

COOKSTOWN DISTRICT COUNCIL

Minutes of proceedings of a **POLICY RESOURCES & SERVICES COMMITTEE MEETING** of the Council held in the Council Chamber on Tuesday 28 September 2010.

Present: O Molloy, Chairman

Councillors: Clarke, Glasgow MBE, Greer, Lees, McAleer, McCartney, McCrea, McFlynn, McGarvey, McNamee, Quinn, Wilson

Officers
Clerk/Chief Executive
Director of Building Control
Director of Environmental Health
Director of Operational Services
Director of Corporate Services
Clerk's Secretary

1 APOLOGIES

Apologies were received on behalf of Councillors Baker and Mclvor.

2 SUSPENSION OF STANDING ORDERS

The Council on the motion of Councillor McNamee, seconded by Councillor Clarke AGREED to Suspend Standing Orders, in order to consider the following Notice of Motion. The Motion was proposed by Councillor McNamee and seconded by Councillor Clarke

“That this Council joins with the other three Tyrone Councils to hold a civic reception for the Tyrone Minor Team winning the All Ireland Championship, Tyrone Ladies Team on reaching the finals of the All Ireland Championship, Tyrone Senior Team on winning the Ulster Championship and Tyrone Minor Hurling All Ireland C Title Champions.”.

The Committee RECOMMENDED the adoption of the Notice of Motion.

Councillor McCartney opposed the Notice of Motion and Councillor Lees stated that she wished to record her objection to the Notice of Motion as she was opposed to the cost to the Council of civic receptions.

The Committee ALSO AGREED that the Notice of Motion could be proceeded with prior to adoption of the minutes at the full Council meeting in October.

Members noted that Cookstown District Council's contribution to the reception would be £1,000. It was also noted that this represented value for money

3 PRESENTATIONS

3.1 Annual Plan, Subscriptions and Council Engagement - NILGA

The Chairman welcomed to the meeting Ms Nora Winder, Acting Chief Executive, Ms Tanya Cunningham, Mr John Adams of NIJC and Councillor Sean McPeake President of NILGA.

Ms Winder gave an overview of the work carried out by NILGA, the Association's objectives and how NILGA represents the Council's views at various Government levels. Ms Winder stated that the key issues and challenges facing NILGA are future planning, funding, developing the role of NILGA and consideration of new LGA.

Ms Winder and her team responded to comments made by the Councillors.

The Chairman thanked Ms Winder and her colleagues for their attendance.

4 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.

4.1 Enforcement – Erection of Dwelling FP/2007/0618

The Committee RECOMMENDED that a Contravention Notice in accordance with Article 18 of the Building Regulations (NI) Order 1979 (as amended) is 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).

4.2 Amendment to Building Regulations

The Committee RECOMMENDED that the comments contained in the

Director of Building Control's report are comments are submitted to the Department of Finance and Personnel.

The question of applying Radon control measures to all alterations to all dwellings should be re-considered in light of the practical problems that may be encountered in relation to compliance.

Rather than basing the extent of radon control areas strictly in relation to the grid squares where part of a townland falls within a radon area all of that townland should be subject to control.

The matter of requiring testing to demonstrate compliance with Part G should be included in the Building Regulations rather than in the guidance-based document.

5 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.

5.1 Food Complaint – Foreign Body in Wheaten & Date Tea Scone (Ref No 811/FC/10/480)

The Committee RECOMMENDED no further action in this matter.

5.2 Food Complaint – Mould in Creamed Rice Product (Ref No 811/FC/10/482)

The Committee RECOMMENDED that a Warning Letter is issued to the manufacturer, Premier Foods, Station Road, Lifton, Devon, for producing and packaging of a product which subsequently failed to meet the requirements of Article 13 of the Food Safety (Northern Ireland) Order 1991

5.3 Food Complaint – Foreign Body Found in McCain Smiles (Ref No 811/FC/10/481)

The Committee RECOMMENDED no further action in this matter.

5.4 Warmer, Healthier Homes – Draft Fuel Poverty Strategy

The Committee RECOMMENDED that the comments contained in the

Director of Environmental Health's report are forwarded to the Department.

5.5 Pollution Control & Local Government (NI) Order 1978 – Noise from Creagh Concrete Products Ltd, 93 Kilmscally Road, Ardboe

The Committee RECOMMENDED that Council defers consideration on this issue, until further clarity is received in regard to the ongoing legal discussions and submission of technical information, to enable the matter to be considered in full.

5.6 Unlicensed Disposal of Waste – Moneyhaw Road, Moneymore (Fixed Penalty Ref No 0175)

The Committee RECOMMENDED that the details of this matter be forwarded to Council's solicitor, with a view to instigating legal action against the offender, for illegally depositing waste, contrary to Article 3 of The Litter (Northern Ireland) Order 1994.

5.7 Unlicensed Disposal of Waste – Moneyhaw Road, Moneymore (Fixed Penalty Ref No 0176)

The Committee RECOMMENDED that the details of this matter be forwarded to Council's solicitor, with a view to instigating legal action against the offender, for illegally depositing waste, contrary to Article 3 of The Litter (Northern Ireland) Order 1994.

5.8 Dog Attack Incident – Cabin Wood, Cookstown

The Committee RECOMMENDED that the details of the above matter is forwarded to the Council's solicitor, with a view to progressing such formal actions as may be determined relevant, under the Dogs (Northern Ireland) Order 1983.

Councillor McCrea proposed that consideration is given to furnishing a copy of the report to all those involved in the incident. The Director of Environmental Health advised that this would be done subject to the completion of any legal proceedings.

5.9 Dog Fouling Offence – Westland Road, Cookstown (Fixed Penalty Ref No 0178)

The Committee RECOMMENDED that the details of this matter are

forwarded to the Council's solicitor with a view to instigating legal proceedings against the owner of the dog for permitting a dog to foul in a public place, contrary to Article 3 of The Litter (Northern Ireland) Order 1994

5.10 International Ploughing Match

The Director of Environmental Health advised the meeting that the International Ploughing Match will be held in District from 15/16 October 2010 and that his Department will be attending the event. Staff from the Department will be facilitating a health awareness stand at the event with other partner agencies.

5.11 Anti Social Behaviour

Councillor Quinn thanked the Director of Environmental health and his staff for the actions taken by them in the incident of anti social behaviour on the 27 August 2010.

Councillors Glasgow and Wilson left the meeting at 8.30 pm.

6 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.

6.1 Parkview Amenity Area, Pomeroy

The Director of Operational Services advised the meeting that the formal planning appeal to the Planning Appeals Commission (PAC) in relation to an application for housing development at Parkview Amenity Area, Pomeroy had been made and rejected.

The Committee also RECOMMENDED that Council proceeds with the refurbishment / enhancement of the area including removal of paths, hardstanding, etc and an application is submitted to the Landfill Communities Fund.

6.2 Parkview Play Area Pomeroy

Pomeroy GAA Club had previously expressed an interest in purchasing Parkview Play area but were unwilling to provide the purchase price. The Club have now expressed an interest in

purchasing a portion of the play area not including the existing play equipment.. The Club have been asked to make a formal proposal in writing to the Council.

The Committee RECOMMENDED that Council proceeds with discussions with the Club.

7 MINUTES

7.1 Audit & Risk Committee

On the proposal of Councillor Clarke, seconded by Councillor McFlynn the Committee RECOMMENDED the adoption of the Minutes of AUDIT & RISK COMMITTEE meeting of the Council held on 24 June 2010.

7.2 Party Leaders

Prior to the adoption of the minutes the Clerk/Chief Executive expanded on the content of the minutes of the Party Leaders meeting held on 7 September 2010 to discuss efficiency proposals. These proposals were necessary because of the changes in the economic climate. The Clerk/Chief Executive also explained that in the next financial year it could be necessary to achieve a further £1,000,000 in savings, depending on the outcome of the Comprehensive Spending Review in October 2010.

On the proposal of Councillor McCrea seconded by Councillor McGarvey the Committee RECOMMENDED the adoption of the Party Leaders meeting held on 7 September 2010.

8 CONSULTATIONS

8.1 Planning Appeals Commission – Appeal Against Enforcement Notice Mr Patrick Loughran – Alleged Unauthorised Erection of Dwelling Land Approx 30m SW of 69 Loughbbracken Road, Pomeroy

The Committee NOTED receipt of a copy of decision dated 7 September 2010 from PAC regarding the above.

8.2 The Planning (Fees) (Amendment) Regulations (NI) (SR 2010 No 294)

The Committee NOTED receipt of a letter dated 13 September 2010 from Planning Service advising that the Department has made a Statutory Rule entitled The Planning (Fees) (Amendment) Regulations (NI) (SR 2010 No 294).

8.3 Appeal Decision Mr Gardner McCluney Against the Refusal of Outline Planning Permission

The Committee NOTED receipt of a copy of decision dated 7 September 2010 from PAC regarding the above.

8.4 Erection of Bilingual Road Sign at Moss Road

The Committee RECOMMENDED that a letter is forwarded to Mr Bell explaining Council policy on this matter.

Councillor McNamee referred to correspondence that had been forwarded to the Minister of the Department of Regional Development regarding the introduction of bi-lingual road signs and asked if anything further had been received regarding this matter. The Clerk/Chief Executive advised members that nothing further had been received from the Department but that he would review the current position.

Councillor McCrea left the meeting at 8.55 pm.

9 TENDERS

9.1 MUSA

The Committee RECOMMENDED that this matter is deferred until the outcome of the Comprehensive Spending Review are known.

10 SEMINARS & CONFERENCES

10.1 2011 Somme Pilgrimage for the 95th Anniversary

On the proposal of Councillor McGarvey, seconded by Councillor McFlynn the Committee RECOMMENDED the attendance of Councillor Greer at the 2011 Somme Pilgrimage for the 95th

Anniversary organised by the Somme Association from 28 June to 2 July 2011 at an estimated cost of £595 per person.

10.2 Maximising the Impact of EU Funds – Energising Growth

The Committee RECOMMENDED the attendance of Councillors Glasgow, McAleer, McCartney and Quinn at the Maximising the Impact of EU Funds – Energising Growth conference organised by NILGA on the 27 October 2010 in the Hilton Hotel, Templepatrick.

11 FINANCE

10.1 Revenue/Capital Payments

On the proposal of Councillor McNamee, seconded by Councillor McGarvey, the Committee APPROVED revenue/capital payments for the month May 2010.

General Revenue	£790,225
Capital	£ 18,085

RECEIPTS

The financial statement book of receipt was produced showing the sum which had been received during the month May 2010

General Revenue	£1,017,920
Capital	£ 40,000

11.1 Facilities Letter

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

Council accept the facility offered by Northern Bank Limited to the Council by Facility Letter dated 29 September 2010 subject to the general conditions and the Terms and Conditions set out in the Facility Letter.

11.2 That Michael J McGuckin and Chairman are hereby authorised to accept and sign the said Facility Letter for and on behalf of Cookstown District Council

The meeting ended at 9.05 pm.

Chairman

Clerk/Chief Executive

Date