

# MAGHERAFELT DISTRICT COUNCIL

Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

3 November 2009

## Notice of Meeting of Magherafelt District Council

Dear Member

A meeting of Magherafelt District Council will be held in the Council Chamber, 50 Ballyronan Road, Magherafelt on **Tuesday, 10 November 2009 at 7.30 pm.**

Yours faithfully

**J A McLaughlin**  
Chief Executive

*To each Councillor*

### A G E N D A

1 **Minutes**

Minutes of Meeting of the Council held on Tuesday, 13 October 2009, enclosed.

2 **Matters Arising out of the Minutes**

3 **Presentation - Northern Health and Social Care Trust**

The new Chief Executive and staff of NHST will be in attendance to address the Council on Acute Services Reform in the Northern Health and Social Care Trust, briefing paper enclosed.

4 **Building Control Department**

Report by the Building Control Department, enclosed.

5 **Licences/Registrations**

To consider applications received for Licences and Registrations.

## 6 **Planning**

- (a) To consider schedules of plans and recommendations as prepared by the Divisional Planning Manager.
- (b) To submit schedule of Streamlined Consultation Decisions issued for September 2009.
- (c) Mr John Coulter, Principle Planning Officer for the Magherafelt District will be in attendance to discuss proposals for the extension of the Streamlined Consultation Scheme, letter from the Divisional Planning Manager and details enclosed.

## 7 **Environmental Health Department**

Report by the Director of Environmental Health, enclosed.

## 8 **Operational Services Department**

Report by the Director of Operations, enclosed.

## 9 **Development Department**

Report by the Head of Policy/Implementation, enclosed

## 10 **Mineral Development Act (Northern Ireland) 1969**

To consider letter from the Minerals Branch, Department of Enterprise, Trade and Investment in connection with an application received from Dalradian Gold Ltd for mineral prospecting rights in Counties Tyrone and Londonderry. Part of the land comes within the Council's jurisdiction, enclosed.

## 11 **Payment of Accounts**

Statement of Finance setting out payments to be made during the month of November 2009.

## 12 **Financial Contributions**

To consider requests from:

- (a) Mr Michael McSorley, Draperstown to sponsor him on his Argentina Chile bike ride to raise funds for Mencap, details enclosed.
- (b) Castledawson Development Association

## 14 **Conferences and Courses**

To nominate delegates to attend:

- (a) Dyslexia and Dyspraxia Support one day Conference to be held in the

Comfort Hotel, Antrim on Saturday, 14 November 2009, details enclosed.

- (b) Meetings organised by OFMDFM to find out what a Commissioner for Older People should be able to do, details enclosed.
- (c) Planning the Future of Local Government event organised by RTPI to take place in Belfast City Hall on Wednesday, 25 November 2009 from 9.00 am – 4.30 pm., details enclosed.

## 15 Consultation Documents

To give consider to the following:

- (a) Letter from NILGA regarding the Northern Ireland Youth Assembly Consultation and seeking comments on or before 9 November 2009, enclosed.
- (b) Letter from the Department of Agriculture and Rural Development requesting comments on the Horse Racing (Charges on Bookmakers) Order (NI) 2010 consultation by noon on 27 November 2009, enclosed.
- (c) Letter from the Post Office regarding service reopening at Upperlands Post Office and seeking comments by 9 December 2009, enclosed.
- (d) Regional Transportation Strategy Review Discussion Document prepared by the Department of Regional Development seeking comments by 11 December 2009. A copy of the document can be accessed on the following website: [www.drdni.gov.uk](http://www.drdni.gov.uk).
- (e) Letter from the Department of Health, Social Services and Public Safety seeking comments by 31 December 2009 on proposals for reforming Northern Ireland's Adult Protection Infrastructure, enclosed.
- (f) Consultation on reforming the method of filling casual vacancies arising in District Councils during term prepared by the NIO Elections Unit seeking responses by 15 January 2010, enclosed.
- (g) Consultative Document on proposals for the Biocidal Products (Amendment) Regulations (Northern Ireland) 2010 seeking comments by 18 January 2010. This document can be accessed on the following website: [www.hseni.gov.uk](http://www.hseni.gov.uk) – HSENI Consultations, letter enclosed
- (h) Letter and consultation from the Department of the Environment seeking comments on the update of the 2005 Detergent Regulations by 21 January 2010, letter enclosed. This document can be accessed on the following website: [www.defra.gov.uk/corporate/consult/detergents-regs2005/index.htm](http://www.defra.gov.uk/corporate/consult/detergents-regs2005/index.htm).
- (i) Letter from The Planning Service seeking comments on the Review of Permitted Development Rights in Northern Ireland Consultations seeking by 22 January 2009. Copies of the Review of Permitted Development Rights for Small Scale Renewable Energy Development and Householder Permitted Development Rights can be accessed on the following website: [www.planningni.gov.uk](http://www.planningni.gov.uk).

- (j) Draft Service Framework for Cancer Prevention, Treatment and Care – Consultation Document has been launched by the Department of Health, Social Services and Public Safety and are seeking comments by Friday, 5 February 2010. This document can be accessed on the following website:  
[www.dhsspsni.gov.uk/index/consultations/current\\_consultations.htm](http://www.dhsspsni.gov.uk/index/consultations/current_consultations.htm).

**16 Notice of Motion**

To consider the following Notice of Motion:

**Councillor Miss K A Lagan:**

*“That this Council notes the findings of the Pricewaterhouse Coopers economic appraisal of local government service delivery; and calls on the NI Executive to confirm that the costs of RPA will be met by central government and not borne by local government and ratepayers.”*

**17 The Drainage Council for Northern Ireland**

To submit letter from The Drainage Council seeking nominations for the term running from 2009 to 2011, enclosed.

**18 Roads Service**

To submit a letter seeking comments on traffic calming proposals for Queens Avenue area, Magherafelt, enclosed.

**19 Water (Northern Ireland) Order 1999**

To submit copy of an application from Northern Ireland Water for consent to discharge effluent from Ballymaguigan Waste Water Treatment Works under the Water (Northern Ireland) Order 1999, enclosed.

*Items 20 – 22 to be taken “In Committee”*

**20 North West Region Waste Management Group**

To update the Members on matters relating to the NWRWMG.

**21 Staff Matters**

**22 Legal Matters**

**23 Sealing of Documents**

24 **For the Information of Members**

**(The following information is available for Members in the Council Offices should they wish to read it – contact the Chief Executive’s Secretary).**

- (a) Minutes of Meeting of the North Eastern Education and Library Board held on Tuesday, 29 September 2009
- (b) Copy of NILGA News – September/October 2009, enclosed.

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# **MAGHERAFELT DISTRICT COUNCIL**

**Minutes of Proceedings of a Meeting of Magherafelt District Council held in the Council Chamber, 50 Ballyronan Road, Magherafelt on Tuesday, 10 November 2009. The meeting commenced at 7.30 pm.**

## **Presiding:**

J J McPeake

## **Other Members Present:**

P McLean  
P J Bateson  
J Campbell  
T J Catherwood  
J Crawford  
Mrs E A Forde  
Mrs A C Gribbon  
P E Groogan  
O T Hughes  
Miss K A Lagan  
Rev Dr R T Wm McCrea, MP, MLA  
Mrs K A McEldowney  
I P Milne  
G C Shiels

## **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)  
Mrs Audrey Junkin (Chief Executive's Secretary)

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

### **Northern Health and Social Care Trust (NHSCT):**

Dr Peter Flannigan – Director of Medical Services  
Valerie Jackson – Director of Acute Services  
Margaret O'Hagan – Asst Director of Acute Services  
Colm Donaghy – Chief Executive  
Margaret Mulholland – Head of Communications

### **DoE Planning Service:**

Mr John Coulter – Senior Planning Officer  
Mrs Sandra Adams – Planning Officer

## 1 Minutes

1.1 **Councillor Miss K A Lagan** requested an amendment to Page 31 of the Minutes. The Chief Executive advised that as this item had been taken "In Committee" any amendment which she wished to have considered could be considered later on in the meeting when the Council was "In Committee". Members agreed.

1.2 It was therefore

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

**Resolved:** that the Minutes of the Council Meeting held on Tuesday, 13 October 2009, (excluding the items taken "In Committee), be taken as read and signed as correct (copy previously circulated to each Member).

## 2 Matters Arising Out of the Minutes

The Chief Executive advised that there were no matters arising out of the Minutes.

## 3 Presentation – Northern Health and Social Care Trust (NHSCT)

The Chairperson, Councillor J J McPeake welcomed Mr Colm Donaghy the new Chief Executive of NHSCT and representatives from the Trust to the meeting.

A PowerPoint presentation was made on the delivery of services in local hospitals for local communities as outlined in the 'Delivering Better Services' document produced by the Department of Health, Social Services and Public Safety. Services provided in day surgery, outpatient services, minor injury services, diagnostics, rehabilitation, allied health services and change process were outlined by the Chief Executive of the Trust. The Trust as a result of reorganisation, worked in partnership with Belfast Health and Social Care Trust, Southern Health and Social Care Trust and the Northern Ireland Ambulance Service. He further said that the enhancement of acute services at Antrim Area Hospital would be needed to support the change with regard to the Mid Ulster and Whiteabbey Hospitals. Mr Donaghy gave an overview –

- Wards 1 and 2 would be refurbished at a cost of £250,000.
- Phase 1 – Friday past – November 2009
- Phase 2 – Summer 2011
- Phase 3 – post 2012
- Future Development – 2010 – Cataract Day Surgery  
2010 – Bowel Cancer Screening.

Mr Donaghy further intimated that Community Service Developments, salaried Dental Service and Daldoc would all be positioned on the Mid-Ulster Hospital site.

Members raised many questions regarding the positioning of acute hospitals in Northern Ireland and the fact that there was a vast area in Mid Ulster now left with no acute services. They spoke of the 96 acute bed losses at the Mid Ulster and Whiteabbey Hospitals and that there would only be provision for 24 more acute beds in the new building programme for Antrim Area Hospital. Members also discussed the 4 hours target waiting time for a bed and that it was just not being met. They discussed the distance to travel to Antrim Area Hospital and that staff and patients had major concerns regarding cardiac emergencies and accidents and claimed it could not meet best practice standards. Members also enquired about cuts in administration, kitchen and nursing/medical staff at Mid Ulster, the Trust's future development of Cataract surgery, the Trust's concentration skills in Antrim and Causeway hospitals and the Council's concerns regarding the retention of skills in local hospitals

Representatives from the Trust referred to the Government's 'Delivering of Better Services' document and stated that the positioning of acute hospitals was not the responsibility of the Trust; services could not be moved until appropriate provision had been made. The Trust's information was that the target time of 4 hours waiting time for a bed had been achieved within recent months. The Trust pointed out that it was very difficult to recruit medical staff to smaller hospitals and because of the lack of acute medical staff services would collapse. The Trust could not wait until this happened. A breakdown of the number of staff employed on the Mid Ulster site was given and the numbers affected, together with details of the number that could be redeployed or expected to avail of voluntary retirement. It was emphasised that there would be no compulsory redundancies. It was explained that meals delivery at the Mid Ulster was being modernised and that no catering staff or administrative staff would be made redundant. An overview of the medical staff requirements for cataract day surgery and cardiac cover including the service provision from the Ambulance Service was given. The Trust's representatives finally outlined the upgrades required for Antrim Area Hospital and welcoming the opportunity to discuss with Members of the Council the Trust's patient care ethos.

The Chairperson thanked the representatives from NHSCT for attending the meeting and answering Members' queries.

**Representatives from NHSCT retired from the meeting at 8.30 pm.**

**4 Building Control Department** 210/11/2009

The Director of Building Control presented the Department's reports for the period 1 October to 31 October 2009 (copy previously circulated to each Member).

- 4.1 During this period twenty-one applications had been recommended for approval and one hundred and eighty-five applications required amending by Architects and Agents before granting approval.

4.2 During this period there were no extensions of time. There were fifteen cancellations which had gone beyond the four years expiry date and had not commenced on site.

#### 4.3 **Application for Notices and Regularisations**

During the period from 1 October 2009 to 31 October 2009 there was one Regularisation issued.

During the period from 1 September 2009 to 30 September 2009 forty-two applications had commenced on site and thirty-nine applications were found to be complete in accordance with Building Regulations.

During the period from 1 September 2009 to 30 September 2009 seventeen new Postal Numbers and Postcodes were issued for private dwellings.

#### 4.4 **Property Certificates**

There were twenty-three Property Certificates issued for this period.

4.5 It was

Proposed by Councillor Rev Dr R T Wm McCrea  
Seconded by Councillor T J Catherwood, and

**Resolved:** to adopt the report as submitted.

### 5 **Licenses and Registrations**

#### 5.1 **Entertainments Licences:**

Submitted the following application for an Entertainments Licence which was recommended for renewal:

E.89 Curragh Orange Hall –  
Mr George Shiels

5.1.1 It was

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

**Resolved:** to approve the application as submitted.

5.1.2 Submitted the following applications for Entertainments Licences which were recommended for renewal with conditions:

- E.28 Erin's Own Lavey GAC, 56 Quarry Road, Gulladuff –  
Mr Sean McPeake  
E.127 The Bridge Bar & Lounge, 1 Bridge Street, Castledawson –  
Mr Anthony McMurray

5.1.3 It was

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

**Resolved:** to renew the applications with conditions.

5.1.4 **Temporary Entertainments Licences**

Submitted the following application for a Temporary Entertainments Licence in connection with the Christmas Switch-on in Magherafelt on Saturday, 28 November 2009

T.47 Mr Lee When Ching, 78 Carclinty Road, Cullybackey

5.1.5 It was

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

**Resolved:** to grant a Temporary Entertainments Licences as submitted for the switch-on of the Christmas Lights in Magherafelt town.

5.2 **Licensing Northern Ireland Order 1996**

Submitted the following application which was for information only:

Application for the grant of a licence:

Mr Kenny Bradley, Kilrea Service Station, 53-55 Moneymore Road, Magherafelt

**Noted.**

6 **Planning Service**

185/9/2009

6.1 **New Planning Applications:**

H/2007/0267/RM – Mr G Crawford

Approval. The Planning Officer advised that there were two objections to this application.

H/2009/0117/F – Mr V Doyle

Approval. The Planning Officer advised that there were two objections to this application.

**Councillors Rev Dr R T Wm McCrea and Mrs E A Forde** enquired if the visibility splays were sufficient to provide access to development lands to the rear of the site. In reply the Planning Officer stated that Roads Service had advised that the splays were sufficient but that a right turning lane might be needed.

H/2009/0204/F – Mr P Quinn

Approval

H/2009/0235/O – Mr T McErlean

Approval

H/2009/0296/O – Mr & Mrs K Ruddy

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

H/2009/0353/F – Mr T Cassidy

Approval

H/2009/0360/O – Ms C Birt

Approval

H/2009/0395/F – Mr & Mrs Bell

Approval

H/2009/0426/O – Curragh Hall Development Association

Approval

H/2009/0470/F – Barron Recycling Ltd

Approval

H/2009/0478/O – Ms A Walsh

Approval

H/2009/0483/O – J Kernohan

Deferred for an Office Meeting on the request of Councillor Miss K A Lagan. Councillor Miss Lagan handed a letter of submission to the Planning Officer.

H/2009/0488/O – Mr W Tomb

Approval

H/2009/0489/F – F McNally

Deferred for an Office Meeting on the request of Councillor Miss K A Lagan. Councillor Miss Lagan handed a letter of submission to the Planning Officer.

H/2009/0490/F – Mr R Carmichael  
Approval

H/2009/0496/F – Mr L McDonald  
Approval

H/2009/0498/O – Mr I Sinclair  
Approval

H/2009/0504/O – Rural Housing Association  
Deferred. Councillor Miss K A Lagan advised that a meeting had been arranged with the Divisional Planning Manager on 18 November 2009. Councillor Mrs K A McEldowney requested that because of the number of objections the objectors should be facilitated with an Office Meeting. The Planning Officer advised that there were eleven objections to this application and that she would come back to Councillor Mrs McEldowney regarding her request.

H/2009/0506/O – Mr H Laverty  
Approval

H/2009/0510/F – Mr I McNicholl  
Deferred for an Office Meeting on the request of Councillor P McLean. Councillor McLean handed a letter of submission to the Planning Officer.

H/2009/0512/F – Mrs G McGuigan  
Deferred for an Office Meeting on the request of Chairperson, Councillor J J McPeake and Councillor Miss K A Lagan. Councillor McPeake handed a letter of submission to the Planning Officer.

H/2009/0524/F – N & M Lennon  
Approval

H/2009/0516/F – Mr J Kearney  
Approval

H/2009/0517/F – Mr B Bradley  
Approval

H/2009/0519/F – N Downey  
Deferred for an Office Meeting on the request of Councillor J Campbell. Councillor Campbell handed a letter of submission to the Planning Officer.

H/2009/0520/F – Mr J O'Brien  
Deferred for an Office Meeting on the request of Councillor Miss K A Lagan. Councillor Miss Lagan handed a letter of submission to the Planning Officer.

H/2009/0522/O – Mr M Hegarty  
Approval

H/2009/0527/F – Mr P McMullan  
Approval

H/2009/0528/F – Mr P McKenna  
Approval

H/2009/0530/F – Mr B Tohill  
Approval

H/2009/0531/F – Mr S O’Kane  
Deferred for an Office Meeting on the request of Councillor Mrs K A McEldowney. Councillor Mrs McEldowney handed a letter of submission to the Planning Officer.

H/2009/0534/O – Mrs K Birt  
Approval

H/2009/0537/O – Ms R Downey  
Approval

H/2009/0540/RM – Mr S McPeake  
Approval. The Planning Officer advised that there was one objection to this application.  
The Chairperson, Councillor J J McPeake declared an interest.

H/2009/0542/F – Mr Noel and Mrs Johanne Mullan  
Deferred pending the outcome of Draft PPS 21.

H/2009/0543/F – P Heron  
Approval

H/2009/0545/F – R Carmichael  
Approval

H/2009/0547/O – Mr C McNamee  
Approval

H/2009/0551/O – Mr T O’Kane  
Approval

H/2009/0553/O – Mr P Moore  
Deferred for an Office Meeting on the request of Councillors Rev Dr R T Wm McCrea and Mrs E A Forde. Councillor Rev McCrea handed a letter of submission to the Planning Officer.

H/2009/0555/F – Mr & Mrs D McCallion  
Approval.

H/2009/0560/F – Mr R Hughes  
Approval

H/2009/0561/F – Mr S Mallon  
Approval

H/2009/0566/F – S Toner  
Approval

#### 6.1.1 Applications Deferred from Previous Meeting:

H/2006/0347/O – Mr P J Kearney  
Approval

H/2007/0230/F – Mr F McCallion  
Approval. The Planning Officer advised that there were five objections to this application.

H/2007/1018/F – D Hall  
Approval

H/2007/1110/F – Mr S Elliot  
Approval

H/2008/0057/O – Mr K & J Paul  
Refusal. The Planning Officer advised that the applicant had requested the decision notice in order to proceed with an appeal. She also advised that there was one objection to this application.

H/2008/0309/F – Mr J Crilly  
Approval

H/2008/0618/F – Mr M McManus  
Approval

H/2008/0647/O – Mr C McElwee  
Approval

H/2009/0155/RM – Mr J Kyle  
Approval

H/2009/0201/O – G McFadden  
Approval

H/2009/0217/F – P Wong  
Approval. The Planning Officer advised that there were nine objections to this application.

H/2009/0224/O – Mr C Hegarty  
Deferred pending the outcome of Draft PPS 21.

H/2009/0234/O – Mr T McCann  
Deferred pending the outcome of Draft PPS 21.

H/2009/0265/F – Mr & Mrs T McGonigle  
Approval

H/2009/0293/O – R J Smyth  
Approval

H/2009/0316/F – Mr M McBride  
Approval

H/2009/0390/F – R Ferguson  
Deferred pending the outcome of Draft PPS 21. The Planning Officer advised that there were two objections to this application.

6.1.3 It was

Proposed by Councillor Rev Dr R T Wm McCrea  
Seconded by Councillor I P Milne, and

**Resolved:** to adopt the Planning Schedule dated 10 November 2009 subject to the above conditions and amendments.

6.2 Submitted schedule of Streamlined Consultation Decisions issued for September 2009 (copy previously circulated to each Member).

**Noted.**

6.3 The Chairperson, Councillor J J McPeake welcomed Mr John Coulter, Principle Planning Officer for the Magherafelt District to the meeting.

6.3.1 Mr Coulter said that he had come to the Meeting to consider proposals for the extension of the Streamlined Consultation Scheme (copy of letter from the Divisional Planning Manager and details previously circulated to each Member). The purpose of the Streamlined Scheme was twofold:

- to accelerate the processing of all planning applications by allowing a range of applications agreed with the Council, to reach a decision and be issued quickly
- to facilitate the Council in its consideration and decision taking on key planning applications, particularly those applications of economic and social significance including those relating to small and medium enterprises.

6.3.2 Mr Coulter also outlined other identified benefits for applicants, Council and the Planning Service. He further stated that the scheme had been operating successfully with all District Councils and gave a statistical analysis of the applications streamlined in the Magherafelt District.

Suggestions, however, had been made to widen the scope to larger applications including 'change of use' applications.

6.3.3 The Planning Service welcomed this suggestion and was now suggesting that consideration be given to increasing the types of applications that could be considered under the scheme, and made recommendations including:

- Conservation Area Consent
- Lister Building Consent
- Change of Use
- All extensions and alterations
- Floodlighting
- Renewable Energy Generators
- Open Space Facilities.

The Divisional Planning Office recommended that the Council agreed to extend the types of applications considered under the Streamlined Scheme, subject to a review on the impact of the changes in twelve months time.

6.3.4 Members discussed the proposals and agreed that whilst the streamlining scheme was a quicker process and had been very successful and that people waiting on planning permission would welcome the proposals the Council should be cautious in welcoming the widening of the scheme. It was felt that because it was a sharp and quick method of processing planning applications objectors could miss out on attending proper meetings. There were also problems with the proposal to streamline all extensions, both private and industrial, regardless of size.

6.3.5 Members agreed to defer making a decision on extending the streamlined scheme to include all the proposed types of planning applications to be included, for one month.

**The Planning Officer retired from the meeting at 9.10 pm.**

## 7 **Environmental Health Department**

196/11/2009

Mr M. Young, Director of Environmental Health submitted the report for the month of October 2009 (copy previously circulated to each Member).

### 7.1 The Poisons (NI) Order 1976 The Poisons Regulations (NI) 1983

In accordance with the above legislation a total of eight persons had applied to have their premises retained in the register of persons entitled to sell poisons.

It was

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

**Resolved:** that the following premises are retained in the register of poisons:

Graham & Son Ltd, 17-19 Main Street, Bellaghy  
Dunnes Stores, Meadowlane Shopping Centre, Magherafelt  
J C Stewart, 1 Union Road, Magherafelt  
Noones, 92 Main Street, Maghera  
R Crawford & Co, 18-22 Main Street, Maghera  
Animal Health Shop, 42 Cahore Road, Draperstown  
Swatragh Filling Station, 18 Moneysharvin Road, Swatragh  
Mid Ulster Garden Centre, 35 Station Road, Maghera

7.3 It was

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

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

## 8 **Operational Services Department**

322/11/2009

Submitted report by the Director of Operations for the month of October 2009 (copy circulated to each Member)

8.1 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.

### 8.2 **Operational Services**

#### 8.2.1 Items for Information

It was

Proposed by Councillor Rev Dr R T Wm McCrea  
Seconded by Councillor T J Catherwood, and

**Resolved:** that the contents of the Directors report in relation to 'Items for Information' for Technical and Leisure Services were duly noted.

### 8.3 **Technical Services: Items for Decision**

#### 8.3.1 **Bi-Lingual Street/Road Nameplates**

It was

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

**Resolved:** that the Council would survey the residents living on Moneysharvin Road, Maghera, Castledawson Road, Magherafelt, Hazelbrook, Magherafelt, Lismoyle Road, Swatragh, Drumbane Road, Swatragh, and Cairn View, Swatragh with regards to the erection of a bi-lingual street/road nameplates.

#### 8.3.2 **Bi-Lingual Street/Road Nameplates**

Following a discussion, it was

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

**Resolved:** that bi-lingual (English and Irish) street/road nameplates be erected at Auburn Drive, Magherafelt, Golf Terrace, Magherafelt, King Street, Magherafelt, The Brambles, Magherafelt, Station Road, Magherafelt and Kilrea Road, Swatragh.

#### 8.3.3 **Additional Items in the Blue Bin**

Following a brief discussion, it was

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

**Resolved:** To approve the extension of the materials to be collected in the Blue Bin (by including tetrapaks, aerosol cans, clean yogurt pots, clean margarine tubs, clean plastic food trays and additional paper items such as unsolicited mail, soft back catalogues and old telephone directories) and the production of a leaflet to be circulated to all households in the district.

#### 8.3.4 **Civic Amenity Site Reward Scheme**

Following discussion, it was

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

**Resolved:** that officers progress the initiation of the Recycling Centre Reward Card Scheme.

It was

Proposed by Councillor I P Milne  
Seconded by Councillor J Crawford, and

**Resolved:** that the contents of the Director's report in relation to 'Items for Information' for Technical and Leisure Services were duly noted.

#### 8.4 **Greenvale Leisure Centre**

On conclusion of the report by the Director of Operations Councillor Mrs E A Forde raised the issue of water pooling on the floor of the Main Hall of Greenvale Leisure Centre. The Director of Operations sought to remind members that the roof of the Main Hall was in a poor state of repair and that the replacement of the roof would be included in refurbishment that was due to commence in the near future.

#### 8.5 **Adjournment of Meeting**

The Chairperson, Councillor J J McPeake adjourned the meeting for a comforts break at 9.35 pm.

**Councillor P E Groogan retired from the meeting at 9.35 pm.**

The meeting resumed at 10.00 pm.

### 9 **Development Department**

Mrs Anne-Marie Campbell, Head of Policy/Implementation submitted the Development report for the month of September 2009 (copy previously circulated to each member)

#### 9.1 **Community Services**

##### 9.1.1 **An Carn Community Group – Letter of support request.**

Following discussion it was -

Proposed by Councillor K Lagan,  
Seconded by Councillor P McLean; and

**Resolved:** that Council issue a letter of support regarding the refurbishment of existing space which the An Carn Community Group are proposing to use for arts and drama as well as other recreational activities.

### 9.1.2 **Western Regional Tourism Partnership**

Following discussion it was -

Proposed by Councillor K Lagan,  
Seconded by Councillor P J Bateson; and

**Resolved:** that Council provide £2,500 of match funding towards the completion of two tourism projects being led by the Western Regional Tourism Partnership - The good food experience live and uncover our stories in just one click.

### 9.2 **Community Safety**

Following discussion it was -

Proposed by Councillor T J Catherwood,  
Seconded by Councillor Rev Dr R T Wm McCrea; and

**Resolved:** that a Member from each of the four main political parties sits on the Community Safety Partnership. It was agreed that parties would make nominations by Thursday 13 November, 2009.

### 9.3 **Economic Development**

#### 9.3.1 **Town Centre Forum**

Following discussion it was -

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

**Resolved:** that the Town Centre Forum would have the following membership:

- Six representatives from Magherafelt's Chamber of Commerce;
- Four Magherafelt Town Councillors, one from each party; and
- The Council's Good Relations Officer who would provide linkage and representation for all the town's communities.

#### 9.4 It was

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

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

## 10 **Mineral Development Act (Northern Ireland) 1696**

Submitted letter from the Minerals Branch, Department of Enterprise, Trade and Investment dated 27 October 2009 in connection with an application received from Dalradian Gold Ltd for mineral prospecting rights in Counties Tyrone and Londonderry, part of which lay within the Council's jurisdiction (copy previously circulated to each Member).

- 10.1 Following discussion, Members requested that the Chief Executive write to Dawn Montgomery, Minerals Branch, Department of Enterprise, Trade and Investment and the parent company in similar vein as the letters written in May and August 2009 in connection with an application from Lonmin plc requesting more details on the method of mining, the damage likely to be caused to the environment, their restoration plans and an Environmental Impact Assessment.

## 11 **Payment of Accounts**

Submitted Statement of Expenditure setting out payments to be made during the month of November 2009 (copy circulated to each Member).

- 11.1 The statement made provision for £829,299.19 out of the Revenue Account and £176,380.63 out of the Capital Account.

- 11.2 It was

Proposed by Councillor Rev Dr R T Wm McCrea  
Seconded by Councillor O T Hughes, and

**Resolved:** to approve the Statement of Accounts as submitted for November 2009.

## 12 **Financial Contributions**

Submitted the following letters of application for financial assistance from:

### 12.1 **Mr Michael McSorley - MENCAP:**

Submitted e-mail from Mr Michael McSorley, Draperstown seeking sponsorship to help fund his Argentina Chile bike race to raise funds for Mencap (copy previously circulated to each Member).

- 12.1.1 Following discussion, it was

Proposed by Councillor Rev Dr R T Wm McCrea  
Seconded by Councillor Miss K A Lagan, and

**Resolved:** that the Council make a donation £500 to Mencap.

## 12.2 **Castledawson Enterprises Limited:**

Submitted letter from the Chairman, Castledawson Enterprises Limited requesting the Council to provide funding for an underground cable and other items costing £4,000 associated with works undertaken as part of the CRISP scheme in Castledawson. In the letter Mr Kennedy intimated that if the Council were to provide this funding it would enhance the street scheme funded under the CRISP project (copy circulated to each Member).

12.2.1 The Chief Executive said that the proposal to install the underground cable as part of the Street Scheme was good forward thinking on behalf of the group and recommended that, as the expenditure was associated with a CRISP project which the Council had not previously contributed towards, the Council should provide the funding requested as the overall purpose of this scheme was in keeping with what the Council would have funded had it been asked to do so under the CRISP project.

12.2.2 Following discussion it was

Proposed by Councillor Rev Dr R T Wm McCrea  
Seconded by Councillor T J Catherwood, and

**Resolved:** that the Council provide £4,000 to Castledawson Enterprises Limited to enable it to undertake the additional works in connection with the Street Scheme.

## 12.3 **Magherafelt Ploughing Society:**

Submitted letter from the Secretary seeking financial support for the Annual Ploughing Match to take place on Saturday, 28 November 2009 at Drumsamney, Tobermore (copy circulated to each Member).

12.3.1 Following discussion it was

Proposed by Councillor Rev Dr R T Wm McCrea  
Seconded by Councillor O T Hughes, and

**Resolved:** that the Council make a contribution of £200 to Magherafelt Ploughing Society's Annual Ploughing Match to be held on 28 November 2009.

## 12.4 **MindWise, Magherafelt:**

Submitted an e-mail addressed to the Chairperson, Councillor J J McPeake from MindWise seeking financial assistance through the Council's Section 115 allocation towards its work of transforming lives and developing new visions for mental health by challenging stigma and discrimination, and providing quality services and support.

12.4.1 The Chief Executive explained that, given the Council's previous commitment of a significant proportion of the amount potentially available under Section 115 of the Local Government Act (Northern Ireland) 1972, he could only recommend that the Council consider making an award of a maximum of £3,000 if it decided that it wished to make such an award. In discussing the request, Members considered whether:

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

12.4.2 On consideration it was

Proposed by Councillor Rev Dr R T Wm McCrea  
Seconded by Councillor Miss K A Lagan, and

**Resolved:** that the Council having considered that:

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

to approve the contribution in the amount of £3,000 towards MindWise, Magherafelt.

## 13 **Conferences and Courses**

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

13.1 **Dyslexia and Dyspraxia Support one-day Conference:**  
to be held in the Comfort Hotel, Antrim on Saturday, 14 November 2009 (details previously circulated to each Member).

13.1.1 Following discussion it was noted that the Chairperson, Councillor J J McPeake would be in attendance at this conference.

**Councillor G C Shiels retired from the meeting at 10.20 pm.**

13.2 **Commissioner for Older People Meetings:**  
List of meetings organised by OFMDFM to find out what a Commissioner for Older People should be able to do (details previously circulated to each Member).

13.2.1 Following discussion it was agreed to leave nominations open.

13.3 **Planning the Future of Local Government:**  
Organised by RTPI to be held in Belfast City Hall on Wednesday, 25 November 2009 (details previously circulated to each Member).

13.3.1 Following discussion it was agreed not to nominate.

13.4 **NI Building Control Convention 2009:**  
entitled "Navigating through the Doldrums" to be held in the Hilton Hotel, Belfast on Thursday, 12 and Friday, 13 November 2009.

13.4.1 Following discussion it was

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

**Resolved:** that the Director of Building Control, Mr Ian Glendinning attend the Convention.

## 14 **Consultation Documents**

Submitted the following consultation documents:

14.1 Letter from NILGA regarding the Northern Ireland Youth Assembly Consultation and seeking comments on or before 9 November 2009 (copy previously circulated to each Member).

14.2 Letter from the Department of Agriculture and Rural Development requesting comments on the Horse Racing (Changes on Bookmakers) Order (NI) 2010 consultation seeking comments by noon on 27 November 2009 (copy previously circulated to each Member).

14.3 Letter from the Post Office regarding service reopening at Upperlands Post Office and seeking comments by 9 December 2009 (copy previously circulated to each Member).

14.4 Regional Transportation Strategy Review Discussion Document prepared by the Department of Regional Development seeking comments by 11 December 2009.

14.5 Letter from the Department of Health, Social Services and Public Safety seeking comments by 31 December 2009 on proposals for reforming Northern Ireland's Adult Protection Infrastructure (copy previously circulated to each Member).

- 14.6 Consultation on reforming the method of filling casual vacancies arising in District Councils during term prepared by the NIO Elections Unit seeking responses by 15 January 2010 (copy previously circulated to each Member).
- 14.7 Letter and Consultation Document on proposals for the Biocidal Products (Amendment) Regulations (Northern Ireland) 2010 seeking comments by 18 January 2010 (copy of letter previously circulated to each Member).
- 14.8 Letter and Consultation from the Department of the Environment seeking comments on the update of the 2005 Detergent Regulations by 21 January 2010 (copy of letter previously circulated to each Member).
- 14.9 Letter from The Planning Service seeking comments on the Review of Permitted Development Rights in Northern Ireland Consultations seeking comments by 22 January 2009.
- 14.10 Draft Service Framework for Cancer Prevention, Treatment and Care – Consultation Document which had been launched by the Department of Health, Social Services and Public Safety, seeking comments by Friday, 5 February 2010.
- 14.11 Following discussion it was agreed that if any Member of Party Grouping wished to comment on any of the documents they should forward their comments to the Chief Executive who would arrange to have them forwarded to the Government Department or body concerned.
- 14.12 **Magherafelt District Advice Services Limited**

Submitted report prepared by the Manageress of Magherafelt District Advice Services Limited in response to the consultation document on the Number and Location of Area Advice Centres published by the Department of Social Development seeking a response by 27 November 2009. The response included a statistical report for the period 17 November 2008 to March 2009 and its vision for April 2009 to March 2010 (copy circulated to each Member), and that the response should be forwarded to the Department.

The Chairperson and Members commented on the service provision and that it had been a very worthwhile project. They said that many constituents had reported on the excellent service provision.

The Chief Executive pointed out that Magherafelt District Advice Services Limited had become a victim of its own success. Advice and help in the area of mortgages and arrears was of deep concern and that the appointment of an extra paid worker might alleviate the situation.

Following discussion it was

Proposed by Councillor Miss K A Lagan  
Seconded by Councillor J Campbell; and

**Resolved:** that the Council provide funding of £30,000 per annum to Magherafelt Advice Services Limited to enable them to employ an additional adviser.

15 **Notice of Motion**

212/11/2009

15.1 In accordance with her Notice of Motion, Councillor Miss K A Lagan proposed:

***“That this Council notes the findings of the Pricewaterhouse Coopers economic appraisal of local government service delivery; and calls on the NI Executive to confirm that the costs of RPA will be met by central government and not borne by local government and ratepayers.”***

15.1.1 Councillor Miss Lagan said that RPA had the SDLP’s support but change would not come about without a price. She went on to say that the PWC report included many projections in relation to both the cost of RPA and the benefits to be derived therefrom, but the report did not guarantee savings. Councillor Miss Lagan stated that the costs associated with RPA should be borne by central government and not the ratepayers. She indicated that there had been a suggestion that the costs of RPA would be funded by a loan scheme but she felt that a commitment was required from Ministers and the NI Executive that the costs would be borne by central government and not simply temporarily financed by way of loans.

15.1.2 Councillor Miss Lagan mentioned a National Association of Councillors (NAC) meeting held recently when Councillors’ Severance Pay had been discussed and advised the Members that further information would be forthcoming in January 2010.

15.1.3 Councillor Miss Lagan sought the support of the Council for her motion.

15.2 The motion was seconded by Councillor J Campbell. He said that the PWC report was flawed in that it sought to justify the costs associated with RPA by projecting estimated benefits over a twenty-five year period when in reality the analysis should have sought to project the benefits over a ten year (maximum) period. In reality the figures included in the report were really only guesswork.

15.3 The Chairperson, Councillor J J McPeake stated that the Council should support the motion. All parties had stated categorically that Local Government should not be asked to pay for RPA.

15.4 Members discussed the motion at length regarding where the funding would come from and which, if not every, NI Assembly's Department's budget should be reduced to pay for the costs. It was also suggested that some Councils had yet to engage properly and that RPA might as a consequence be delivered slower than originally envisaged.

15.5 Members agreed to support the motion.

#### 15.6 **PriceWaterhouse Coopers Report**

15.6.1 The Chief Executive asked the Council how they wished to respond the PWC Report.

15.6.2 Members agreed that a draft response would be prepared by the Officers and that this response would be considered by the Council. It was further agreed that Members would in future be provided with copies of Transition Committee (TC) meeting minutes together with any other relevant documentation.

### 16 **The Drainage Council for Northern Ireland**

16.1 Submitted letter from the Drainage Council seeking nominations for the term running from 2009 to 2011. The letter advised that Councillor Hughes, the Council's current representative had agreed to be reappointed for a further term and enquired if the Council wished to have additional representation, in which case the letter requested that the Council forward the name of its nominee by Friday, 27 November 2009 (copy previously circulated to each Member).

16.2 Following discussion it was

Proposed by Councillor P J Bateson

Seconded by Councillor Mrs K A McEldowney, and

**Resolved:** that the Chief Executive write to the Drainage Council nominating Councillor I P Milne for consideration as an additional Magherafelt District Council representative on the Drainage Council.

**Councillor O T Hughes retired from the meeting at 10.55 pm.**

### 17 **Roads Service**

279/11/2009

Consideration was given to traffic calming proposals for Queen's Avenue area, Magherafelt (copy of letter and map previously circulated to each Member).

17.1 Members noted that a public meeting would be held on Thursday, 12 November 2009 at Greenvale Leisure Centre.

18 **Water (Northern Ireland) Order 1999**

280a/11/2009

Submitted an application from Northern Ireland Water for consent to discharge effluent from Ballymaguigan Waste Water Treatment Works under the Water (Northern Ireland) Order 1999 seeking Council comments (copy previously circulated to each Member)

- 18.1 Following discussion the Council decided not to make any comments on this application.

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

It was

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

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

**Council “In Committee”**

20 **North West Region Waste Management Group**

This item was taken “In Committee”.

21 **Staff Matters**

There were no staff matters to be considered.

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 Mrs K A McEldowney, and

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

## Proceedings in “Open Council”

It was

Proposed by Councillor P McLean

Seconded by Councillor Mrs K A McEldowney; and

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

### 24 Memorial Stones

The Director of Finance and Administration advised that applications had been received from:

Mr Philip Porter (grantee and husband of deceased), 16 Carsonville Drive, Upperlands, Maghera to erect a memorial stone at Plot K36 – Trish Porter (deceased).

Mr David Bradshaw Sands (grantee), 42 Killyneese Road, Magherafelt to erect a memorial stone at Plot K16 – Robert Sands (deceased).

Mrs Geraldine Flynn (grantee and niece of deceased), 88 Piney Hill, Magherafelt BT45 6JZ to erect a memorial stone at Plot B7 – Mary Hovekamp (deceased).

#### 24.1 Following discussion it was

Proposed by Councillor Rev Dr R T Wm McCrea

Seconded by Councillor Mrs E A Forde, and

**Resolved:** that the Council authorise the erection of a memorial stones in accordance with the Rules and Regulations of Polepatrick Cemetery at Plots K36, K16 and B7.

### 25 For the Information of Members

#### 25.1 The following items were submitted for the information of Members:-

(a) Minutes of Meeting of the North Eastern Education and Library Board held on Tuesday, 29 September 2009

(b) Copy of NILGA News – September/October 2009 (copy circulated to each Member).

The meeting concluded at 11.15 pm.

**CHIEF EXECUTIVE**

The foregoing Minutes are hereby Confirmed.

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

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