence, as submitted.

6.3 **Petroleum Licences**

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

- PL/12/14 Henry (Brothers) Magherafelt, 108-114 Moneymore Road, Magherafelt BT45 6HJ –  
Henry (Brothers) Magherafelt
- PL/13/14 Cathcart Filling Station, 36 Castledawson Road, Magherafelt BT45 6PA –  
Mr Ryan Cathcart
- PL/35/14 Vivo-Xtra Castledawson, 1 Magherafelt Road, Castledawson BT45 8AG –  
DSP Supermarkets Ltd
- PL/56/14 Church Street Service Station, 29 Church Street, Maghera BT46 5EA –  
Mr Denis Heaney
- PL/57/14 SuperValu Portglenone, 34 Clady Road, Portglenone BT44 8NG –  
Musgrave Retail Partners NI
- PL/58/14 McSorley Bros, 8 Tobermore Road, Draperstown BT45 7HG –  
Mr Eugene Clarke
- PL/61/14 Millbrook Service Station, 27 Desertmartin Road, Magherafelt BT45 5QY –  
Mr Tony McBride
- PL/82/14 Millview Fuels Freight Ltd, 62 Church Street, Magherafelt BT45 6AW –  
Mr Bernard Hughes
- PL/90/14 Newbridge Stores, 36 Blackpark Road, Toomebridge BT41 3SL –  
Mr Paul Martin

PL/92/14     Aughrim Filling Station, 137 Aughrim Road, Magherafelt  
BT45 8HB –  
Mr Mervyn John Gregg

6.3.1 It was

Proposed by Councillor P J Bateson  
Seconded by Councillor G T McFalone, and

**Resolved:** to grant the Petroleum Licences as submitted.

#### 6.4 **Street Trading Licences**

6.4.1 Submitted the following application for a Street Trading Licence which were in order and recommended for renewal:

ST/12/14     Mr Mervyn Wilson, 46C Glenmaquill Road, Curran  
BT45 8RA  
***Lay-by adjacent to Moyola Bridge, Tobermore –  
Mondays, Tuesdays, Wednesdays, Thursdays, Fridays  
and Saturdays – 9.00 am – 6.00 pm.***

6.4.2 Submitted the following application for a Temporary Street Trading Licence which was in order and recommended:

TTL/03/14     Mr Joseph Paul, 25 Carmean Road, Moneymore  
BT45 5HS  
***Opposite Magherafelt High School, Moneymore Road,  
Magherafelt – Saturdays from 6.00 pm – 11.00 pm.***

6.4.3 It was

Proposed by Councillor Mrs E A Forde  
Seconded by Councillor P J Bateson, and

**Resolved:** to grant the Street Trading Licences as submitted.

#### 6.5 **Bookmakers' Licences**

Submitted the following renewals of Bookmakers' Licences which were for information:

BG 1(a)	J Rainey Bookmaker Ltd	104-106 Main Street, Maghera
BG 2(a)	CMG Solicitors	2 Broad Street, Magherafelt
BG 2(b)	CMG Solicitors	32 Queen Street, Magherafelt
BG 5(a)	J Rainey Bookmaker Ltd	14 Hall Street, Maghera

**Noted.**

#### 6.6 **Licensing Northern Ireland Order 1996**

##### 6.6.1 **Notice for Application for an Occasional Licence**

Submitted Notices of Applications for Occasional Licences under the Licensing Northern Ireland Order 1996 for information:-

McAuley's Bar, 51 St Patrick's Street, Draperstown – Tirgan Community Association, Tirgan Community hall, 36 Tirgan Road, Moneymore for a function on 13 September 2014

McAuley's Bar, 51 St Patrick's Street, Draperstown – Tirgan Community Association, Tirgan Community hall, 36 Tirgan Road, Moneymore for a function on 21 September 2014

Joe Gormley, Main Street, Maghera – St Martin's GAC, Desertmartin for a function on 27 September 2014

Patrick Hamill, 112a Buckna Road, Broughshane – 'On Home Ground – Poetry Festival, 60 Church Street, Magherafelt for an event from 11–14 September 2014

Diamond Bar, 9 Main Street, Tobermore – Dunamoney Flute Band, Old Clubhouse, Fortwilliam, Tobermore for an event on 13 September 2014.

**Noted.**

7 **Environmental Health Department** 196/09/2014

Mr M Young, Director of Environmental Health submitted the report for the month of August 2014 (copy previously circulated to each Member).

7.1 **Scheme of Emergency Financial Assistance – August 2014**

Mr Young informed members that following the flash flooding of 5 August a total of ten hardship payments under the emergency financial scheme had been paid to householders in the District

**Councillor J Campbell** asked if there had been applications which did not qualify.

In reply, Mr Young informed members that there had been a total of twelve formal applications submitted. In addition, a number of enquiries were made which did not proceed to completion of an application form.

In respect of completed forms there was an appeal process set in place if the application did not initially qualify. No appeals had been received.

7.2 It was

Proposed by Councillor Mrs C M O'Neill  
Seconded by Councillor B McGuigan, and

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

## 8 **Payment of Accounts**

09/2014

8.1 Submitted Statement of Expenditure setting out payments to be authorised (copy circulated to each Member). The statement made provision for £935,146.09 out of the Revenue Account and £92,692.26 out of the Capital Account.

8.1.2 It was

Proposed by Councillor P McLean  
Seconde

d by Councillor J J McPeake, and

**Resolved:** to approve the Statement of Accounts as submitted.

## 9 **Conferences and Courses**

Consideration was given to the nomination of delegates to attend –

### 9.1 **Northern Health and Social Care Trust – Re-provision of Mental Health Inpatient Services**

Consultation Events to be held –

Coleraine on Friday, 19 September 2014 in the Lodge Hotel from 12 noon to 2.00 pm; and

Antrim on Monday, 29 September 2014 in the Dunsilly Hotel from 2.00 – 4.00 pm (details previously circulated to each Member).

9.1.1 It was agreed to leave nominations open.

### 9.2 **Inquiry into Emergency Health Care – Public Hearings**

The Human Rights Commission is holding public hearings during September and October across Northern Ireland.

It was noted that hearings would take place in:

Ballymena on Tuesday, 16 September 2014

Coleraine on Thursday, 25 September 2014, and

Omagh on Tuesday, 7 October 2014 (details previously circulated to each Member).

9.2.1 It was agreed to leave nominations open.

## 10 **Consultation Documents**

Consideration was given to the following documents –

10.1 Public Consultation on The Provision of Broadband Services – Superfast Rollout Programme Phase 2 published by the Department of Enterprise, Trade and Investment seeking comments by 26 September 2014 (copy previously circulated to each Member).

10.1.1 Following discussion, it was

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

**Resolved:** that this consultation paper be forwarded to the Mid Ulster Council for its comments.

10.2 Letter and draft Bicycle Strategy for Northern Ireland launched by the Department of Regional Development seeking comments by 21 November 2014 (copies previously circulated to each Member).

10.2.1 It was agreed that if any Member or Party Grouping wished to comment on this document they should submit their comments to the Chief Executive who would arrange to have them sent to the Government Department concerned.

### **Resolution to Proceed “In Committee”**

It was

Proposed by Councillor Mrs C M O’Neill  
Seconded by Councillor G T McFalone, and

**Resolved:** that the Council proceeds “In Committee”.

### **Council “In Committee”**

11 **Tender – Replacement of Tennis Court Surface and Associated Works – Mill Park, Tobermore**

This item was taken “In Committee”.

12 **Staff Matters**

This item was taken “In Committee”.

13 **Legal Matters**

The Chief Executive advised that there were no legal matters.

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

It was

Proposed by Councillor B McGuigan  
Seconded by Councillor Mrs E A Forde, and

**Resolved:** that proceedings be resumed in “Open Council”

### **Proceedings in “Open Council”**

It was

Proposed by Councillor B McGuigan  
Seconded by Councillor Mrs E A Forde, and

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

## **14 Sealing of Documents**

The Seal of the Council is hereby affixed to the following document –

Replacement Lease (5 years initially) between Magherafelt District Council and the Northern Ireland Housing Executive for lands at Station Road, Desertmartin (consideration of £1,000) and annual rent of 5 pence per annum, if demanded.

## **15 For the Information of Members**

The following items were submitted for the information of Members:

- (a) Copy of CARDI News – September 2014 (copy previously circulated to each Member)
- (b) Email from DARD Policy Development Department on CAP Reform and changes to the Single Farm Payment (copy previously circulated to each Member)
- (c) Copies of letter, Marie Curie information and the Annual Progress Report on the Implementation of the Housing Executive’s Rural Action Plan 2013-2015 (copies previously circulated to each Member).

The meeting concluded at 8.10 pm

**Chief Executive**

The foregoing Minutes are hereby Confirmed.

\_\_\_\_\_ (Chairperson)

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