

CASTLEREAGH BOROUGH COUNCIL

Minutes of the proceedings of the meeting of Castlereagh Borough Council held in the Council Chamber, Castlereagh Borough Council, Civic & Administrative Offices, Bradford Court, Upper Galwally, Castlereagh, BT8 6RB, on Thursday 30 July 2009 at 7.00 p.m.

PRESENT: Councillor L Walker
(in the Chair)

ALDERMEN: J Norris MBE
Mrs G Rice MBE (until 7.30 p.m.)
Mrs I Robinson MP MLA (until 8.20 p.m.)
J White

COUNCILLORS: Mrs A Beattie
J Beattie
Mrs M Chambers
Mrs J Cochrane
Mrs S Duncan
C Hall
B Hanvey
Miss R Hughes MBE
T Jeffers
M Long
Mrs V McCoy
G Robinson (until 8.00 p.m.)
J Spratt MLA
C Tosh

IN ATTENDANCE: Director of Finance (Duty Director), Planning Officer, Planning Service Officer, Acting Environmental Health Manager, Human Resource Manager, Capital Projects Officer and Assistant Members' Services Officer

APOLOGIES: Apologies were received on behalf of Alderman Henderson, Councillors Bunting, Copeland and Drysdale

2009/366 : OPENING OF MEETING

Councillor Walker welcomed his Chaplain, Reverend Paul Linkens to the Council meeting.

Reverend Linkens opened the meeting with a prayer.

Noted.

2009/367 : ACTING CHIEF EXECUTIVE (DIRECTOR OF TECHNICAL & ENVIRONMENTAL SERVICES)

The Director of Finance advised Members that the Director of Technical & Environmental Services' was unable to attend tonight's meeting as his father in law had recently passed away.

Councillor Spratt, Long, Hall and Hanvey stood on behalf of their Party Colleagues to pass on their condolences and sympathy to the Director and his family.

RESOLVED : That the Council agrees that the Mayor forward a letter of sympathy to the Director of Technical & Environmental Services on the recent death of his father in law.

2009/368 : MINUTES

RESOLVED : That

- (a) the Minutes of the Special Council meeting held on 24 June 2009 be accepted as a true and accurate record of the proceedings
- (b) the Minutes of the Special Finance & General Purposes Committee meeting held on 25 June 2009 be adopted as a true and accurate record of the proceedings
- (c) the Minutes of the following meetings be accepted as a true and accurate record of the proceedings, subject to the following amendments

- Minutes of the Council meeting held on 25 June 2009

Page 3 - paragraph 3

Insert "Councillor McCoy stated that she was aware that residents from Roddens Crescent were worried that traffic in the area, which was already heavy at certain times of the day, would be further disrupted. However, she was of the view that the Roads Service should monitor the area to ascertain whether traffic-calming measures that had been installed on the Glen Road would have a positive effect".

Page 4 - paragraph 7

Delete last sentence

Insert "Mr McCourt agreed with Councillor Duncan and stated that the Roads Service was investigating this issue"

Page 4 – paragraph 8

Delete last sentence

Insert "Mr McCourt advised that there were traffic-calming measures in place near the Tesco Store, and he confirmed that the Roads Service would investigate extending these measures"

Page 3 – last paragraph and Page 4 – 1st, 2nd and 3rd paragraph to be re-worded, in liaison with Councillor Robinson

- Minutes of the Special Council meeting held on 2 July 2009
Page 1 “In Attendance”
Delete “Acting Chief Executive” insert “Duty Director”
- (d) Minutes of the Golf Club Board meetings held on 17 April 2009 and 15 May 2009 and the Special Golf Club Board meeting held on 5 June 2009 were noted.

MATTERS ARISING

2009/369 : ARRANGEMENTS FOR COVERING DIRECTORS’ SICK LEAVE (Minute No. 2009/364)

The Director of Finance advised that the above matter would be discussed “Staff in Committee”.

Noted.

PLANNING

2009/371 : MINUTES OF THE SPECIAL PLANNING COMMITTEE MEETING HELD ON 21 JULY 2009 (copy previously circulated)

Following discussion, it was

RESOLVED : That the Minutes of the Special Planning Committee meeting held on 21 July 2009 be adopted as a true and accurate record of the proceedings, subject to an apology being recorded on behalf of Alderman Mrs Rice.

2009/372 : NOTES OF THE PLANNING OFFICE MEETING HELD ON 21 JULY 2009 (copy previously circulated)

Noted.

SCHEDULE OF PLANNING APPLICATIONS DATED 30 JULY 2009 (copy previously circulated)

2009/373 : PLANNING APPLICATION Y/2007/0417/F – 15 THORNDALE ROAD SOUTH, CARRYDUFF : DEMOLITION OF EXISTING HOUSE AND OUTBUILDINGS AND ERECTION OF FOUR APARTMENTS

Councillor Mrs Beattie outlined that she and a number of other Members had expressed concern in relation to this application. She requested that a site visit be arranged.

Councillor Spratt advised that the request was on the basis of not all material considerations had been assessed, such as the location of the entrance to the site and the increased volume of traffic that the development would create.

Alderman Rice indicated that two previous applications for developing the site had

been refused and the Planning Appeals Commission had upheld the refusal. She added that the Roads Service had expressed concern in relation to the increased volume in traffic and she was of the view that representatives of the Roads Service should be in attendance at the site visit. She further advised that the Council's refuse collection vehicles would encounter difficulties accessing the development.

Councillor Robinson suggested that the Operational Services Manager should also be in attendance.

The Planning Services Manager outlined that, based on Members' comments, he was content to proceed with the site visit.

Members requested that representatives of the Roads Service and the Operational Services Manager to be in attendance.

RESOLVED : That the Council agrees that

- (a) consideration of Planning Application Y/2007/0417/F be deferred to enable a site visit to be arranged at a date and time to be agreed with the Chairman of the Planning Committee.
- (b) representatives of the Roads Service and the Operational Services Manager attend the site visit

2009/374 : PLANNING APPLICATION Y/2007/0632/F – 81 BALLYNAHINCH ROAD, MEALOUGH, CARRYDUFF : CONSTRUCTION OF TWO APARTMENT BLOCKS TOTTALLING 11 UNITS

Councillor J Beattie requested that an office meeting in relation to the above application be convened.

The Planning Service Manager explained that the original application had been amended, with the development being reduced from 16 to 11 apartments.

Councillor Mrs Beattie expressed the view that, given the number of objections, the Council would wish to proceed with an office meeting.

Councillor J Beattie stated that it would be helpful if Members could see a copy of the plans.

RESOLVED : That the Council agrees that consideration of Planning Application Y/2007/0632/F be deferred to enable an office meeting to be convened at a date and time to be agreed with the Chairman of the Planning Committee, in liaison with Councillor J Beattie, and that representatives of the Roads Service be requested to attend.

2009/375 : PLANNING APPLICATION Y/2009/0063/F – 60m WEST OF JUNCTION OF ROBB’S ROAD AND UPPER NEWTOWNARDS ROAD, BELFAST : ERECTION OF TELECOMMUNICATIONS EQUIPMENT CONSISTING OR ONE 12m HIGH STREETWORKS POLE, THREE 2.3m HIGH SHROUDED ANTENNAS, ONE 3107 EQUIPMENT CABINET AND ONE LUCY ELECTRICAL PILLAR

Following a query from Councillor Jeffers, the Planning Service Manager explained exactly where the equipment was to be erected.

Councillor Robinson sought clarification as to whether there was anything within current planning legislation restricting the erection of telecommunications equipment in close proximity to high density housing.

The Planning Service Manager indicated that the application related to the standard lamp design, and it was not uncommon for it to be located close to residential properties.

Following a query from Councillor Robinson in relation to the sharing of masts, the Planning Service Manager confirmed that it was standard procedure to firstly explore this option.

Noted.

2009/376 : PLANNING APPLICATION Y/2009/0186/F – 79 SAINTFIELD ROAD, BREDAS, BELFAST : CHANGE OF USE OF GROUND FLOOR RETAIL UNIT/SHOWROOM TO HOT FOOD CARRY OUT AND RESTAURANT

Councillor Duncan expressed her concern at the number of hot food facilities already in the area.

Noted.

2009/377 : PLANNING APPLICATION Y/2009/0212/F – UNIT 2, 963-969 UPPER NEWTOWNARDS ROAD, DUNDONALD : CHANGE OF USE OF EXISTING UNIT FROM CLASS A1 : SHOPS/RETAIL TO CLASS B1 : BUSINESS OFFICE

Councillor Jeffers outlined that the original application had been in relation to office accommodation but there had been concerns regarding adequate parking facilities.

The Planning Service Manager advised that the application was only in regard to change of use from Class A1 shop/retail to Class B1 Business Office.

Councillor Jeffers indicated that the change from a store to office accommodation still required adequate parking spaces.

The Planning Service Manager advised that the retail unit was being taken out to provide office accommodation on the ground floor.

Noted.

2009/378 : WEEKLY PLANNING APPLICATIONS FOR THE PERIOD 23 JUNE 2009 TO 20 JULY 2009 (copy previously circulated)

Noted.

Alderman Rice left the meeting at 7.30 p.m.

HOUSING

2009/379 : CORRESPONDENCE FROM THE NORTHERN IRELAND HOUSING EXECUTIVE RE: HOUSING AND HEALTH REVIEW AND ACTION PLAN 2008-2011 (copy letter previously circulated)

Noted.

2009/380 : CORRESPONDENCE FROM THE EQUALITY COMMISSION FOR NORTHERN IRELAND RE: MINIMUM STANDARDS FOR TRAVELLER ACCOMMODATION (copy letter and executive summary previously circulated)

Councillor Robinson proposed that the Acting Chief Executive respond to the Equality Commission, in line with the standard response previously drawn up by the Council.

RESOLVED : That the Acting Chief Executive respond to the Equality Commission, in line with the standard response previously drawn up by the Council.

ROADS

2009/381 : CORRESPONDENCE FROM THE ROADS SERVICE RE: CHURCH ROAD, CARRYDUFF (copy previously circulated)

Councillor Spratt outlined that Alderman Henderson had previously raised the issue of the location of the bus stop on a number of occasions, but the above response did not appear to properly address the issue. He proposed that the Council writes to the Roads Service reiterating Members' concerns with regard to the current location of the bus stop which was obstructing the vision of drivers turning right.

He added that he understood there was legislation requiring a bus stop to be located a minimum distance from a junction.

Councillor J Beattie seconded the proposal.

RESOLVED : That the Council agrees to write to the Roads Service pointing out that the issue of the close proximity of the bus stop to the junction at Church Road had not been addressed within its response, and seeking clarification on this matter.

EDUCATION

2009/382 : CORRESPONDENCE FROM LAGAN COLLEGE RE: CAREERS CONVENTION BEING HELD ON 19 NOVEMBER 2009 FROM 6.30 P.M. TO APPROXIMATELY 8.30 P.M. (copy previously circulated)

Councillor Duncan proposed that relevant Officers should attend the above event in order to promote the Council, and Councillor Long seconded the proposal.

Councillor Spratt outlined that other schools within the Borough would organise open days, and he hoped that the Council would not be setting a precedent in accepting the invitation from Lagan College. He sought clarification as to whether the Council currently had available the necessary resources, in terms of literature, visual aids, etc that would enable Officers to attend this event and any future similar requests that may be received.

Members agreed that the Acting Chief Executive ascertain if the relevant resources were available, and report back to the August Council meeting, at which time the request from Lagan College would be considered further.

RESOLVED : That the Acting Chief Executive ascertain if the relevant resources were available within Council to enable Officers to attend school open days, etc., and report back to the August Council meeting, at which time the request from Lagan College would be considered further.

FINANCE

2009/383 : ACCOUNTS FOR PAYMENT

RESOLVED : That the Council approve the undernoted payments:

General Account	(Suppliers)	£1,449,318.63
General Account	(Emergency Payments)	£ 61,628.06
Subsidiary Account	(Wages & Salaries)	£ 805,737.57

MAYOR/DEPUTY MAYOR'S BUSINESS

2009/384 : MAYOR/DEPUTY MAYOR'S BUSINESS FOR JUNE & JULY (copy previously circulated)

Noted.

REPORT FROM THE ACTING ENVIRONMENTAL HEALTH MANAGER (copy previously circulated)

2009/385 : THE DOGS (NI) ORDER 1983 - DOG KEPT WITHOUT A VALID LICENCE

The Acting Environmental Health Manager advised Members that a gentleman residing in the Tullycarnet area was keeping a dog without a valid licence, in contravention of the above legislation. He advised that Fixed Penalty Notice No.

1263 had been issued and was subsequently returned unpaid by the Clerk of Petty Sessions Office.

Following discussion, it was

RESOLVED : That the Council agrees that, in line with the Council's Policy, approval be granted to instigate legal proceedings against the gentleman residing in Tullycarnet, for failing to pay a Fixed Penalty Notice for keeping a dog without a valid licence.

2009/386 : THE LITTER (NI) ORDER 1994 - FAILURE TO PAY A FIXED PENALTY NOTICE FOR A LITTERING OFFENCE

The Acting Environmental Health Manager advised Members that a lady residing in Gilnahirk had failed to pay a Fixed Penalty Notice for a littering offence (Fixed Penalty Notice No. LR/(6)(84)2009).

Following discussion, it was

RESOLVED : That the Council agrees that, in line with Council's policy, approval be granted to instigate legal proceedings against a lady residing in Gilnahirk for failing to pay a Fixed Penalty Notice for a littering offence.

2009/387 : FAILURE TO PROVIDE INFORMATION UNDER ARTICLE 20 OF THE ABOVE LEGISLATION

The Acting Environmental Health Manager referred to his report outlining the details of an incident, whereby a woman was witnessed throwing a cigarette butt from a car along the Knock Dual Carriageway on 4 June 2009. He added that, since drawing up the report, the lady had now provided the necessary information requested and he was withdrawing the item.

Noted.

2009/388 : THE STREET TRADING (NORTHERN IRELAND) ACT 2001

The Acting Environmental Health Manager advised Members of the details of a gentleman who had been detected on three occasions selling car air fresheners in the area of the Upper Knockbreda Road and Upper Galwally. He outlined that the air fresheners had been seized from the gentleman on each occasion.

He added that as the man was a continuing offender, it was felt that the only way to deter his behaviour was to instigate formal legal action.

Following discussion, it was

RESOLVED : That the Council agrees to instigate legal proceedings against the gentleman detected illegally trading on three occasions in the area of the Upper Knockbreda Road and Upper Galwally.

**SUPPLEMENTARY REPORT FROM THE ACTING ENVIRONMENTAL
HEALTH MANAGER
(copy previously circulated)**

**2009/389 : THE DOGS (NI) ORDER 1983 - DOG KEPT WITHOUT A VALID
LICENCE**

The Acting Environmental Health Manager reported the details of a lady from the Newtownbreda area who was keeping a dog without a valid licence, in contravention of the above legislation. He reported that Fixed Penalty Notice (No. 1264) had been issued and subsequently returned unpaid by the Clerk of Petty Sessions Office.

Following discussion, it was

RESOLVED : That the Council agrees that, in line with the Council's Policy, approval be granted to instigate legal proceedings against a lady residing in the Newtownbreda area for failing to pay a Fixed Penalty Notice for keeping a dog without a valid licence.

**2009/390 : THE LITTER (NI) ORDER 1994 - FAILURE TO PAY FIXED PENALTY
NOTICES FOR A LITTERING OFFENCES**

The Acting Environmental Health Manager reported the details of two individuals failing to pay Fixed Penalty Notices for littering offences, as follows:

Fixed Penalty Notice No. LR/(5)(91)2009 - gentleman from Ballygowan

Fixed Penalty Notice No. LR/(6)(92)2009 - gentleman from Dunmurry

Following discussion, it was

RESOLVED : That the Council agrees to grant approval to instigate legal proceedings against the gentleman from Ballygowan and the gentleman from Dunmurry for failing to pay Fixed Penalty Notices for littering offences.

GENERAL CORRESPONDENCE

**2009/391 : RESPONSE FROM THE DEPARTMENT OF HEALTH, SOCIAL
SERVICES AND PUBLIC SAFETY RE: NUMBER OF STUDENT MIDWIVES IN
NORTHERN IRELAND (copy previously circulated)**

Noted.

**2009/392 : CORRESPONDENCE FROM THE DEPARTMENT OF THE
ENVIRONMENT RE: LAND LEASE FROM CASTLEREAGH BOROUGH
COUNCIL TO THE HANWOOD TRUST FOR THE DEVELOPMENT OF PHASE
IV (copy previously circulated)**

Aldermen Norris, White and Councillor Robinson declared an interest.

Councillor Robinson stated that he was delighted that the Minister had approved the lease, and that the future for the Hanwood Centre looked very bright.

Noted.

2009/393 : CORRESPONDENCE FROM THE NORTHERN IRELAND OFFICE (NIO) RE: FUTURE DELIVERY OF COMMUNITY SAFETY PARTNERSHIP AND DISTRICT POLICING PARTNERSHIP FUNCTIONS (copy previously circulated)

Councillor Jeffers stated that he was pleased to see that the NIO's proposals were in line with Council's views on the future delivery of Community Safety Partnership and District Policing Partnership Functions.

Noted.

2009/394 : CORRESPONDENCE FROM THE DISTRICT ELECTORAL AREAS COMMISSIONER FOR NORTHERN IRELAND RE: 2009/2010 REVIEW OF DISTRICT ELECTORAL AREAS (copy previously circulated)

Councillor Robinson expressed the view that an Elected Representative should be involved in this meeting, and he asked for contact to be made with the Commissioner's Office to ascertain if it would be in order for the Mayor to attend.

RESOLVED : That the Council agrees that the Acting Chief Executive contact the District Electoral Areas Commissioner to ascertain if it would be in order for the Mayor to attend the meeting being held on 4 August 2009.

2009/395 : CORRESPONDENCE FROM THE DEPARTMENT OF THE ENVIRONMENT RE: COUNCILLORS' ALLOWANCES (copy previously circulated)

Following discussion, it was

RESOLVED : That the Council agrees to pay the maximum for Councillors' allowances, as outlined in the correspondence from the Department of the Environment.

2009/396 : E-MAIL FROM THE ACTING CHIEF EXECUTIVE RE: THE ESTABLISHMENT OF THE PEACE III JOINT COMMITTEE OF ELECTED MEMBERS (copy previously circulated)

The Director of Finance advised that as information required from Lisburn City Council had not as yet been forthcoming, he was seeking authorisation to defer consideration of this matter to the August Council meeting.

RESOLVED : That the Council agrees to defer consideration of the establishment of the Peace III Joint Committee of Elected Members to the August Council meeting.

2009/397 : E-MAIL FROM COUNCILLOR C TOSH RE: CHANGE FROM TRADITIONAL UNIONIST VOICE PARTY TO INDEPENDENT COUNCILLOR (copy previously circulated)

Noted.

2009/398 : CORRESPONDENCE FROM CARRYDUFF HISTORICAL SOCIETY RE: REQUEST TO HIRE A MEETING ROOM IN THE LOUGH MOSS CENTRE AT A REDUCED RATE (copy previously circulated)

Councillor Spratt stated that the above organisation may be entitled to the subsidised community rate of hire.

Following discussion, it was

RESOLVED : That the Council agrees that the correspondence from Carryduff Historical Society requesting to hire a meeting room in the Lough Moss Centre be forwarded to the Acting Director of Leisure Services, in order for her to advise the organisation of the Council's subsidised community rate of hire.

2009/399 : CORRESPONDENCE FROM LONDONDERRY CITY COUNCIL RE: REFINANCING OF COUNCIL LOANS FIXED AT HIGH INTEREST RATES WITHOUT PENALTY (copy previously circulated)

The Director of Finance outlined that it may be beneficial to the Council to examine the potential of refinancing capital loans.

Following discussion, it was

RESOLVED : That the Council supports the notice of motion from Londonderry City Council regarding refinancing of Council loans, and authorises the Director of Finance to meet with his counterpart in Londonderry City Council to progress the matter.

2009/400 : CORRESPONDENCE FROM THE NORTHERN IRELAND ENVIRONMENT AGENCY RE: ANNUAL CHARGE FOR THE RECOVERY OF COSTS ASSOCIATED WITH ADMINISTERING THE DEPARTMENT'S MONITORING AND COMPLIANCE ASSESSMENT PROGRAMME FOR DISCHARGE CONSENTS (copy previously circulated)

Noted.

2009/401 : CORRESPONDENCE FROM SPORT NI RE: ACTIVE PLACES RESEARCH REPORT, BRIDGING THE GAP, 2009 - CONSULTATION MORNING BEING HELD ON 18 AUGUST 2009 IN THE HOUSE OF SPORT (copy previously circulated)

Councillor Robinson asked that the Acting Chief Executive liaise with senior management within Leisure to ensure that an Officer attends the above event.

Noted.

2009/402 : CORRESPONDENCE FROM THE MAYOR OF READING SEEKING SUPPORT FOR THE CHARITY “THE FORGOTTEN BRITISH GURKHA (copy previously circulated)

Councillor Spratt suggested that the Mayor’s Office contact the British Legion to ascertain what it was doing to support the above charity, and that the correspondence from the Mayor of Reading be considered further at the August Council meeting.

RESOLVED : That the Council agrees that the Mayor’s Office contact the British Legion to ascertain what it was doing to support the charity “The Forgotten British Gurkha”, and that the correspondence from the Mayor of Reading be considered further at the August Council meeting.

2009/403 : CORRESPONDENCE FROM THE NORTHERN IRELAND ASSEMBLY RE: CONSULTATION ON A PRIVATE MEMBER’S BILL TO END DUAL MANDATES (copy letter previously circulated)

Noted.

2009/404 : CORRESPONDENCE FROM ANIMAL AID RE: ANIMAL AID’S COMPASSIONATE CHARTER (copy letter previously circulated)

Following discussion, it was

RESOLVED : That the Council agrees to support Animal Aid’s Compassionate Charter, subject to there being no cost to Council.

2009/405 : CORRESPONDENCE FROM THE ASSOCIATION OF MUNICIPAL AUTHORITIES OF IRELAND RE: 96TH ANNUAL CONFERENCE BEING HELD IN KILLARNEY ON 10 TO 12 SEPTEMBER 2009 (copy letter previously circulated)

Noted.

2009/406 : REPORT FROM THE CHIEF LOCAL GOVERNMENT AUDITOR (copy previously circulated)

Following discussion, it was

RESOLVED : That the Council agrees that the report from the Chief Local Government Auditor be referred to the Finance & General Purposes Committee and the Audit Sub Committee.

2009/407 : CORRESPONDENCE FROM THE DEPARTMENT OF THE ENVIRONMENT RE: CONSULTATION ON THE DRINK DRIVING LIMIT IN NORTHERN IRELAND, PENALTIES AND POLICE POWERS TO DETECT DRINK DRIVERS (copy letter previously circulated)

Noted.

2009/408 : CORRESPONDENCE FROM THE EQUALITY COMMISSION FOR NORTHERN IRELAND RE: EQUALITY AWARENESS SURVEY 2008 (briefing paper previously circulated)

Noted.

2009/409 : CORRESPONDENCE FROM THE DEPARTMENT OF THE ENVIRONMENT RE: GRADUATED FIXED PENALTIES, FINANCIAL PENALTY DEPOSIT & IMMOBILISATION SCHEMES : A CONSULTATION (background details previously circulated)

Noted.

2009/410 : CORRESPONDENCE FROM THE DEPARTMENT OF THE ENVIRONMENT RE: CONSULTATION ON THE RETROFITTING OF MIRRORS ON HEAVY GOODS VEHICLES (copy letter previously circulated)

Alderman White proposed that the Council writes to the Department in support of the retrofitting of mirrors on heavy goods vehicles.

Members were of the view that, as this matter had implications for a number of Council vehicles, the correspondence should be referred to the Technical & Environmental Services Committee.

RESOLVED : That the Council agrees

- (a) to write to the Department of the Environment supporting the retrofitting of mirrors on heavy goods vehicles
- (b) that the correspondence be referred to the Technical & Environmental Services Committee

2009/411 : CORRESPONDENCE FROM THE DEPARTMENT OF THE ENVIRONMENT RE: DRAFT POLLUTION PREVENTION AND CONTROL (AMENDMENT) REGULATIONS (NI) 2009 (copy letter previously circulated)

Noted.

2009/412 : CORRESPONDENCE FROM THE NORTHERN IRELAND AMBULANCE SERVICE RE: PROPOSALS FOR EFFICIENCY SAVINGS AND COMPREHENSIVE SPENDING REVIEW INVESTMENT : FINAL EQIA AND CONSULTATION REPORT (copy letter previously circulated)

Noted.

2009/413 : CORRESPONDENCE AND COPY EMAIL FROM THE NORTHERN IRELAND ASSEMBLY RE: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) BILL PUBLIC CONSULTATION (COPIES PREVIOUSLY CIRCULATED)

Noted.

2009/414 : CORRESPONDENCE FROM THE DEPARTMENT OF EMPLOYMENT AND LEARNING RE: AMENDMENTS TO THE CONDUCT OF EMPLOYMENT AGENCIES AND EMPLOYMENT BUSINESS REGULATIONS (NI) 2005 – A PUBLIC CONSULTATION 2009 (copy letter previously circulated)

Noted.

2009/415 : CORRESPONDENCE FROM THE DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY, RE: GUIDANCE ACCOMPANYING CRIMINAL JUSTICE AND IMMIGRATION ACT 2008 PROVISIONS TO DEAL WITH NUISANCE AND DISTURBANCE BEHAVIOUR ON HSC PREMISES IN NORTHERN IRELAND (copy letter previously circulated)

At the request of Alderman White, it was

RESOLVED : That the Council agrees that the correspondence from the Department of Health, Social Services and Public Safety be referred to the District Policing Partnership.

2009/416 : CORRESPONDENCE FROM THE NORTHERN IRELAND ENVIRONMENT AGENCY (NIEA) RE: MANAGING STORMWATER – A STRATEGY FOR PROMOTING THE USE OF SUSTAINABLE DRAINAGE SYSTEMS (SUDS) WITHIN NORTHERN IRELAND (copy letter previously circulated)

Alderman White referred to the recent heavy rain that had caused flooding in a number of areas across the Borough. He expressed the view that the Council should write to the NIEA requesting that a survey be carried out of the problem areas.

Councillor Robinson advised that he had recently attended a meeting at which representatives from Northern Ireland Water (NIW) advised that they were carrying out a study in East Belfast which included areas within Castlereagh. He added that the study was being fast tracked and it was hoped that work would start on the ground within the next six months.

He proposed that a meeting be convened with representatives from NIW, together with those Council Officers who had been dealing with all the incidents of flooding across the Borough. He added that these Officers be asked to prepare a report highlighting all the relevant problems and identifying flooding hot spots. He suggested that the Party Whips forward the names of those Members who would be attending the meeting. He indicated that although the problem of flooding did not fall under the Council's remit, he felt that the Council should do all it could on behalf of its ratepayers to ensure that these problems were being addressed.

Councillor Hanvey concurred with Councillor Robinson's comments and outlined that he would particularly like to raise the issue of storm and sewage drains running concurrently in some areas which was exacerbating the flooding problems.

Councillor Long expressed the view that it was important for this meeting to be convened to highlight to the NIW what required immediate attention, rather than waiting for the full study to be completed.

Following further discussion it was

RESOLVED : That the Council agrees

- (a) to write to Northern Ireland Water seeking a meeting with its senior officers to discuss the flooding problems within various areas across the Borough.
- (b) that the Acting Chief Executive arrange for those Officers who had previously dealt with flooding problems to attend the meeting, and that a report be prepared highlighting the various issues and identifying flooding hot spots
- (c) that the Party Whips forward the name of those Elected Members who would be attending the meeting

2009/417 : CORRESPONDENCE FROM THE DEPARTMENT OF ENTERPRISE, TRADE AND INVESTMENT RE: CONSULTATION ON PROPOSED CHANGES TO NORTHERN IRELAND'S TOURISM LEGISLATION (copy letter previously circulated)

Noted.

2009/418 : DEPARTMENT FOR REGIONAL DEVELOPMENT – PROPOSALS FOR THE LEVEL CROSSING (LISSUE) ORDER (NI) 2009 CONSULTATION PAPER (background information previously circulated)

Noted.

2009/419 : CORRESPONDENCE FROM CONSERVATION VOLUNTEERS NI RE: STRATEGIC PLAN FOR 2009-2013, "INVESTING IN SUSTAINABLE FUTURES" (letter and questionnaire previously circulated)

Noted.

ANNUAL REPORTS

2009/420 : ANNUAL REPORT FROM THE NORTHERN IRELAND OMBUDSMAN FOR 2008/2009 (copy letter previously circulated)

Noted.

2009/421 : NORTHERN IRELAND FEDERATION OF HOUSING ASSOCIATIONS ANNUAL REPORT 2008-2009, TOGETHER WITH ISSUE 12 OF "PERSPECTIVE ON SOCIAL HOUSING" MAGAZINE

Noted.

Councillor Robinson left the meeting at 8.00 p.m.

ANY OTHER BUSINESS

2009/422 : CORRESPONDENCE FROM THE DEPARTMENT OF THE ENVIRONMENT RE: NEW ROAD SAFETY STRATEGY (copy letter previously circulated)

Noted.

2009/423 : CORRESPONDENCE FROM BELFAST CITY COUNCIL'S PARKS & LEISURE DEPARTMENT RE: SEARCH FOR LAND FOR NEW CEMETERY PROJECT (copy previously circulated)

Councillor Spratt outlined that Castlereagh Borough Council had previously opposed the siting of another cemetery within the Borough. He added that Belfast City Council had previously identified four possible sites, two of which had been deemed unsuitable for burial purposes. He added that out of the two remaining, namely Nutt's Corner and Lisleen, it would appear from Belfast City Council's correspondence that the site at Nutt's Corner may not be suitable. He added that those living in the vicinity of Lisleen had received notification that water testing was being carried out and that someone would call back with them within three weeks, but to date no-one had called.

He expressed the view that it had been extremely discourteous of Belfast City Council not to have consulted with Castlereagh Council, given that it was a well known fact that there was significant opposition to another cemetery being located within the Borough.

Councillor Duncan outlined that it stated in the back of the correspondence from Belfast City Council's that testing would continue on the Lisleen site for a further nine months.

Alderman Mrs Robinson expressed the view that she was appalled at Belfast City Council's lack of consultation with regard this matter. She proposed that the Council writes to the Chief Executive, Belfast City Council to demand to know what the current situation was, and to point out that this Council was appalled at the lack of consultation with Castlereagh Elected Members.

Councillor Long stated that the Council had previously discussed this matter when Councillor Spratt had brought forward a Notice of Motion to the Council meeting in January 2008. He added that he understood that the Chief Executive had been asked to liaise with his counterpart in Belfast City Council, and he would be keen to know whether contact had been made and if there had been a response. He added that it may be helpful for Officers to prepare a report on any contact that had been made, and for this to be tabled at the August Council meeting.

Alderman Mrs Robinson proposed that this matter should not be delayed any further, and that the Council should immediately write to the Chief Executive of Belfast City Council.

Councillor Spratt seconded the proposal.

Following further discussion, it was

RESOLVED : That the Council agrees to write to the Chief Executive, Belfast City Council enquiring what the current position was in relation to its search for land for a cemetery, and pointing out that this Council was appalled at the lack of consultation with Members. The letter to also request that they arrange for immediate liaison with Castlereagh Borough Council, given the fact that testing was currently being carried out on land within Castlereagh, despite the significant opposition to this option.

2009/424 : CORRESPONDENCE FROM SUSTRANS RE: COMBER GREENWAY VISIION (copy letter previously circulated)

Noted.

2009/425 : CORRESPONDENCE FROM TUGHANS SOLICITORS RE: NOTICE OF APPLICATION FOR TRANSFER OF LIQUOR LICENCE (copy previously circulated)

RESOLVED: That the Council approves the transfer of a liquor licence, as outlined in the correspondence from Tughans Solicitors.

2009/426 : NATIONAL JOINT COUNCIL

Councillor Spratt advised that that he had recently attended an emergency meeting of the National Joint Council in London. He added that the initial pay increase was 0.5%, with that offer being increased on some pay scales to 1.0%, and the unions were currently consulting in this regard. He added that the current offer was, as follows:

Scale 4 – 10 1.25% increase
Scale 10 – 49 1.0% increase

Noted.

Alderman Mrs Robinson left the meeting at 8.20 p.m.

IN COMMITTEE

2009/370 : MINUTES OF THE TRANSITION COMMITTEE MEETING HELD ON 16 JULY 2009 (copy previously circulated)

Alderman White outlined that he had requested amendments to the June Minutes and it was imperative for Members to see that amendments were being made.

The Director of Finance advised that he would ensure that the amendments had been made to the June Minutes, and that both the June and July Minutes would be tabled at the August Transition Committee meeting.

Following further discussion, it was

RESOLVED : That

- (a) the Director of Finance liaise with the Chief Executive from Lisburn City Council to ascertain whether the amendments requested to the Minutes of the Transition Committee meeting held on 18 June 2009 had been made
- (b) the Council approve the Minutes of the Transition Committee meeting held on 16 July 2009
- (c) the June and July Minutes be tabled at the Transition Committee meeting being held on 20 August 2009

2009/427 : REPORT FROM THE PLANNING OFFICER RE: LAND AT ALBERT DRIVE (copy previously circulated)

The Planning Officer outlined that the Council had leased the land from Milibern Trust in 1971 for use as allotments. She advised that the lease had one notable restrictive covenant which stated that no buildings or structure could be erected on the land without the consent of the landlord, other than a single storey building.

She referred Members to her report which outlined the details of a request in 2002 from the Milibern Trust for the Council to sell the land back to them to build two single storey units for residents with disabilities. She advised that Milibern Trust subsequently made a written offer in 2003 to purchase the land.

The Planning Officer indicated the land had been valued by the Valuation & Lands Agency for the development of one bungalow, but no further action had been taken by the Milibern Trust.

She reported that a further letter had been received from the Milibern Trust requesting that the land be returned to the Trust to facilitate the development of several single storey bungalows. She advised that the land values previously sought were out of date and she was of the view that no progress should be made until the land had been re-valued.

She again referred Members to her report outlining the detail of the various Planning Policy Statements which may have implications for obtaining planning permission to develop the site for housing.

The Planning Officer advised that all the allotments were currently rented out and there were 12 people currently on a waiting list. She added that the site had running water but no other services.

Bearing in mind the planning restrictions, she asked Members to consider how to proceed with the request from the Milibern Trust. She further sought permission for a revaluation of the land for selling as allotments, for development, and for the rental value of allotments.

Alderman White outlined that, given the planning restrictions and the fact that the site had only one narrow entrance, it was unlikely to obtain planning permission for

the development of housing. He proposed that the Council retain the site for allotments. He added that Officers should contact Belfast City Council to ascertain what annual rental it charged. He advised of other land within the Borough that was currently being used for allotments.

Councillor Chambers seconded the proposal.

RESOLVED : That the Planning Officer be authorised to

- (a) write to Milibern Trust advising of the Council's decision to retain the land at Albert Drive for allotments
- (b) ascertain the annual rental being charged for allotments by Belfast City Council

2009/428 : PLANNING APPLICATION Y/2001/0431/0 – SITE FOR NEW COMMUNITY CENTRE AND ASSOCIATED CAR PARKING AT LAND AT JUNCTION OF MANSE ROAD AND BALLYMACONAGHY ROAD (ADJACENT TO BUS TURNING CIRCLE)

The Planning Officer updated Members on the issue of vesting in respect of the above application.

Following discussion, it was

RESOLVED : That the Council agrees to withdraw Planning Application Y/2001/0431/0 – site for new community centre and associated car parking at land at junction of Manse Road and Ballymaconagh Road.

2009/429 : REPORT FROM THE PLANNING OFFICER RE: LAND SALE INVOLVING RESTRICTIVE COVENANTS (copy circulated at the meeting)

The Planning Officer outlined that over the last few years, various parcels of land in Council ownership had been sold on the open market. She added that Members had voiced concern that some of this land had been sold for a particular purpose and had subsequently been sold to a third party for significant profit. She indicated that as the Council had placed no restrictions or covenants into the contract of sale, the purchaser was at liberty to sell the land with no further agreement from or recompense to the Council. She added that Members were keen to ensure that this situation did not re-occur in the future.

She advised that the advice from the Northern Ireland Audit Office was that it was prudent to put restrictions on all sales of Council land. She added that, whilst it was recognised that the Council would be relinquishing the best price for the land, it would protect the interests of the ratepayers by keeping open the option to benefit from the future development potential of the land.

The Planning Officer indicated that she and other Officers had attempted to locate a Council policy in this respect, but they had not been able to trace a formalised document. She sought permission to prepare a draft policy and that a legal opinion

be obtained on the content of the policy.

Following discussion, it was

RESOLVED : That the Council authorises the Planning Officer

- (a) to prepare a draft policy to influence restrictions and covenants on Council land for sale in the future
- (b) to seek a legal opinion on the content of a policy to manage restrictions and covenants on Council land for sale
- (c) to report further on the matter to a future Council meeting

2009/430 : CORRESPONDENCE FROM THE PLANNING SERVICE RE: 649 SAINTFIELD ROAD, CARRYDUFF – CHANGE OF USE FROM HAIRDRESSING SALON TO FUNERAL DIRECTORS OFFICE AND ARRANGEMENT ROOM (copy circulated at the meeting)

The Planning Officer asked Members to note the content of the above correspondence and the fact that the Department would be refusing the planning application.

Noted.

**REPORT FROM THE DIRECTOR OF FINANCE
(copy previously circulated)**

2009/431 : SUMMARY OF ACCOUNTS FOR THE PERIOD 1 APRIL TO 30 JUNE 2009

The Director of Finance referred Members to the summary of accounts for the above period.

Councillor J Beattie asked the Director to explain what the risk factor of 42% meant in the content of the accounts.

The Director of Finance clarified that the Council's Senior Accountant, when preparing the management accounts, had incorporated a number of accruals into the accounts to ensure that the figures were as realistic as possible. He added that, in doing so, estimated that when taking the accruals as a percentage of the net spend to date, he had a risk factor of 42%.

He went on to explain that this risk factor would decrease as the year progressed.

Noted.

2009/432 : REQUEST FOR FINANCIAL ASSISTANCE FROM MICHAEL McSORLEY TOWARDS THE COSTS INVOLVED IN HIS PARTICIPATION IN A BIKE RIDE IN ARGENTINA AND CHILE IN SUPPORT OF MENCAP

Following discussion, it was

RESOLVED : That the Council agrees to make a financial contribution to Mr Michael McSorley out of the Casual Requests grants, in support of his charity bike ride on behalf of Mencap.

2009/433 : REPORT FROM THE DIRECTOR OF ADMINISTRATION & COMMUNITY SERVICES

Councillor Chambers outlined that she appreciated that Members had not been provided with a copy of the Director's report but this was due to the fact that the Community Services Manager was on sick leave and the Procurement Officer had just returned from holiday. She added that the report had now been completed, but she was proposing that consideration of the report be deferred to enable a Special Central Services Committee meeting to be convened, and that executive powers be granted to deal with the issues.

Following a query from Councillor Long, Councillor Chambers advised that the items contained within the Director's report related to the acoustics within the Moneyreagh Community Facility, Tender for Advice Services, Community Festival Update and two matters under the heading "Staff in Committee".

Councillor Long seconded the proposal.

The Human Resource Manager sought permission for a further extension to the current contract for advice services.

RESOLVED : That the Council agrees that

- (a) the report from the Director of Administration & Community Services be referred to a Special Central Services Committee meeting, and that executive powers be granted to deal with the issues
- (b) in the meantime, approval be granted for an extension to the current contract for advice services

2009/434 : REPORT FROM THE ACTING CHIEF EXECUTIVE (DIRECTOR OF TECHNICAL & ENVIRONMENTAL SERVICES)

RESOLVED : That the Council agrees that the report from the Acting Chief Executive be referred to "Staff in Committee".

The Assistant Members' Services Officer left the meeting.

STAFF IN COMMITTEE

There being no further business, the meeting ended at 9.35 p.m.

CHIEF EXECUTIVE

MAYOR