

MAGHERAFELT DISTRICT COUNCIL

Minutes of Proceedings of a Meeting of Magherafelt District Council held in the Council Chamber, 50 Ballyronan Road, Magherafelt on Tuesday, 11 May 2010. The meeting commenced at 7.40 pm.

Presiding:

J J McPeake

Other Members Present:

P J Bateson
J Campbell
T J Catherwood
J Crawford
Mrs E A Forde
P E Groogan
O T Hughes
Miss K A Lagan
P McLean
I P Milne
Miss B Scullion
G C Shiels

Apologies:

J F Kerr
Rev Dr R T Wm McCrea MP, MLA
Mrs K A McEldowney

Officers Present:

J A McLaughlin (Chief Executive)
J J Tohill (Director of Finance and Administration)
W J Glendinning (Director of Building Control)
A Cassells (Director of Operations)
M Young (Director of Environmental Health)
Mrs Anne-Marie Campbell (Head of Policy/Implementation)
A Boyle (Deputising for Chief Executive's Secretary)

Representatives from Other Bodies in Attendance

DRD Roads Service:

P Doherty - Divisional Roads Manager
G Quinn – Section Engineer

DoE Planning Service:

Mr Melvin Bowman – Planning Officer

1 **Minutes**

1.1 **Minutes of Meeting of the Council held on Tuesday, 13th April 2010**

1.1.1 It was

Proposed by Councillor P McLean
Seconded by Councillor O T Hughes, and

Resolved: that the Minutes of the Council Meeting held on Tuesday, 13th April 2010 (copy previously circulated to each Member) be taken as read and signed as correct.

2 **Matters Arising Out of the Minutes**

2.1 It was

Proposed by Councillor I Milne
Seconded by Councillor P Bateson, and

Resolved: that a Civic Reception be held for the Derry Camogie Team who won the Under 16 All Ireland B Championship.

2.1 **Councillor Miss K Lagan** informed Members that Workspace (Draperstown) Limited was celebrating its 25th Anniversary and requested that the Council host a reception to acknowledge the contribution that Workspace had made to the District.

2.2 The Chief Executive enquired under what criteria Workspace could be afforded a reception and suggested that if one was awarded to Workspace the Council could be hosting Civic Receptions every week. He also asked Councillor Lagan to consider whether it was appropriate for her to propose a reception for a company that she was a Director of.

2.3 In reply Councillor Lagan stated that as she was appointed by the Council she felt that she didn't have to declare an interest. She informed Members that, if necessary, she would arrange for her request to be brought back to Council the following month by another Member.

2.3 **The Chairman, Councillor J J McPeake** said that he would also like some time to consider her request and suggested that the decision be deferred until the next meeting of the Council.

2.4 **Councillor J Campbell** also requested a Chair/Vice Chair reception for Magherafelt GAC who were celebrating their 75th Anniversary.

2.5 The Chief Executive suggested that the Council should also defer a decision on the request for this reception to allow time for the Council to reconsider the criteria that should be applied to requests for receptions generally.

2.6 **Councillor O Hughes** stated that he would also be requesting a similar reception for his Club, Bellaghy GAC in due course.

It was

Proposed by Councillor J Campbell
Seconded by Councillor O Hughes, and

Resolved: that the decision as to whether a reception be awarded to either Workspace (Draperstown) Limited and/or Magherafelt GAC be deferred until after the forthcoming Council AGM.

2.7 Submitted letter of thanks from the Special Olympics for their recent donation.

Noted

2.8 Submitted letter of thanks from the Ulster Cancer Foundation for the donation received from the Council.

Noted

2.9 Submitted letter of thanks from the PSNI to all the Staff who helped in their recent Battle of the Badges event which was held in the Meadowbank Recreation Centre on 19th March 2010.

Noted

2.10 Submitted letter from Minister Poots, MLA informing Members that, as he had not received the unequivocal support of all of the participating Councils, including Dungannon and South Tyrone Borough Council, Cookstown District Council and Magherafelt District Council for the Lough Neagh and Lower Bann Advisory Committees, he therefore had no alternative but to wind up the two Advisory Committees with effect from 30 June 2010.

Noted

2.11 Submitted letter from the Rural Development Council informing Members that the recent tender for a community planning pilot submitted to the Big Lottery by the Mid Ulster Cluster had been unsuccessful.

Noted

- 2.12 **Councillor Miss K A Lagan** asked if the Council had received any further correspondence from the NI Environment Agency in relation to the discharge consent pilot in the Moyola area.

The Chief Executive replied that the matter was scheduled to be discussed later in the meeting.

3. **Presentation - Divisional Roads Manager's Report**

The Chairperson welcomed representatives from Roads Service – Western Division to the meeting Mr Pat Doherty, Divisional Roads Manager and Mr Gary Quinn, Local Section Engineer for the Magherafelt District.

- 3.1 Mr Doherty in his report (copy previously circulated to each Member) stated that last year's works had been completed. He informed Councillors that this year's report was set out under various functional headings. He emphasised to Members that it was anticipated that there would be a significant reduction in public expenditure and that the new Government would initiate a new comprehensive spending review.
- 3.2 Mr Doherty stated that £3.2 million had been spent on structural maintenance during 2009/10. 70% of this spend was on the District's minor route network. The year end figures showed an increase in the initial budget of £2.6 million. He informed members that 13 kilometres of carriageway had been resurfaced, with the most significant schemes being the A29 Moneymore Road, Magherafelt from Coolshinney Road to Queen's Avenue, A29 Moneysharvin Road, Maghera, B40 Desertmartin Road, Magherafelt, A54 William Street, Bellaghy, A54 Ballymacombs Road, Bellaghy, A42 Mayogall Road, Clady. He also informed the Members that two major trunk road resurfacing scheme would be carried out this year on the A29 Desertmartin Road, Tobermore and on the A31 Moneymore Road, Magherafelt.
- 3.3 Mr Doherty spoke about the Strategic Roads Improvement (SRI's) and advised Members that they were now in receipt of the Inspector's Report into the Public Inquiry on the Magherafelt Bypass and the recommendations were currently being considered. He anticipated that the Departmental Statement outlining the way forward would be published in the forthcoming months.
- 3.4 He also spoke about the capital spend for the District in 2009/2010 on Local Transport and Safety Measures, 2+1 overtaking lanes, Bridge strengthening and street lighting schemes amounted to £0.64 million. He highlighted significant projects which included an extension and upgrade of the existing park and share facility at Castledawson Roundabout, new footways at Coolshinney Road, Magherafelt, Craigadick Road, Maghera, Brough Road, Castledawson and at Moneyneany.

Bridge replacement at Upperlands had also commenced, a traffic calming scheme at Upperlands and a pelican crossing in Castledawson had been completed.

- 3.5 Finally, Mr Doherty referred to the tightening of public expenditure, capital budget cuts already imposed and other unavoidable pressures. He said there was uncertainty around the availability of funding for Local Transport and Safety Measures (LT&SM) but he hoped that there was sufficient funding to fund completion of carry over schemes.
- 3.6 In conclusion Mr Doherty thanked Councillors, Mr McLaughlin, Chief Executive and his Staff for the co-operation and assistance that had been given to his Staff both in Magherafelt and in Omagh in the past year.
- 3.7 The Chairperson then requested Members to bring forward any comments or questions they wished to make on the report.
- 3.8 All Members were very appreciative of the hard work that had been done by Mr Doherty's Department during the very harsh winter which had just passed in trying to keep the roads salted and free from snow. They asked that their thanks be passed onto his Department. Members were also very appreciative of the Park and Ride Facility which had just been completed at the Castledawson Roundabout, but felt that there was not enough available spaces for parking to meet the demands of the people who were using it. Mr Doherty noted their comments.
- 3.9 Members also had concerns about the completion and adoption of roads and footpaths within Housing Developments. Mr Doherty suggested that a special meeting be held at another time with Members during which the Private Streets Act could be explained to Members by a representative of the Roads Service Private Streets Team and Members would have an opportunity to could voice their concerns directly to the officers working in this area.
- 3.10 Members raised many questions in relation to issues relating to the Roads Service's activities within the District and Mr Doherty gave replies where possible. In instances when Mr Doherty felt unable to reply, he undertook to follow the issues up and reply to the Councillor(s) in writing.
- 3.11 The Chairperson thanked the representatives from Roads Service for attending and answering Members questions.

Representatives from Roads Service retired from the meeting at 9.20 pm.

3.12 Special Meetings

Councillor Miss K A Lagan asked that consideration be given to the Council holding separate meetings to facilitate central government Departments or other bodies that wished to give Presentations/Annual Reports to Council.

By way of example, she referred to the earlier Roads Service presentation which had lasted for nearly two hours. She felt that meetings with the Roads Service or other such bodies would be more beneficial if they were held independently from the full Council meeting.

Noted.

4 BUILDING CONTROL DEPARTMENT

The Director of Building Control presented the Department's report for the period 27 March 2010 to 30 April 2010 (copy previously circulated to each Member)

4.1 During this period thirty-two applications had been recommended for approval and one hundred and forty-three applications required amending by Architects and Agents before granting approval.

4.2 Applications for Notices and Regularisations

During the period from 27 March 2010 to 30 April 2010 there was one Notice issued.

During the period from 1 March 2010 to 31 March 2010 fifty applications commenced on site and twenty-seven applications were found to be complete in accordance with Building Regulations. The department carried out 316 inspections this month.

4.3 Naming and numbering of Streets

During the period from 1 March 2010 to 31 March 2010 twenty five new Postal Numbers and Postcodes were issued for private dwellings.

4.4 Property Certificates

There were thirty Property Certificates issued for this period.

4.5 Energy Performance Certificates

The Director of Building Control presented details of a pilot scheme on Energy Performance Certificates (EPCs).

Energy Performance Certificate (EPC) Regulations require that everyone who either buys or newly rents a house, be informed of the energy usage of the house. The regulations also apply to public and commercial buildings.

The provision of an EPC must be carried out by an Approved Accredited Assessor and the certificate displayed in the building. EPCs are held on a National Database or Register. Every EPC has a unique reference number that can be used by interested parties to check their validity.

The Building Control Department is given the role to police the provision of these certificates. A pilot scheme is currently undertaken by Building Control where four seconded inspectors have been appointed to inspect for a one year pilot scheme.

The inspector for the Magherafelt District Council area is Mr Eugene Henry from Limavady Borough Council, Building Control Department. His role is to inspect for provision of EPCs in buildings in the district, but no prosecutions will take place during this one year pilot scheme period.

The Director requested the Council authorise the EPC Inspection Officer for a period during this year which terminates on 1 January 2010.

4.6 Waiving of Building Control Fee where Rate Relief is offered to home owners who have reduced the heat loss from their homes by increasing insulation.

The Director presented details on the proposed waiving of fees where rates were being reduced due to the increased insulation of houses.

The Department of Finance and Personnel have made Regulations to offer a reduction in rates for one year where home owners have increased the amount of insulation in their houses by insulating the cavity walls or roof spaces.

The local Councils have been asked to waive the Building Control Fee where such an application is made under the Building Regulations.

There is no fee required in the Regulations for insulating a cavity wall and the Council's Building Control department has never received an application to increase the insulation in a loft or roof space.

If an application was received for insulating the roof space the fee would likely be £60.00. The amount of reduction of the annual rates bill would be between £75.00 - £150.00. Therefore it does appear sensible to waive the Building Control Fee.

The Director recommended that Council should waive the Building Control Fee in this case.

However, on consideration, the Council disagreed and unanimously agreed that it would not be appropriate to waive the relevant fee as should normally be charged where an application was made to Building Control to increase roof space insulation. It was therefore agreed to mark the Department of Finance and Personnel's request "read".

4.7 On consideration It was

Proposed by Councillor P McLean
Seconded by Councillor T J Catherwood, and

Resolved: to adopt the report as submitted, together with the recommendations included therein, except for the recommendation to waive the Building Control fee applicable to applications received relating to the insulation on increased insulation of a roof space of a dwelling.

5. Licenses and Registrations

5.1 Entertainments Licences:

Submitted the following applications for an Entertainments Licence which were recommended for renewal:

E.97 Mary's Bar & Lounge, 10 Market Street, Magherafelt –
Henry & Teresa McGlone

5.2.1 It was

Proposed by Councillor O T Hughes
Seconded by Councillor I P Milne, and

Resolved: to renew the applications as submitted

5.2 Petroleum Licences:

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

P. 34 Caldwell's Filling Station, 191 Hillhead Road,
Castledawson – R & J Caldwell

P. 35 Cathcart Retail Ltd (Texaco), 36 Castledawson Road,
Magherafelt – Mr Ryan Cathcart

P. 92 Gregg's Filling Station, 137 Aughrim Road, Magherafelt –
Mr M Gregg

- P. 14 Maxol/Vivoxtra Service Station, 1 Magherafelt Road, Castledawson – Mr Shaun Kelly
- P. 90 Newbridge Stores, 37 Blackpark Road, Toomebridge – Mr Paul Martin

5.2.1 It was

Proposed by Councillor O T Hughes
Seconded by Councillor P E Bateson, and

Resolved: to approve the applications as submitted.

6 **Planning Service** 185/05/2010

6.1 **New Planning Applications:**

H/2008/0216/F – Rea Developments
Approval

H/2008/0464/O – Mr R Moore
Approval

H/2009/0549/F – N I Healthcare c/o Space Architects
Deferred for Objectors Meeting on the request of Councillors Forde, Lagan, Campbell and McPeake.

H/2009/0742/F – A & C Scullion
Approval

H/2009/0743/F – K Bodkin
Approval

H/2009/0745/F – Dr & Mrs A & D Ranchoux c/o FMK Architecture
Approval

H/2010/0013/F – G Diamond
Deferred for an Office Meeting on the request of Councillors Hughes and McPeake. Councillor Hughes handed a letter of submission to the Planning Officer.

H/2010/0019/RM – Mr & Mrs B O’Kane
Deferred for an Office Meeting on the request of Councillor Lagan.

H/2010/0021/F – Mr J Conway c/o Paul Moran
Approval

H/2010/0035/F – Mr R Johnston
Approval

H/2010/0039/F – Mr D Crozier
Deferred for an Office Meeting on the request of Councillor McLean to raise objectors' concerns.

H/2010/0042/F – Mr J Payne, c/o Ward Design
Approval

H/2010/00046/F – Mr S Trainor
Approval

H/2010/0052/O – Mr D Junkin
Approval

H/2010/0060/F – Mr N Gribben
Approval

H/2010/0072/F – Newbridge GAC c/o Chairperson Newbridge GAC
Approval

H/2010/0074/F – P Doyle
Deferred on the request of Councillor McPeake until Friday 14 May to allow time for additional information to be submitted. If information was not submitted by that date, it was agreed that the Department would issue a refusal.

H/2010/0075/F – Mr P Scullion, c/o Architectural Services
Deferred for an Office Meeting on the request of Councillor Lagan, who handed a letter of submission to the Planning Officer.

H/2010/0076/F – Blackquarter Properties c/oMcGurk Chartered Architects
Deferred for an Office Meeting on the request of Councillor McPeake

H/2010/0080/F – Mr J Boyd c/o 76 Lismoyle Road, Swatragh
Approval

H/2010/0081/F – Mr F Kelly c/o Diamond Architecture
Approval

H/2010/0085/F – Mr J J McPeake
Approval

H/2010/0089/F – P J McGoldrick
Approval

H/2010/0090/F – Mr R J Smyth
Approval

H/2010/0091/F – Mr & Mrs I Michael
Approval

H/2010/0111/F – Mr P McGlade c/o Newline Architects
Approval

H/2010/0118/F – Mr & Mrs G McMaster c/o 109 Glen Road, Maghera
Approval

H/2010/0119/F – Mr M Muldoon
The Planning Officer advised the Members that, although the Schedule indicated that the application was recommended for approval, the Department actually wished to recommend refusal. The mistake on the Schedule had been notified to the applicant and agent. Deferred pending the outcome of PPS21

H/2010/0121/F – Mr S Donnelly c/o Diamond Architecture
Approval

H/2010/0127/F – Mr P McGuigan
Approval

H/2010/0130/F – Mr & Mrs H Kelly
Deferred for an Office Meeting on the request of Councillors Milne and Kerr, who submitted a letter of representation to the Planning Officer.

6.2 Applications Deferred from Previous Meeting:

H/2007/0353/F – G Crawford
Members were advised that the Planning Department had withdrawn this application from the Schedule to reconsider the status of objections with Planning Appeals.

H/2007/1060/O – Mr K Murphy
Deferred pending the outcome of Draft PPS 21

H/2008/0068/F – T & C Walls
Members were advised that the Applicants would accept refusal to allow this application to go to appeal.

H/2009/0103/O – The Board of Governors – Rainey Endowed School
Approval

H/2009/0440/F – Mr G Boyle
Deferred pending the outcome of Draft PPS 21

H/2009/0441/F – Mr N Coleman
Members were advised that this application had been withdrawn from Schedule following receipt of a noise report

H/2009/0448/F – Traad Enterprises

Members were advised that this application had been withdrawn from the Schedule following receipt of a noise report

H/2009/0480/O – Mr M Quinn

Deferred pending the outcome of Draft PPS 21

H/2009/0491/F – Sproull Solicitors/Devon& Cornwall Sec

Deferred pending the outcome of Draft PPS 21

H/2009/0576/O – Mr H Gribbin

Approval

H/2009/0604/F – Mr H Turner

Approval

H/2009/0643/F – Ms J McCann

Deferred pending the outcome of Draft PPS 21

H/2009/0718/F – Mr D Madden

Deferred pending the outcome of Draft PPS 21

6.3 It was

Proposed by Councillor P McLean

Seconded by Councillor P E Bateson, and

Resolved: to adopt the Planning Schedule dated 11 May 2010 subject to the above conditions and amendments.

6.4 **Streamlined Consultation Decisions**

Submitted schedule of Streamlined Consultation Decisions issued for March 2010 (copy previously circulated to each Member).

Councillor Bateson referred to a Wind Turbine application on the schedule of Streamline Consultation decisions considered at the previous Council meeting and enquired why it had been included on the Streamline schedule.

The Planning Officer informed Members that the Department only streamlined applications for domestic turbines. The application referred to by Councillor Bateson was not a domestic turbine and, as a consequence, the Department had “unstreamlined” the application.

Noted.

Councillor O T Hughes and G C Shiels retired from the meeting at 9.35pm

The Planning Officer retired from the Meeting at 9.35pm

- 6.5 Submitted letter from Planning Service seeking the Council's urgent reply to Ref No. H/2010/0009/F at Crockandun, approximately 450m west south-west of junction of Cullion road and Drumard Road, Draperstown, Magherafelt (copy circulated to each Member).

The Chief Executive informed Members that this was a reminder letter seeking the Council's comments as a consultee in relation to an application for the erection of 11 wind turbines.

Noted.

- 6.6 Submitted letter from the Chairperson of the NI Assembly's Committee for the Environment informing Members that, following the receipt of many responses from councils in relation to the schedule of live Strategic planning applications, the Department had requested that councils be informed that, as such applications are dealt with centrally by Planning Service, delays were not within the control of District Planning Offices. The letter further indicated that the Committee would continue to monitor the progress of live Strategic planning applications on a regular basis.

Noted.

7 Wind Turbine – Lough Patrick

Submitted report on behalf of the Friends of Lough Patrick re the preservation of Lough Patrick, (copy circulated to each Member).

- 7.1 The Chairman explained the background to this particular item. The Council had received a presentation in relation to this application from both the applicants and the objectors several months ago. Further discussion had taken place at the Council's meeting April 2010, during which it was suggested that the Council should withdraw its letter of support for the Wind Turbine Planning Application that it had previously decided to give following the initial presentations..

He further explained that in recent months significant archaeological finds indicating the existence of important artefacts had been uncovered at Lough Patrick.

- 7.2 Members discussed whether the letter of support for the planning application should be withdrawn.

The Chief Executive stated that, if the Council intended to withdraw this letter of support, it would be only fair that the Applicant be given a chance to respond to the points which had been raised in the report that the Friends of Lough Patrick had asked the Council to consider at this meeting.

Following discussion, Members agreed that, subject to informing the Applicant that the Council was intending to withdraw its letter of support and offering the Applicant an opportunity to attend a Special meeting of the Council, which could be convened during the week ending 21 May 2010, to respond to the information submitted by the Friends of Lough Patrick, the Council would withdraw its letter of support.

Adjournment of Meeting:

The Chairman adjourned the meeting for a comfort break at 9.55pm.

The meeting resumed at 10.10pm.

8 Environmental Health Department 196/05/2010

Mr M. Young, Director of Environmental Health submitted the report for the month of May 2010 (copy previously circulated to each Member).

8.1 Health and Safety Service Plan 2010/2011

Mr M. Young outlined the Health and safety service plan for the year 2010/2011. A copy of the full plan had been circulated to Members in the report.

It was

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

Resolved: that Council adopt the Health and Safety Service Plan for 2010/2011.

8.2 Public Health (Ireland) Act 1878

It was reported that following an inspection of a property at 63 Killowen Drive, Magherafelt it had been ascertained that conditions prejudicial to health existed and that service of a Public health notice was considered the most satisfactory method to remedy the situation

It was

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

Resolved: that a Public health notice under the Public Health (Ireland) Act 1878 be served on the owner of property located at 63 Killowen Drive, Magherafelt to remedy defects giving rise to conditions prejudicial to health.

8.3 It was

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

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

9 **Operational Services Department**

Submitted report by the Director of Operations for the month of May, 2010 (copy previously circulated to each Member)

9.1 Mr Cassells gave a detailed presentation of his report, and where appropriate sought the Council's opinion/approval/permission regarding a number of specific proposals/recommendations contained in the report. In respect of these items the following resolutions were agreed by Council.

9.2 **Operational Services**

9.2.1 Items for Information

9.2.1.1 Draperstown Public Toilets

During the presentation of the Director's Report the Director raised the issue of recent vandalism to the public toilets at Derrynoid Road, Draperstown that had taken place on or around Thursday 6 May 2010. Mr Cassells reported that, following a period of no activity, significant damage had been inflicted upon the facility including damage to the roof, guttering, door frames, locks, glass lighting blocks etc. Materials from the nearby road works (sand bags and small paving slabs) had been utilised to inflict the damage. Repair was estimated at £2,500 and given the level of damaged the Director had closed the toilets pending Members consideration of this ongoing problem.

Following a discussion it was

PROPOSED by Councillor P J Bateson
Seconded by Councillor Miss K A Lagan, and

Resolved: That the Public Toilets at Derrynoid Road remain closed for the time being and that the issue would be further discussed at a future meeting of Council and for the toilets to remain under a close monitoring regime for the time-being.

9.2.1.2 **Environmental Youth Speak**

In relation to the item on Environmental Youth Speak it was agreed to invite Emir McElwee from St Pius X and Faoltilarna Burke of St Bridget PS Tirkane to present their talks to the June Council meeting.

9.2.2 Following the delivery of the Director's Report during which the issue of the Bowling Club and a potential move to Meadowbank Sports Arena were discussed

It was

PROPOSED by Councillor I P Milne
Seconded by Councillor P J Bateson, and

Resolved: That, in addition to the above items, the section of the Directors Report "Items for Information" is noted.

9.3 **Technical Services: Items for Decision**

9.3.1 Bi-Lingual Street/Road Nameplates

It was

PROPOSED by Councillor I P Milne
Seconded by Councillor P J Bateson,

That bi-lingual (English and Irish) street/road nameplates should be erected at: Ballyronan Road, Meeting Street and Laurelbrook, all of Magherafelt.

10 **Development Department**

10.1 Mrs Anne-Marie Campbell, Head of Policy/Implementation submitted the Development report for the month of May 2010 (copy previously circulated to each member)

10.2 **Community Services**

10.2.1 **Events and festivals grants**

Following discussion it was-

Proposed by Councillor P McLean
Seconded by Councillor J Crawford; and

Resolved: The budget for the Community Events, Festivals and Initiatives grants programme be increased by £15,000 and that the fund remains open. Council also resolved that grant funding is awarded to the following applicants at the amount listed.

Name of Group	Grant award
Carntogher Community Association	£1,500
Ballymoughan Flute Band	£800
Dunamoney Flute Band	£700
Mid Ulster Truckers	£1,130
Tobermore Village Hall Development Association	£1,500
Church Street Community Association	£1,500
Magherafelt & District Road Safety	£1,050
Watty Grahams GAC	£1,500
Knockloughrim Parent & Teacher Association	£1,240
Desertmartin Community Group	£1,480
Off The Cuff Community Theatre Group	£775
Erins Own G.A.C Lavey	£1,500
Maghera Running Club	£1,500
Little Amps	£750
Emmet's G.A.C Slaughneil	£1,500
Desertmartin Parish Church	£1,500

10.3 Towns and village regeneration

10.3.1 Financial Capability Support Programme

Following discussion it was-

Proposed by Councillor Miss K A Lagan
Seconded by Councillor P McLean; and

Resolved: that Magherafelt District Council endorses the Financial Capability Support Programme.

10.4. Economic Development

Following discussion it was-

Proposed by Councillor P J Bateson
Seconded by Councillor I P Milne; and

Resolved: that Magherafelt District Council does not provide funding for the Skills4Service project for 2010/11.

10.4 Peace III

10.4.1 Phase II of the PEACE III programme

Following discussion it was-

Proposed by Councillor Miss K A Lagan
Seconded by Councillor T J Catherwood; and

Resolved: that Council provide a budget of up to £5,000 to procure resources to assist in the development of the PEACE III Phase II plan.

It was

Proposed by Councillor Miss K A Lagan
Seconded by Councillor I P Milne and

Resolved: the report for the development department as submitted be adopted.

11 Payment of Accounts 05/2010

Submitted Statement of Expenditure setting out payments to be made during the month of May 2010 (copy circulated to each Member).

11.1 The statement made provision for £1,046,526.14 out of the Revenue Account and £55,417.70 out of the Capital Account.

11.2 It was

Proposed by Councillor P McLean
Seconded by Councillor T J Catherwood, and

Resolved: to approve the Statement of Accounts as submitted for May 2010.

12 Financial Contributions 56/05/2010

Submitted the following letters of application for financial assistance from:

12.1 **Emergency Medical Care:**

Submitted letter from Emergency Medical Care dated 29 April, 2010 requesting a contribution to their ambulance fund, (copy previously circulated to each Member).

12.1.1 Following discussion, it was

Proposed by Councillor P McLean
Seconded by Councillor T J Catherwood, and

Resolved: that a contribution of £1,000 be paid to Emergency Medical Care

12.2 **NSPCC:**

Submitted letter dated 11 March 2010 from NSPCC seeking a contribution towards their organisation's Childline Northern Ireland service which assists children to get help 24 hours a day, (copy previously circulated to each Member).

12.2.1 Following discussion, it was

Proposed by Councillor P McLean
Seconded by Councillor I P Milne, and

Resolved: that a contribution of £200 be given to NSPCC

12.3 **Mindwise:**

12.3.1 Submitted letter from Mindwise Magherafelt seeking financial assistance through the Council's Section 115 allocation, (copy previously circulated to each Member).

12.3.2 The Chief Executive advised the members that if they wished to make a contribution to Mindwise they would have to do so under the authority of Section 115 of the Local Government Act (NI) 1972. This would involve the Members specifically considering whether:

- (1) The expenditure would bring direct benefit to the Council, or its District or the inhabitants of its District or any part of its District, and
- (2) Under Section 115 (3) (b) the direct benefit accruing to its District or to the inhabitants of its District or any part of its District would be commensurate with the payments to be made and also that the total payments made by the Council under Section 115 (2) in one financial year would not exceed the amount allowable under that Section.

12.3.3 Following discussion it was

Proposed by Councillor T J Catherwood
Seconded by Councillor J Crawford, and

Resolved: that the Council, having considered that:

- (1) The expenditure would bring direct benefit to the Council, or its District or the inhabitants of its District or any part of its District, and
- (2) Under Section 115 (3) (b) the direct benefit accruing to its District or to the inhabitants of its District or any part of its District would be commensurate with the payments to be made and also that the total payments made by the Council under Section 115 (2) in one financial year would not exceed the amount allowable under that Section,

would approve that £3,000 be allocated to Mindwise under Section 115 of the Local Government Act (NI) 1972 in the financial year 2010/11.

12.4 **CHARIS:**

12.4.1 Councillor J Campbell made reference to a local charity named "Charis" and fund raising issues regarding them. He said that this facility was benefitting many people not only in this District but in the Districts of Cookstown and Dungannon. He enquired if there would be any financial assistance available for this very worthwhile charity.

12.4.2 Following discussion it was decided that this item should be discussed at the next Party Group Leaders' meeting, which was scheduled to be held on the morning of Monday, 17 May 2010. In the meantime the Chief Executive was requested to speak to his counterparts in Dungannon and Cookstown to see if any financial assistance would be available from either of their two Councils.

12.5 **Milk Cup**

Submitted a letter dated 20 April 2010 seeking financial assistance from the County Londonderry Football Association which was entering two teams in the 2010 Northern Ireland International Milk Cup Tournament (copy circulated to each Member).

12.5.1 Following discussion, it was

Proposed by Councillor P McLean
Seconded by Councillor T J Catherwood, and

Resolved: that a contribution of £200 be given to the County Londonderry Football Association.

12.6 **Robert Watt**

Submitted a letter dated 5 May 2010 from Robert Watt who had been selecting to represent Ireland in the World Championship solo piping competition at the Lorient festival in Brittany seeking financial assistance (copy circulated to each Member).

12.6.1 Following discussion, it was

Proposed by Councillor T J Catherwood
Seconded by Councillor P J Bateson, and

Resolved: that a contribution of £200 be given to Tamlaght O'Crilly Pipe Band in support of Robert Watts participation in the World Championship solo piping competition in Lorient in Brittany.

Councillor P E Groogan retired from the meeting at 10.55pm

13 **Conferences and Courses**

Consideration was given to the nomination of delegates to attend the following:

13.1 **Urban Regeneration & Community Development Policy Framework Seminar – Strule Arts Centre, Omagh Friday 28 May 2010:**

13.1.1 Submitted details of a Seminar entitled Urban Regeneration & Community Development Policy Framework – venue Strule Arts Centre, Omagh, Friday 28 May 2010, (copy circulated to each Member)

It was agreed that it would be left open for any Member to attend this event, which was free.

Councillor P E Groogan retired from the meeting at 10.50pm.

14 **Small Business Rates Relief Scheme**

Submitted report from NILGA on Small Business Rates Relief Scheme (copy circulated to each Member).

Noted

15. **Land & Property Services**

Submitted letter from the Land & Property Services regarding the disposal of land at 45 Main Street, Bellaghy (copy circulated to each Member). The Chief Executive reported that this land and property was actually the PSNI Station in Bellaghy. He informed Members that a letter had already been sent to Land and Property Services declaring the Council's interest and that he had instructed District Valuer to undertake a valuation of the property.

Noted

16 **Consultation Documents**

16.1 Submitted review by the Council to the Draft Tourism Strategy for Northern Ireland (copy circulated to each Member) and a Letter from the Northern Ireland Assembly Committee for Social Development on the Caravans Bill which had been formally introduced to the Northern Ireland Assembly (copy circulated to each Member)

16.1.1 On discussion it was decided that these two items would be discussed at the Party Group Leaders Meeting which was scheduled to be held on the morning of Monday, 17 May 2010.

Noted

Submitted the following consultation documents:

16.2 Waste and Contaminated Land (Amendment) Bill seeking comments before 28 May 2010.

Noted

16.3 Consultation on proposals for a Roads (Functions of District Councils) Bill seeking comments by 23 July 2010.

Noted

16.4 Consultation on a Local Government (Finance) Bill seeking comments by 18 June 2010. .

Noted

17. Letter of Support

- 17.1 Submitted a letter from the Chairman's Office at Strabane District Council requesting a letter of support from Magherafelt Council to go to the First and Deputy First Minister asking for the instigation of a regulatory framework for oil, solid fuel and liquefied petroleum gas, (copy previously circulated to each Member)
- 17.2 After discussion it was agreed to have the letter marked "Read"

18 Roads Service

18.1 Disposal of Lands

- 18.2.1 Submitted letter from the Roads Service re proposed disposal of lands at 50 Dreenan Road, Magherafelt, (copy previously circulated to each Member).

Noted.

19 Water (Northern Ireland) Order 1999

- 19.1 Submitted letter from the Northern Ireland Environment Agency in accordance with an application from Mr Derek Fulton for consent to discharge effluent to a waterway under the Northern Ireland Water Order 1999 from Milltown Business Park, Bowmans Road, Killyneese, Castledawson, (copy previously circulated to each Member).

Noted.

- 19.2 Submitted letter from Northern Ireland Environment Agency regarding previous correspondence which had been received from Mr Maurice Young, Director of Environmental Health, by Gareth Park and informing Members that these letters had subsequently been passed on to a Mr Mark Livingstone of the Water Management Unit, (copy previously circulated to each Member).

On discussion it was

PROPOSED by Councillor Miss K A Lagan
Seconded by Councillor J Campbell, and

Resolved: that the Director Of Environmental Health convene a meeting to allow Members to discuss with Mr Mark Livingstone of the Water Management Unit the problems that some Constituents were experiencing re the discharge consent and the one of payment of £110.

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

It was

Proposed by Councillor P McLean,
Seconded by Councillor I P Milne, and

Resolved: that the Council proceeds “In Committee”.

Council “In Committee”

21 **Staff Matters**

This item was taken “In Committee”.

22 **Legal Matters**

This item was taken “In Committee”.

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

It was

Proposed by Councillor P McLean
Seconded by Councillor I P Milne, and

Resolved: that proceedings be resumed in “Open Council”

Proceedings in “Open Council”

It was

Proposed by Councillor P McLean
Seconded by Councillor I P Milne, and

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

24 Sealing of Documents

The Seal of the Council is hereby affixed to the following document as agreed at the Council's meeting held on Tuesday, 11 May 2010:

- 24.1 Deed of Transfer by Magherafelt District Council as beneficial owner of lands in Folio 22715 in County Londonderry (Ringsend Park) in consideration of the sum of two thousand, five hundred pounds (£2,500) plus the Council's reasonable legal costs of that part of the lands comprised in that part of Folio 22715 delineated on the relevant map to the Department for Regional Development of Clarence Court, 10-18 Adelaide Street, Belfast, BT2 8GB.

25 For the Information of Members

- 25.1 The following items were submitted for the information of Members:-
- (a) A Guide to Rates information booklet, (copy previously circulated to each Member)
 - (b) Booklet from the Housing Council on "Why the Private Sector should build to lifetime home standards"
 - (c) Letter from the Northern Ireland Tourist Board re a process they initiated to deliver a Visitor Information Plan for Northern Ireland, (copy previously circulated to each Member).
 - (d) G District Policing E-brief

The meeting concluded at 11.00pm.

CHIEF EXECUTIVE

The foregoing Minutes are hereby Confirmed.

_____ (Chairperson)

_____ (Date)