

COOKSTOWN DISTRICT COUNCIL

Minutes of proceedings of a **STATUTORY MEETING** of the Council held in the Council Chamber on Tuesday 14 September 2010.

Present: J McNamee, Chairman

Councillors: Baker, Cassidy, Clarke, Glasgow MBE, Greer, Lees, McAleer, McCartney, McCrea, McFlynn, McGarvey, McIvor, Molloy, 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 – 6 JULY 2010

The Minutes of the STATUTORY meeting held on 6 July 2010, a copy of which had been previously circulated, were ADOPTED on the proposal of Councillor Molloy and seconded by Councillor McCrea.

Councillor McGarvey indicated that there were omissions from these minutes and actions agreed that were not carried out. He proposed raising these matters later in the meeting.

3 MATTERS ARISING

3.1 Notice of Motion – Flotilla to Gaza

Council NOTED receipt of a letter dated 29 June from Foreign & Commonwealth Office, London regarding the above.

Council NOTED receipt of a letter dated 29 July from Office of the Minister for Foreign Affairs, Dublin regarding the above.

3.2 Irish Hockey Association

Council NOTED receipt of a letter dated 6 July 2010 from the Irish Hockey Association thanking Council for hosting the Civic Reception for them .

3.3 Cookstown Leisure Centre

Council NOTED receipt of a letter dated 25 July 2010 from a Mr P McMullan, Chairman of Mid Ulster Amateur Swimming Club praising the management and staff at the Leisure Centre for the high standard of assistance that they received whilst using the swimming facilities.

3.4 Reorganisation of Roads Service Section Offices

The Clerk/Chief Executive tabled a letter dated 6 September 2010 from Roads Service advising that as a result of increasing financial pressure on administrative budget Roads Service plans to reorganise a number of existing Section Offices into new combined Sections, each covering two adjacent Council areas.

Cookstown and Magherafelt will combine with the new combined Section looking after network maintenance activities in the two Council areas.

- 4** The Minutes of Special Joint Meeting of Magherafelt District Council and Cookstown District Council meeting held on 28 July 2010 were ADOPTED on the proposal of Councillor Glasgow and seconded by Councillor Cassidy.

5 Matters Arising

5.1 Risk Assessment Acute Service Provision, Antrim Area Hospital

Council NOTED receipt of a copy of above Risk Assessment received from Mr Colm Donaghy, Chief Executive of Northern Health & Social Care Trust.

6 PLANNING MATTERS

6.1 Schedule

Submitted schedule dated 12 August 2010 and 8 September 2010 copies 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/10/0007/F	A McKeown Derrinleigh Trout Hatchery Wellbrook Road Cookstown	Hatchery

The Senior Planning Officer agreed to defer this application.

I/10/0138/F	M Loughran 30m SW 20 Dunnamore Road Cookstown	Retention
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The Senior Planning Officer agreed to hold this application till Friday

I/10/0139/F	S Bruce Opposite Alder Lodge 9 Killyneedan Road Cookstown	Dwelling
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The Senior Planning Officer agreed to an office meeting.

Councillors Glasgow and Wilson

I/10/0144/F	J&M O'Hagan Ardboe Road Farsnagh Coagh	Dwelling
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I/10/0217/F M Gillespie Dwelling
62m SW
119Tulnacross Road
Cookstown

The Senior Planning Officer agreed to an office meeting.

Councillors Clarke, McGarvey, Quinn

I/10/223/F H Harkness Dwelling
60m N
5A Tullycall Road
Cookstown

The Senior Planning Officer agreed to an office meeting.

Councillors Glasgow, Wilson

I/10/0232/O J Hayden Dwelling
Adjacent to
127 Thornhill Road
Pomeroy

The Senior Planning Officer agreed to an office meeting.

Councillor Molloy

I/10/0247/F S McKeown Dwelling
Cookstown Road
Moneymore

The Senior Planning Officer agreed to defer this application.

I/10/0250/O D Mullin Dwelling
32 KilleenanRoad
Cookstown

The Senior Planning Officer agreed to an office meeting.

Councillors Clarke, McGarvey

I/10/0257/F M Shaw Dwelling

Opposite
9 Ballybeg Lane
Magherafelt

The Senior Planning Officer agreed to an office meeting.

Councillors Baker, McCrea, McFlynn

I/10/0267/O L Henry Dwelling
65 Tullagh Road
Cookstown

The Senior Planning Officer agreed to defer this application.

I/10/0290/F S Donnelly Dwelling
Adjacent to
5 Ardagh Road
Coagh

The Senior Planning Officer agreed to defer this application.

I/10/0293/F T Bates Dwelling
154 Ballyronan Road
Magherafelt

The Senior Planning Officer agreed to defer this application.

I/10/0300/O M McGurk Dwelling
450m N of junction
Meenanea/Dunamore Roads
Cookstown

The Senior Planning Officer agreed to defer this application for 7 days.

I/10/0302/F E Conway Dwelling
60m SE
24 Dirnan Road
Cookstown

The Senior Planning Officer agreed to an office meeting.

Councillors McCrea, McGarvey

I/10/0305/F S Cavanagh Dwelling
40m W
73 Limehill Road
Pomeroy

The Senior Planning Officer agreed to an office meeting.

Councillors Clarke, Molloy

I/10/0308/F H Elliott Dwelling
Opposite
19 Ardcumber Road
Cookstown

The Senior Planning Officer agreed to an office meeting.

Councillors Glasgow, Wilson.

I/10/0343/O S McAuley Dwelling
100m NE
24 Tullyodonnell Road
Rock

The Senior Planning Officer agreed to an office meeting.

Councillor Molloy

Councillor left the meeting at 7.50 pm

DEFERRED SCHEDULE

I/07/0527/O A Quinn Dwelling
Rear
51B Anneter Road
Coagh

The Senior Planning Officer agreed to defer this application to Friday.

I/07/0555/O H Lees Dwelling

210m E
39 Tullybeagh Road
Stewartstown

The Senior Planning Officer agreed to defer this application to Friday.

I/07/0767/O	M Quinn 10m S 98A Shore Road Ballyronan	Holiday chalet
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The Senior Planning Officer agreed to defer this application to Friday.

I/07/0812/O	Lynn 130m NE 36 Mawillian Road Moneymore	Dwelling
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The Senior Planning Officer agreed to defer this application to Friday.

I/07/0824/O	Spence 125m SW 18 Drumballyhugh Road Rock	Dwelling
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The Senior Planning Officer agreed to an office meeting.

Councillors Cassidy, Glasgow

I/08/0012/O	K Maynes 52 Killymuck Road Ballinderry	Dwelling
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The Senior Planning Officer agreed to defer this application.

I/08/0787/F	J McGurk 180m NW 4A Flo Road Cookstown	Dwelling
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The Senior Planning Officer agreed to defer this application.

I/09/0084/F	S McNally 35m NW 20 Moboy Road Pomeroy	Dwelling
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The Senior Planning Officer agreed to defer this application.

I/09/0173/F	Cornfield Ltd 30m N 75 Lough Fea Road Cookstown	Respite facilities
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The Senior Planning Officer agreed to defer this application.

I/09/0181/O	I Hayes 130m S 11 Drumnacross Road Cookstown	Dwelling
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The Senior Planning Officer agreed to an office meeting.

Councillors Glasgow, Wilson

I/09/0198/O	W Wilkinson Between 24/26 Upper Kildress Road Cookstown	Dwelling
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The Senior Planning Officer agreed to defer this application.

I/09/0262/O	D Black 30m S 23 Tulnacross Road Cookstown	Dwelling
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The Senior Planning Officer agreed to an office meeting.

Councillors Glasgow, Wilson

I/09/0268/O G McCabe Dwelling
50m SE
16 Tirnaskea Road
Pomeroy

The Senior Planning Officer agreed to an office meeting.

Councillors Clarke, Molloy

I/09/0379/O D Devlin Dwelling
Adjacent to
3 Drumullan Road
Moneymore

The Senior Planning Officer agreed to defer this application.

I/09/0396/F P O'Brien Dwelling
95m SW
37 Springhill Road
Moneymore

The Senior Planning Officer agreed to an office meeting.

Councillors Baker, McCrea, McFlynn

I/09/0439/F I Forsythe Dwelling
60m E
10 Drumrot Road
Moneymore

The Senior Planning Officer agreed to defer this application.

I/09/0486/F Loughran Properties Development
53 Milburn Street
Cookstown

The Senior Planning Officer agreed to defer this application.

I/09/0509/F D Pottie Conversion
330m NW
1 Ballygruby Cottages

Councillors Clarke, McGarvey

I/10/0022/F A Heagney Dwelling
200m E
294 Drum Road
Cookstown

The Senior Planning Officer agreed to an office meeting.

Councillors Clarke, Molloy

I/10/0030/O A Hagan Dwelling
87m W
47 Kinturk Road
Moortown

The Senior Planning Officer agreed to defer this application.

I/10/0031/O A Hagan Dwelling
40m W
47 Kinturk Road
Moortown

The Senior Planning Officer agreed to defer this application.

I/10/0061/F F Corrigan Dwelling
11 Grange Road
Cookstown

The Senior Planning Officer agreed to defer this application.

I/10/0082/F PJ Quinn Dwelling
Adjacent to
36 Ardboe Road
Moortown

The Senior Planning Officer agreed to an office meeting.

Councillors McAleer, Mclvor

I/10/0098/O R Johnston Dwelling
200m E

regarding their concerns in respect of the likely impact on the community regarding the cut in Planning Service staffing.

7 CONSULTATIONS

7.1 Resources Grant 2010/11

Council NOTED receipt of letter dated 23 July 2010 from Department of the Environment regarding an in year reduction to the Resources element of the General Grant to Council.

Members expressed concerns about the implications of in-year reductions and the prospect of more reductions to come.

7.2 Designation of Local Government Auditors

Council NOTED receipt of a letter dated September 2010 from DoE Local Government Policy Division regarding the above.

7.3 Northern Ireland Water Non-Domestic Customer Charges 2010/11

Council NOTED receipt of a letter dated 2 July 2010 from Northern Ireland Water regarding the above.

7.4 Consultation on the Review of the Landlord (Article21) Rating Allowance

Council NOTED receipt of an email dated 8 July and Consultation on the Review of the Landlord (Article21) Rating Allowance from the Department of Finance & Personnel.

7.5 Suspension of Vacancy Control System Addendum to Circular LGRJF/01 – June 2010

Council NOTED receipt of a letter dated 28 June 2010 from Local Government Staff Commission regarding the.

7.6 Communication to Councils Following NILGA Engagement Event – 6 July 2010 Communication to Councils Following NILGA Engagement Event – Meeting with Minister 15 July 2010 Improvement Collaboration & Efficiency Programme – Governance Consultation

The Clerk/Chief Executive advised the meeting that following the Stormont Executives' decision not to progress to the New 11 Council Model in May 2011, NILGA representatives accompanied by members of SOLACE, met with Minister Poots on Thursday 15 July 2010 to present a proposal, following his request, of a delivery model for driving forward the Improvement, Collaboration and Efficiency (ICE) Agenda.

At a recent engagement event (6 July) hosted by NILGA and where 23 Councils were 'represented' agreement and support was reached on the proposed direction to support the ICE Agenda while taking forward the necessary governance proposals for consideration to Councils.

Work on collaboration and efficiencies will be delivered on an 'Invest to Save Basis' through the development of robust business cases by specific Task & Finish Teams. Areas currently under investigation are Procurement, IT Systems, Human Resources, Asset Management, Support Services and Customer Facing Services. These teams will consider scope for collaboration on a regional, sub regional or local basis. There is no statutory basis for this work so consensus is needed. Each Council must have a say in the development of these structures to ensure buy-in.

A consultation document seeking Council's view on a preferred option for the Governance Structures needed to support the ICE Agenda has been circulated, along with a set of Operational Principles.

It was AGREED that no further action would be taken until the Minister releases his statement and plan for the future of Local Government Reform, expected later this month.

7.7 Proposal for a City of Derry Airport (Control Over Land) Order (NI) – A Consultation Paper

Council NOTED receipt of a letter dated 19 July 2010 and Proposal for a City of Derry Airport (Control Over Land) Order (NI) Consultation Paper from Department for Regional Development.

7.8 Proposal for a Belfast International Airport (Control Over Land) Order (NI) – A Consultation Paper

Council NOTED receipt of a letter dated 19 July 2010 and Proposal for a Belfast International Airport (Control Over Land) Order (NI) Consultation Paper from Department for Regional Development.

7.9 Consultation on Guidance on the Termination of Pregnancy in Northern Ireland

Council NOTED receipt of a letter dated 27 July 2010 and Consultation on Guidance on the Termination of Pregnancy in Northern Ireland from DHSS&PS

7.10 Equality Impact Assessment on Proposals for a New Mental Capacity (Health, Welfare and Finance) Bill

Council NOTED receipt of a letter dated 30 July 2010 regarding the above.

7.11 Lough Neagh Partnership's Future Strategy

Council NOTED receipt of a letter dated 5 August 2010 from the Lough Neagh Partnership regarding their future strategy.

7.12 Local Government (Provision of Services) Regulations (NI) 2010 (SR 2010 No 152)

Council NOTED receipt of a letter dated August 2010 and Local Government (Provision of Services) Regulations (NI) 2010 (SR 2010 No 152) issued by the Department of the Environment.

7.13 ICBAN

On the proposal of Councillor Wilson, seconded by Councillor Cassidy, Council AGREED to endorse the acceptance of the letter of offer from SEUPB to ICBAN, dated 26 August 2010, to prepare a comprehensive Feasibility Study towards developing the Tradable Services Sector in Cookstown/Mid Ulster and Cavan and place an advertisement in the appropriate press to recruit an organisation to undertake the Study.

7.14 Private Rental Sector

Council NOTED receipt of a letter dated 18 August 2010 from

Department for Social Development regarding their findings by action taken by councils on the Private Tenancies Order

7.15 Annual Equality Monitoring Report (Community Grants)

On the proposal of Councillor Cassidy, seconded by Councillor Quinn Council AGREED to adopt the Annual Equality Monitoring Report.

7.16 Annual Progress Report on Section 75 of the NI Act 1998.

On the proposal of Councillor Cassidy, seconded by Councillor Quinn Council AGREED to adopt Annual Progress Report on Section 75 of the NI Act 1998 ending 31 Mar 2010.

7.17 Salting & Gritting of Footways

Council NOTED receipt of a copy of letter dated 24 August 2010 from NILGA regarding the above.

On the proposal of Councillor Wilson, seconded by Councillor McGarvey Council AGREED to write to Chamber of Commerce to see if they were interested in participating in the scheme.

7.18 Save the Children

Council AGREED to grant Save the Children permission to display 'A World Apart' exhibition on council premises.

7.19 Renaming of Night Club in Cookstown – "Heaven"

Council NOTED receipt of a letter dated 26 July 2010 from Mr Keith Shields regarding the above.

7.20 Road Safety Compromised – Westland Road South, Cookstown

Council NOTED receipt of a letter dated 9 August 2010 from Mr Michael Coyle regarding the above.

It was AGREED to refer this matter to the District Policing Partnership for consideration and to raise the issue with Roads Service, when representatives next meet councillors.

7.21 Winter Payment – Northern Ireland Awareness Campaign

Council NOTED receipt of a letter dated 31 August 2010 from Social Security Agency regarding the above.

8 PROPERTY LAND & EQUIPMENT

8.1 Proposed Substation at Loughry Campus

On the proposal of Councillor Cassidy, seconded by Councillor McGarvey Council AGREED to the signing of Deed of Surrender in relation to the substation lands at MUSA's Loughry Campus.

9 TENDERS

9.1 MUSA

The Clerk/Chief Executive explained that the Tender Report from Doran Consulting had just been received and that sufficient time had not been given for consideration in advance of the meeting.

The tendering process included a Quality and Cost Analysis.

The Clerk/Chief Executive recommended that the tender report and cost implications be referred in the first instance to the Party Leaders Group with a full report being brought to the next Policy Resources & Services Committee.

Members AGREED to this recommendation.

10 SEMINARS & CONFERENCES

10.1 National Association of Councillors - AGM

Council AGREED to the attendance of Councillor McAleer at the Annual General Meeting of the National Association of Councillors to be held on Friday 24 September 2010 in the Clandeboye Lodge Hotel, Bangor at a cost of £75 per delegate.

10.2 Achieving World Class Tourism

Council AGREED to the attendance of Councillors Baker, McAleer, McGarvey and McIvor at the Achieving World Class Tourism conference organised by Clare Tourist Council on the 25/27 November 2010 in Falls Hotel, Ennistymon at a cost of €229 per delegate, plus accommodation.

10.3 Invitation to free EPB Briefings – 2010 EPB Regulations, Essential Information, Presentation and Clinic

Council NOTED the EPB Briefings – 2010 EPB Regulations, Essential Information, Presentation and Clinic organised by Energy Performance Buildings.

10.4 Annual Building Control Conference

Council NOTED the Annual Building Control Conference Global

Impacts – Addressing The Risks organised by Northern Ireland Group Committee for Building Control to be held on 12/13 October 2010 in the Slieve Donard Hotel, Newcastle at a cost of £265 per delegate.

10.5 Sustainable Development Implementation Plan

Council AGREED to the attendance of Councillors Cassidy and Glasgow at the Sustainable Development Implementation Plan consultation event organised by NILGA to be held on 28 September 2010 in Glenavon House Hotel, Cookstown.

10.6 Town Twinning

Council AGREED to the Chairman, Councillor John McNamee attending the Town Twinning representation to Plerin in October.

10.7 CIPFA Annual Conference

Council NOTED the annual CIPFA Conference Public Services Taking the Lead to be held on 23/24 September 2010 in the Slieve Donard Hotel, Newcastle.

11 NOTICES OF MOTION

11.1 To consider the following Notice of Motion in the names of Wilson, Glasgow and Greer

"This council deplores the 2-year delay in effective intervention by Government towards resolving on an equitable basis with other UK savers, the problems facing the Presbyterian Mutual Society (PMS); welcomes the Prime Minister's commitment that "a Conservative Unionist Government will work with the NI Executive to ensure a just and fair resolution"; in particular recognises the continuing distress and hardship of elderly and vulnerable savers; agrees that no PMS saver should be subjected to the indignity of 'means testing' and asks Government to immediately set a firm date for final resolution".

Council unanimously AGREED to adopt the Notice of Motion.

11.2 To consider the following Notice of Motion in the names of McCrea, Lees, McCartney

“That this council condemns the dissident republicans who planted a bomb under the car of a civilian member of staff at Cookstown Police Station, the recent arson attack on Pomeroy Orange hall and also condemns the graffiti attack on Ballinderry Orange Hall and a band hall in Cookstown.”

On the proposal of Councillor Clarke, seconded by Councillor Quinn the following amendment was proposed to the Notice of Motion

“That Council also condemns recent threats against GAA clubs in Mid Ulster and calls for the immediate withdrawal of all threats against any sporting or community organisation.”

Council AGREED unanimously to the addition of the amended motion.

12 RESOLUTIONS FROM COUNCILS AND OTHER BODIES

Council NOTED receipt of the undernoted Resolutions:-

12.1 Newtownabbey Borough Council - Carbon Monoxide Monitors

12.2 Ballymena Borough Council – Presbyterian Mutual Society

12.3 OFMDFM – Presbyterian Mutual Society

13 ANY OTHER BUSINESS

13.1 67th Northern Ireland International Ploughing Championships & Family Day

The Clerk/Chief Executive advised members that a letter had been received from the Northern Ireland Ploughing Association advising that the 67th Northern Ireland International Ploughing Championships & Family Day would be held at Annaghone Road, Stewartstown on the 15/16 October 2010. The Association requested support for the event.

On the proposal of Councillor Glasgow, seconded by Councillor McGarvey Council AGREED to take a stand and advertisement at the event each costing £150.

13.2 Item 15.2 Bonfires

Councillor McGarvey stated that he was unhappy with the minutes of the 6 July in relation to bonfires. He felt that a commitment had been given that the Bonfire Committee would consider making payments following requests for funding from three groups in the District. The requests related to community festivities associated with traditional bonfires during the July period. No funding had been requested in relation to bonfires.

The Director of Corporate Services explained that given the long period without meetings to consider the funding applications he had authorised retrospective payments to two groups who had fully vouched their expenditure and had fully complied with Council policy. One further group which also fully complied with Council policy had yet to submit invoice/receipts and had yet to be paid. The Director of Corporate Services also apologised for any misunderstanding or breakdown in communication and re-ssured members that he had acted in the best interests of both the Council and the District. He also reported that the cleanup costs of the 11th night bonfires in the District amounted to approximately £300. Five years ago clean up costs expended £5,000 annually.

Members AGREED that future bonfire issues should be considered and dealt with by the Good Relations Sub Committee with no further need for a Bonfire Sub Committee.

The meeting ended at 9 p.m.

Chairman

Clerk/Chief Executive

Date

TABLED FOR INFORMATION

REPORTS

Housing Executive

- 39th Annual Report 1 April 2009 – 31 March 2010

Northern Ireland Tourist Board

The Review Performance 2009-10

Unison

The People's Inquiry Into the Public Library Service

Northern Ireland Audit Office

Report by Chief Local Government Auditor 23 June 2010

Public Health Agency

Annual Report 2009

Youth Justice

Business Plan Summary

Parades Commission

Annual Report & Financial Statements for the year ended 31 March 2009

Planning & Water Appeals Commissions

Annual Report April 2009 to March 2010

Ombudsman

Annual Report 2009-2010

Invest NI

Review 2009-10

National Trust

Corporate Supporters Scheme

Northern Ireland Housing Executive

Rural Matters Spring/Summer 2010