

# COOKSTOWN DISTRICT COUNCIL

Minutes of proceedings of a **POLICY RESOURCES & SERVICES COMMITTEE MEETING** of the Council held in the Council Chamber on Tuesday 20 September 2011

**Present:** I McCrea, Chairman

**Councillors:** Clarke, Glasgow MBE, Kelly, Mallaghan, Mayo, McAleer, McCartney, McElhone, McGarvey, McFlynn, McNamee, Quinn, Wilson

**Officers**  
Director of Corporate Services  
Director of Building Control  
Director of Environmental Health  
Director of Operational Services  
Director of Development  
Clerk's Secretary

## 1 APOLOGIES

Apologies were received on behalf of Councillors Lees and McIvor.

## 2 PRESENTATIONS

### 2.1 SWaMP 2008

The Chairman welcomed Mr Phil Russell, Infra Structure Development wDirector, SWaMP 2008 and Mr Martin Bowens, Head of Advisory Structure Ireland, Ernst & Young to the meeting.

Mr Russell gave a presentation on the SWaMP 2008 project, he highlighted the key drivers and the governance of the project. He also referred to the Quinn proposal and the timeline that had to be met.

Mr Bowens gave an update on the financial situation and stated that although at this stage it would have been preferable to have a second bidder, other major projects had gone ahead with a single bidder.

Mr Russell concluded by stating that SWaMP has a robust technical solution that meets the required aims of the WMP and Climate Change

Agenda by reducing methane emissions and displacing fossil fuel. The project is at an advanced planning stage and meets NILAS requirements and diverts significant quantities from landfill. In his opinion the project is very deliverable and has undergone Value Engineering to reduce project gate fees and improve value for money.

Members expressed grave concerns at the Single Bidder Issue and whether value for money could be achieved under these conditions.

Councillor Wilson declared an interest in the matter.

The Chairman thanked Messrs Bowens and Russell for their attendance.

The Director of Corporate Services and Director of Operational Services agreed to bring a report to Council on the SWaMP 2008 contractual proposals and alternatives prior to April 2012.

### **3 REPORT OF DIRECTOR OF BUILDING CONTROL**

A copy of the above report had been previously circulated. The Committee adopted the report together with the following matters contained therein

#### **3.1 Enforcement FP/2003/0236**

On the proposal of Councillor McGarvey seconded by Councillor McAleer the Committee RECOMMENDED that a Contravention Notice in accordance with Article 18 of the Building Regulations (NI) Order 1979 (as amended) be served on the applicant. In the event of the terms of the notice not being met it is further RECOMMENDED that legal action be taken in accordance with Article 21 of the Building Regulations (NI) Order 1979 (as amended).

#### **3.2 Request to Waive Building Regulation Fee**

The Committee RECOMMENDED that the question of fees in respect of insulation measures that will improve the energy efficiency of dwellings be deferred until the amended fee regulations are in place.

### **3.3 Amendment to the Building Regulations – Consultations**

The Committee RECOMMENDED that the comments contained in the Director of Building Control's report are submitted to the Department of Finance and Personnel

### **3.4 Grant/Renewal of Licence**

124 M McGaughey, Kildress Parish Hall at Wellbrook Road,  
Cookstown  
155 S Liberante, Mint Cafe Bar, 40/42 James Street, Cookstown  
55 J Monica, The Oldtown Inn, 12 Oldtown Street, Cookstown

On the proposal of Councillor Clarke, seconded by Councillor McGarvey the Committee RECOMMENDED that the above licence is granted for the days and hours as requested

### **3.5 Housing Development Off Lomond, Cookstown**

The Committee RECOMMENDED the names Loran Meadow for a new street within a housing development off Lomond.

### **3.6 Housing Development Off Loughdoo Road, Cookstown**

The Committee RECOMMENDED the Gortacaldy Gardens for a new street within a housing development off Loughdoo Road.

## **4 REPORT OF DIRECTOR OF ENVIRONMENTAL HEALTH**

A copy of the above report had been previously circulated. The Committee adopted the report together with the following matters contained therein..

#### **4.1 Food Complaint – Mould Growth to Tesco Basmati Microwave Rice (Ref No 811/FC/11/493)**

The Committee RECOMMENDED that no further action in this matter.

#### **4.2 Food Complaint – Foreign Body In Tesco Mini-Muffins (Ref No 811/FC/11/495)**

The Committee RECOMMENDED that no further action in this matter.

#### **4.3 High Hedges – Consultation on Level of Fees**

The Committee RECOMMENDED that the comments contained in the Director of Environmental Health report are forwarded to the Department of Environment.

#### **4.4 Private Tenancies (NI) Order 2006 – Application for Inspection of Properties**

The Committee RECOMMENDED that in accordance with the requirements of Article 36 (4) of the Private Tenancies (NI) Order 2006 that a Certificate of Fitness is issued to the dwelling at 67 Fairhill Road, Cookstown.

#### **4.5 Private Tenancies (NI) Order 2006 – Application for Inspection of Properties**

The Committee RECOMMENDED that in accordance with the requirements of Article 36 (4) of the Private Tenancies (NI) Order 2006 that a Certificate of Fitness is issued to the dwelling at 13 High Street, Moneymore.

#### **4.6 Planning**

The Committee RECOMMENDED that the Director of Environmental Health organise a presentation by Planning Service on Wind Turbines.

#### **4.7 Noise Complaint – Cabhan Aluinn, Pomeroy**

The Committee RECOMMENDED that a Formal Warning Letter is issued to both the tenant and the landlord of the premises, requesting them to take such measures as necessary to reduce the impact of potential noise disturbance on adjacent residents.

#### **4.8 Noise Complaint – Hot Food Premises, Church Street, Cookstown**

The Committee RECOMMENDED that a Warning Letter is issued to the proprietor of the hot food premises, advising him of the potential for complaints and requesting him to curtail trading at 1.30 am

#### **4.9 Dogs (Amendment) Act (NI) 2011**

The Committee RECOMMENDED that the new Fee Charges and Scaled Fixed Penalty Charges (£50 – £80 maximum) are

implemented for the purpose of this legislation.

The Committee also RECOMMENDED that John Henry, Marcus Blemming and William Gallagher (Temporary) are authorized to apply the controls set out in the Dogs Amendment Act (NI) 2011 (Dogs (NI) Order 1983 as amended), and associated Regulations, and such other staff as may be required to fulfill these statutory functions, as designated by the Director of Environmental Health

#### **4.10 Clean Neighbourhoods & Environment Act (NI)**

The Committee RECOMMENDED comments contained in the Director of Environmental Health report are forwarded to the Department of Environment..

#### **4.11 Betting & Gaming (NI) Order 2044 – Renewal of Amusement Permit**

The Committee RECOMMENDED **RECOMMEND** that the Amusement Permit in respect of the premises known as ‘Cashino Palace’, 1 Cemetery Road, Cookstown, is renewed for a further twelve months.

#### **4.12 The Street Trading Act (NI) 2001 – Renewal of Licence for Stationary Trade**

Name	Designated	Dates/Times
B O’Neill 1 Parkmore Close Magherafelt	Ballyforlea LayBy (Eastbound Carriageway) (100m from entrance)	Monday to Saturday (6 days) (7.30 to 5.30 pm)

The Committee RECOMMENDED that subject to no objections being received from the local PSNI, a Stationary Street Trading Licence is issued to Mr Brian O’Neill, 1 Park More, Magherafelt, to trade at the Ballyforlea Lay-By, (East-Bound Carriageway), (100 metres from entrance), for a twelve month period.

#### **4.13 The Street Trading Act (NI) 2001 – Renewal of Licence for Stationary Trade**

Name	Designated	Dates/Times
P Cassidy 212 Shore Road Magherafelt	Outside 26/28 James Street Cookstown	Sunday nights only from 12 midnight to 2 am

The Committee RECOMMENDED that subject to no adverse comment from PSNI, a Stationary Street Trading Licence is issued to Mr P Cassidy, 212 Shore Road, Magherafelt, under Section 6 of the Street Trading Act (NI) 2001, for a period of twelve months at the designated area and times specified above.

## **5 REPORT OF DIRECTOR OF OPERATIONAL SERVICES**

A copy of the above report had been previously circulated. The Committee adopted the report together with the following matters contained therein.

### **5.1 Flowerbed Sponsorship**

Following a public notice in the local press during week commencing 20 June 2011 inviting offers of sponsorship for flower beds in Cookstown and Moneymore for a three-year period commencing 1 August 2011.

The Director of Operational Services advised the meeting that the offers received did not represent good value for money.

The Committee RECOMMENDED that the sponsors are contacted advising them that their offers will be accepted for a period of one year only.

### **5.2 Tree Planting – Mid Ulster Dementia Support Group**

The Committee RECOMMENDED that a tree is planted at either Cabin Wood, Ballyronan Marina or Manor Park.

### **5.3 Request for Erection of Bi-Lingual Road Names**

The Committee RECOMMENDED that this matter is referred to the Bi-Lingual Sub Committee.

### **5.4 SWaMP 2008 Heads of Terms for Supplemental Agreement**

On the proposal of Councillor McNamee, seconded by Councillor Clarke the Committee RECOMMENDED that the Heads of Terms for the SWaMP 2008 Supplement Agreement is approved

## **5.5 Implications for /Closure of Magheraglass Landfill Site**

The Committee RECOMMENDED that approval is granted to put in place arrangements for the early closure of Magheraglass Landfill Site and quotations sought (via the SWaMP2008 Waste Related Services Framework) for the completion of a revised Site Closure Plan.

## **5.6 SWaMP 2008 Tender Reports**

The Committee RECOMMENDED that the contracts are awarded to the successful tenderers.

## **5.7 Provision of Residual Waste Transfer Station at Magheraglass Landfill Site**

The Committee RECOMMENDED that approval is granted for the construction of a residual waste transfer station at Magheraglass (on site outlined) and that the Option Agreement and Lease documents for same are signed..

## **5.8 Proposed Visit to MBT Plant Slovenia**

The Committee RECOMMENDED that three names are confirmed at a total cost of £1,500.

## **5.9 Refuse Collection Vehicle**

The Committee RECOMMENDED that tenders are sought by way of public advertisement for a new RCV and 4 x 4 pickup truck.

## **5.10 Rethink Waste Funding**

The Committee RECOMMENDED that tenders are sought via public advertisement for the purchase of 1 No. 360<sup>0</sup> wheeled excavator in accordance with the Rethink Waste conditions of funding

# **6 CONSULTATIONS**

## **6.1 Policing and Community Safety Partnerships – Appointment of Political Members**

The Committee considered a letter dated 9 September 2011 issued by the Department of Justice regarding the above.

The Committee AGREED to Councillors Clarke, Lees, Mallaghan, McElhone, McNamee, McGarvey, Quinn and Wilson serving on the PCS.

The Director of Corporate Services advised members that members were required to sit on the selection panel for the appointment of independent members.

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

On the proposal of Councillor McNamee, seconded by Councillor Mallaghan it was proposed that the panel should be selected using the D'hondt method.

Following a show of hands 5 members voted for the substantive motion and 5 members for the original motion.

The Chairman used his casting vote in favour of the original motion.

It was AGREED that the names of from each party would be forwarded to the Chief Executive's secretary.

## **6.2 The Draft Local Government Best Value (Exclusion of Non-commercial Considerations) Order (NI) 2011 and Associated Guidance**

The Committee NOTED receipt of Consultation on The Draft Local Government Best Value (Exclusion of Non-commercial Considerations) Order (NI) 2011 and Associated Guidance issued by Department of the Environment.

## **6.3 Birthdays Honours 2012**

The Committee NOTED receipt of a letter dated 14 September 2011 issued by Department of Environment regarding Honours Nominations.

## **6.4 Car User Policy**

On the proposal of Councillor Clarke, seconded by Councillor McGarvey the Committee RECOMMENDED the adoption of the Car User Policy.



## 6.5 Terms of Reference Policy

On the proposal of Councillor Clarke, seconded by Councillor McGarvey the Committee RECOMMENDED the adoption of the Terms of Reference Policy.

## 7 FINANCE

### 7.1 Revenue/Capital Payments

On the proposal of Councillor McGarvey, seconded by Councillor McNamee, the Committee APPROVED revenue/capital payments for the months June, July and August 2011.

	June	July	August
General Revenue	£943,401	£1,464,101	£862,748
Capital	£ 6,434	£	£ 19,905

### RECEIPTS

The financial statement book of receipt was produced showing the sum which had been received during the months June, July and August 2011

	June	July	August
General Revenue	£1,407,395	£1,296,920	£1,195,906
Capital	£ 33,907	£ 136,092	£

## 8 ANY OTHER BUSINESS

### 8.1 Appointment of One Local Government Representative Member to the Patient and Client Council

The Director of Corporate Services advised the meeting that a letter dated 19 September 2011 had been received from the Department of Health, Social Services and Public Safety, advising that they are currently undertaking the process to appoint One Local Government Representative Member to the Patient and Client Council.

The Committee NOTED receipt of the letter.

The meeting ended at 10.05 pm.

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Chairman

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Clerk/Chief Executive

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Date