

NEWRY AND MOURNE DISTRICT COUNCIL

COMHAIRLE AN IÚIR AGUS MHÚRN

REF: F/1

Report of Finance Committee Meeting held on Thursday 13 August 2009 in the Boardroom, District Council Offices, Monaghan Row, Newry

In the Chair: Councillor A Williamson (3.30 - 3.40pm) and
(5.30 - 5.50pm)
Councillor C Burns (3.40 to 5.30pm)

In Attendance: Councillor C Burns
Councillor W Burns
Councillor M Carr
Councillor C Casey
Councillor I Hanna
Councillor J McArdle
Councillor M Murphy
Councillor S Rogers
Councillor G Stokes
Councillor A Williamson

Officials In Attendance: Mr R Dowey, Director of Finance
Mr G McGivern, Director of District Development
Mrs C McKenna, Assistant Director of Administration
(General Services)
Mr E McManus, Deputy Director of Technical and
Leisure Services
Mr D Shanks, Assistant Director of Building Control
Mr C Moffett, Equality Officer
Ms C White, Committee Administration

Apologies: Mr T McCall, Clerk of Council
Mr E Curtis, Director OF Administration
J McArdle (for Councillor J Feehan)

**F/149/2009:- REPORT OF FINANCE ANNUAL GENERAL COMMITTEE
MEETING - THURSDAY 18 JUNE 2009
(REF: F/1)**

Read: Report of Finance Committee Meeting held on Thursday 18 June 2009. *(Copy circulated)*

It was unanimously agreed to note the above report and the recommendations contained therein which were formerly adopted at the Monthly meeting of the Council held on Monday 6 July 2009.

**F/150/2009:- NMDC VERSES ALEXANDER SCHOLE T/A AUSTRALIAN
SUPER CIRCUS SYDNEY
(REF: R/S 198)**

Read: Proposed correspondence from Council to Newry Reporter clarifying the position regarding Mr Schole's Super Circus Sydney in response to an article written by Heather Simpson entitled "Council fails to halt Circus closing" which appeared on the front page of the Newry Reporter dated 13 August 2009. *(Copy circulated)*

On the proposal of Councillor Rogers seconded by Councillor Casey it was agreed to approve the contents of the circulated letter dated 13 August 2009 Re NMDC –v- Alexander Scholl t/a Australian Super Circus Sydney, to be signed by Mr R Dowey, Director of Finance and submitted to the Newry Reporter for printing.

Councillor Carr noted that the letter was quite long and asked if the Solicitor could make it briefer. After discussion it was agreed the existing letter was acceptable.

FINANCIAL MATTERS

**F/151/2009:- CAPITAL SPEND REPORT
- 3 MONTH PERIOD ENDED 30 JUNE 2009
(REF: F/1)**

Read: Capital Spend report for 3-month period ended 30 June 2009. *(Copy circulated)*

It was agreed to mark the above Report noted.

**F/152/2009:- REVENUE ACCOUNTS
- 3 MONTH PERIOD ENDED 30 JUNE 2009
(REF: F/1)**

Read: Net Revenue Expenditure report for 3-month period ended 30 June 2009. *(Copy circulated)*

It was agreed to mark the above Report noted.

**F/153/2009:- COUNCILLORS SPEND
- 3 MONTH PERIOD ENDED 30 JUNE 2009
(REF: M/24/3)**

Read: Summary of Councillor payments for 3 months to 30 June 2009. (*Copy circulated*)

It was agreed to mark the above Report noted.

Mr Dowey noted that this spend was within budget, but did not include Chairman's expenses or Official Receptions.

**F/154/2009:- OFFICIAL / COURTESY VISITS
- 3 MONTH PERIOD ENDED 30 JUNE 2009
(REF: M/42/2)**

Read: Report of official visits expenditure for 3 months to 30 June 2009. (*Copy circulated*)

It was agreed to mark the above Report noted.

**F/155/2009:- MEMBERS TRAINING AND CONFERENCE COSTS
(REF: F/1)**

Read: Members training and conference costs – 3-month period ended 30 June 2009. (*Copy circulated*)

It was agreed to mark the above Report noted.

**F/156/2009:- SALARIES AND WAGES ANALYSIS
– YEAR TO DATE 30 JUNE 2009
(REF: F/1)**

Read: Salaries and Wages Analysis by account code year to date as at 30 June 2009. (07/07/2009) (*Copy circulated*)

Read: Salaries and Wages Analysis by account code year to date as at 31 July 2009 – (13/08/2009). (*Copy circulated*)

It was agreed to mark the above Report noted.

Mr Dowey noted that the Salaries and Wages Analysis to 31 July 2009 was the most recent and up to date report. He brought Members attention to the figures for conditioned overtime, casual overtime, breakdown of overtime and special overtime and noted that this was within the overtime budget with a favourable variance of £8,000.

In reply to query from Councillor McArdle, Mr Dowey advised that overtime was down on a like for like basis with the actual for the previous year.

Councillor C Burns said that while it was beneficial to have favourable variance this was at a cost to Councillors who received complaints when public conveniences were closed over bank holidays.

In reply to a query from Councillor Rogers, Mr Dowey advised that the Council did not budget for recruitment costs but in certain situations personnel would be needed at short notice to cover essential services. (i.e Agency staff)

Councillor McArdle advised that at a recent meeting of the Museum Committee there was discussion on the recruitment of two additional members of staff to the museum. He said that he was of the understanding that there had been a moratorium on hiring new members of staff. He said he had been advised that this recruitment was taking place because the curator of the museum was on secondment for one year. He said this raised the concern that when the curator returned the Council would have to continue to furnish two extra salaries.

Mr McGivern advised that this issue had been raised with the Scrutiny Committee and the Council had agreed that for the remaining ten month period while the curator of the museum was on secondment, rather than bring in another curator, the Council would provide an 'acting up' salary to two existing members of staff to manage the museum. He said this would save monies on the recruitment of a curator for such a short period of time. He said it had been agreed that the curator post would remain until the secondment ended.

It was agreed Mr McGivern provide more detailed information on this issue at a future meeting.

**F/157/2009:- EMPLOYER / PUBLIC LIABILITY CLAIMS
- QUARTER ENDED 30 JUNE 2009
(REF: L/3)**

Read: Report from Mr R Dowey, Director of Finance, regarding employer and public liability claims received during the quarter ended 30 June 2009 and quarter ended 30 June 2008. (*Copy circulated*)

It was agreed to mark the above Report noted.

In reply to query from Councillor Hanna, Mr Dowey advised that the insurance company paid out the settled claim amounts. He said the Council was currently tied into a fixed premium for three years for both public and employers liability. He said however, when the payroll increased the premium increased pro rata. He noted that insurance premiums currently were at a lesser cost than in previous years.

Mr Dowey noted that the insurance company managed the claims and paid out small claims without recourse to the Council. He said however, if substantial amounts of monies were being claimed, the company may then contact the Council.

**F/158/2009:- CHIEF LOCAL GOVERNMENT AUDITOR'S REPORT
(REF: F/1)**

Read: Report dated 30 June 2009 from the Chief Local Government Auditor for year ended 31 March 2008. (*Document previously circulated to Councillors on 9 July 2009*)

It was agreed to furnish Councillor M Murphy with a copy of the above Report.

It was agreed that Mr Dowey furnish Councillor W Burns with a breakdown of the Miscellaneous Payments budget and a record of what programmes were grant aided.

**F/159/2009:- COUNCILLORS ALLOWANCES
(REF: F/1)**

Read: Letter dated 30 June 2009 from the Department of the Environment regarding Councillors allowances advising that Mr Sammy Wilson, Minister of Environment had agreed that an increase of 2.5% should be applied to Councillors allowances with effect from 1 April 2009. (*Copy circulated*)

It was agreed to mark the above correspondence noted.

It was further noted that this increase would be implemented immediately.

Councillor McArdle said that at a recent meeting of the Museum Committee, the Chairman of the committee had expressed disappointment at rate of mileage allowance after a recent trip to Cork on behalf of the committee. He said the Chairman also expressed concern that he had to use his own credit card to pay for his accommodation as he was of the understanding that this would have been covered by the Council's corporate credit card.

Councillor McArdle said the Chairman had been very disappointed and believed he had been badly treated in this instance.

Mr Dowey said that an advance could have been made to the Chairman before he undertook the trip and this should have been explained to him.

**F/160/2009:- FINANCE ARRANGEMENTS
- DISTRICT COUNCILS
(REF: F/1)**

Read: DOE news release "Poots invites views on finance arrangements for District Councils" issued on 24 July 2009 via email. (*Copy circulated*)

Read: Consultation document, Draft Local Government (Finance Bill). (*Consultation document previously emailed to Councillors*).

It was agreed to mark the above documents noted.

It was noted the consultation document and executive summary were available on the DOE website. It was further noted the Association of Local Government Finance Officers would make a response on behalf of Finance Officers and that individual political parties may wish to make a response.

**F/161/2009:- CONFEDERATION OF COMMUNITY GROUP
- YEAR END ACCOUNTS DATED 31 MARCH 2008
(REF: CC/21)**

Read: Letter dated 8 June 2009 from the Confederation of Community Groups re year end accounts 31 March 2008 noting that the CCG Management Committee was aware that no pension scheme operated for the first eleven years of the Confederation (from June 1977 – November 1998) and that consequently no contributions were made towards the pension fund for this period for six of the longest serving staff members. The letter noted that CCG asked their pension provider to estimate the value of the 'lost years' pension funds less amounts paid from November 2003 and following the tabling of the estimate, the Management Committee approved the payment of lost funds totalling £98,628 at their March 2007 meeting, shown in the accounts as a prior year adjustment. *(Copy circulated)*

It was agreed to mark the above correspondence noted.

Councillor Carr raised concerns about the legality of backdating pension by eleven years and pointed out that this was going back to before the scheme had started.

Mr Dowey said it was important that this had been drawn to the attention of the members. It was noted that Councillor Casey was a member of the Management Team of the Confederation of Community Groups and would raise this issue at the next Confederation of Community Groups Management Team meeting.

**F/162/2009:- PROVISION OF BLACKBERRIES TO COUNCILLORS
(REF: G/9/1)**

Read: Excel document – Use of blackberry system outlining the total monthly costs for a number of tariffs from the following mobile providers – JMC Mobile, Barclay/O2, NIBC, BT and Orange. *(Copy circulated)*

Read: Paper from Mr S McGivern, Assistant Director of Finance, outlining the provision of blackberries to Newry and Mourne District Council. *(Copy circulated)*

Mr S McGivern noted that this information had not been gathered as part of a formal tendering exercise but rather as a data gathering exercise. He said pending a decision, the Council would then have to go out to a comprehensive formal tender.

Mr Dowey noted that blackberries had been used by Councillors and Officers on a trial basis and this had now ceased.

Councillor Stokes said that he was aware that those involved in the trial had found it very useful and time saving. He said the blackberry system would be more beneficial to Councillors as they were on the move and may not be able to have access to their emails at all times.

Mr McGivern noted that any initial contract would be for a period of two years. He noted that the tariff suppliers were asked to quote for a bundled tariff covering twenty-five users for a monthly tariff of 5000 minutes.

Mr McGivern made the following points:

- The 5000 minutes would cover all Newry and Mourne connections including Officers.
- The first 5000 minutes of call charges will be free, the first phone to make a call over and above the 5000 minutes would be charged for that call, as would subsequent users until the end of the month.
- Under procurement legislation it would be unwise to initiate a tender process without a firm commitment to proceed.
- With the BT system roaming call charges would be reduced significantly within the 5000 minutes bundle, which would prove useful to users near the border area.

Councillor Carr suggested that a spreadsheet be drawn up to record the amount of minutes used by each user.

Mr Dowey said it was his understanding that the Council would receive a bill each month for the first 5000 minutes and any Councillor or member of staff who made calls when the minutes were used would be charged for this call. He noted that this charge would be taken from the respective Councillor's allowance. He said it was essential that there was acceptance by all users that after the initial 5000 minutes were used, that each user would then be responsible for any costs they incurred.

Councillor McArdle expressed concern that the 5000 free minutes could be monopolised by a few individuals and lesser users could be penalised if they used the phone after the free minutes had been used.

Mr McGivern noted that individual blackberries on single personal private contracts could not access Newry and Mourne emails.

On the proposal of Councillor Stokes seconded by Councillor Rogers it was agreed that Mr S McGivern, Assistant Director of Finance proceed to approach all suppliers as part of a tendering process for the provision of blackberries to Councillors and Council officials and report back to the next Finance Committee meeting. It was also agreed to request tariffs on the basis of 15, 20, 25 and 30 users. It was further agreed that Mr McGivern investigate which of the providers in the Republic of Ireland would be covered in the reduction of roaming call charges.

F/163/2009:- VOLUNTARY CONTRIBUTIONS
(REF: F/3/75)

Read: Paper on Voluntary Contributions. (*Copy circulated*)

Read: Letter dated 29 June 2009 from R McShane & Co Solicitors re: Voluntary Contribution Letters of Offer. (*Copy circulated*)

Read: Letter dated 30 July 2009 from R McShane & Co Solicitors re: Voluntary Contributions. (*Copy circulated*)

There was a detailed discussion on the Voluntary Contributions process and a number of points were made as follows:-

Councillor Carr pointed out that the Council had one year of life before the Review of Public Administration and queried whether any major changes should be made at this stage.

Mr Moffett said it was important that the Council had an open and transparent process and noted that the letters of offer sent out by the Finance Department to each organization identified the levels of funding in previous years and the maximum amount groups had received. He said it was important that the pot of money was known at the start of the process.

A number of Councillors suggested that applications be made under a number of categories such as sport or the arts, and that applicants tick a box as to which area the project fitted.

Mr McGivern said it was important that groups were made aware that the amount of funding available was significantly reduced. He noted that each organization was provided with a copy of the Council's press release, which reflected that given the current economic climate there was reduction in the budget available.

It was agreed the Finance Department carry out an analysis of the Voluntary Contribution process to include clarification on whether the Council can legally ask groups to identify which category they are applying for funding under. This report to be tabled at the next Finance Committee Meeting to be held on Thursday 17 September 2009.

LAND & PROPERTY

F/164/2008:- NAN SANDS PARK – SALE / LEASE
(REF: R/S80)

Read: Report of Few's Councillors Meeting with representatives from Saval GAC held on Thursday 6 August 2009 to discuss matters regarding sale / lease of land at Nan Sands Park to Saval GAC. (*Copy circulated*)

It was agreed to mark the above Report noted.

**F/165/2008:- ANNALONG MARINE PARK - LEASE OF PREMISES
(REF: R/S 86)**

Read: Letter dated 8 July 2009 from R McShane & Co Solicitors re: Lease of Premises at Annalong Marine Park to Lower Mourne Gaelic Club highlighting the fact that the Council as Landlords had a duty to ensure that the premises were fit for the purpose for which they were let. It advised that as the Council was aware of the relevant defect, it must ensure that the premises were fit for the purpose for which they let especially given the nature of the proposed usage of the premises herein that there would be children attending a Mother and Toddler group and an Irish Language Nursery School etc. *(Copy circulated)*

Read: Background notes. *(Copy circulated)*

Councillor Murphy said he was aware that the Gaelic League had been offered a substantial amount of funding and had asked if the Council would consider charging a peppercorn rent and the Gaelic League would put the premises in order.

On the proposal of Councillor Murphy, seconded by Councillor Casey it was agreed the Council investigate the option of leasing premises at Annalong Marine Park to the Lower Mourne Gaelic League at a peppercorn rent, recognising the current state of the building, and that the League would then undertake to carry out any necessary repairs to ensure the premises were brought up to the required standards for the intended use.

**F/166/2008:- J F KENNEDY PARK, WARRENPOINT - FORMER PLAY AREA
(REF: R/S77/62)**

Read: Letter from Land & Property Services (Valuation) re: Former Play Area, J F Kennedy Park, Ballyrussell, Warrenpoint advising that the Council's interest in the property was nominal due to the non observance of the covenants and conditions and the cost to the Council to acquire the freehold interest in the land would therefore be the full market value of the property. The letter pointed out that the difference in the losses incurred due to the occupied land was substantial should the Planning Service confirm the availability of approval for residential development. *(Copy circulated)*

Read: Email dated 3 July 2009 from Ms M Patterson re: Request to rent ground at J F Kennedy Park, Warrenpoint. *(Copy circulated)*

Mr McManus said it was important that the full extent of the encroachment be clarified, as it was currently ambiguous. He said the Council had also received another letter from a resident who was interested in acquiring the land. He noted that the land was in an overgrown state at present.

It was pointed out that Council have been previously advised that it was essential Council provided regular maintenance on Council lands and kept records of same.

Mr McManus indicated Council had not been cutting this land on a regular schedule. He was asked to rectify this omission.

It was agreed to seek clarity on the exact area of land that was being encroached upon at the former play area at J F Kennedy Park, Warrenpoint before any further action was taken.

**F/167/2008:- PLAYING FIELDS AT NEWTOWNHAMILTON (ST MICHAEL'S GFC) - SALE / LEASE
(REF: R/S44)**

Read: Letter dated 7 July 2009 from Land & Property Services (Valuation) re: Proposed sale / lease of Playing Fields at Newtownhamilton to St Michael's GFC. *(Copy circulated)*

Read: Extract of Finance Minute F/28/2007 – Playing Fields Newtownhamilton Ref: R/S44 –Finance Committee Meeting held in January 2007. *(Copy circulated)*

It was noted that a previous Letter of Offer was sent to the Club dated 4 June 2007 has now lapsed. A new valuation has been received dated 7 July 2009 and the figures contained in the valuations are the same as the valuations as per letter dated 4 June 2007.

On the proposal of Councillor Williamson seconded by Councillor M Murphy it was agreed that the Council, as per the decision previously taken at the Finance Committee Meeting held in January 2007 and formerly ratified at the Monthly Meeting in February 2007, confirm this decision at the values given in the Land & Property Services letter dated 7 July 2009 which were the same as those in the Letter of Offer dated 4 June 2007.

**F/168/2008:- LANDS AT CLANRYE AVENUE, NEWRY (LEASED BY COUNCIL)
(REF: R/S24)**

Read: Letter dated 11 June 2009 from Habinteg Housing Association re: Request to purchase land at Clanrye Avenue, Newry advising that the Association would be interested in purchasing land at Clanrye (highlighted on attached ACE map) with a view to providing social housing in this area. *(Copy circulated)*

On the proposal of Councillor Williamson seconded by Councillor Stokes it was agreed to retain this land until the Council was sure it would not be needed for any aspect of the new Leisure provision.

**F/169/2008:- GREENCASTLE STREET, KILKEEL - FORMER PUBLIC CONVENIENCES
(REF: PC/3)**

Read: Report of Mournes Councillors Meeting with representatives from the Zion Masonic Lodge to discuss the disposal of the former public

conveniences on Greencastle Street held on Wednesday 1 July 2009.
(*Copy circulated*)

Read: Letter dated 2 July 2009 from the Zion Masonic Lodge No. 144 Kilkeel re: Mournes Councillors Meeting of former public conveniences at Greencastle Street, Kilkeel advising that the Masonic Hall wished to buy the property from the Council to facilitate toilets at the Masonic Lodge with a guarantee from the Lodge that the property would not be resold but would be put to use for cross community fundraising activities. (*Copy circulated*)

Read: Letter dated 22 July 2009 from Land & Property Services (Valuation) re: Proposed disposal of former toilets at Greencastle Street, Kilkeel estimating that the rental value for a 25 year lease would be in the sum of £1,800 per annum plus rates and internal repairs and that the estimation of the current open market value would be in the sum of £15,000-£20,000 depending on the Council having had the restrictive covenant removed. (*Copy circulated*)

Mr Dowey noted that any decision to sell the property would have to be approved by the Department of the Environment. It was further noted that the property had a restrictive covenant and the Council has no option but to pay the sum of £7,000 for the waiver of the covenant.

On the proposal of Councillor W Burns seconded by Councillor Hanna it was agreed that the Council instruct Land & Property Services (Valuation) to negotiate with the Zion Masonic Lodge No. 144 Kilkeel, without prejudice, to agree a sale price of the public conveniences located at Greencastle Street, Kilkeel. A copy of this letter to be sent to the Zion Masonic Lodge, No. 144 Kilkeel.

**F/170/2008:- LAND AT MARY STREET, NEWRY
(REF: G/1/7/1)**

Read: Letter received 1 July 2009 from O'Reilly Property Services re: Land at Mary Street advising that the land to be valued comprised of a rectangular area of land which runs from Mary Street to the Clanrye River and that the rear section is tarmaced and was used as a pedestrian and vehicular right of way to adjoining residential and commercial properties on Mary Street. (*Copy circulated*)

Read: Letter dated 9 June 2009 from the Council to Mr O'Reilly asking that they investigate the possible disposal of the land taking into account any Right of Way issues which would be involved with regard to access for other nearby businesses. (*Copy circulated*)

It was agreed that Mr E McManus, Assistant Director of Technical and Leisure Services, meet with a representative from O Reilly Property Services on site to clarify what area of land Mr Patterson wishes to purchase at Mary Street, Newry. The Council to supply O'Reilly Property Services with a map

requesting that they clearly indicate on said map the area of land to which they referred in their letter received 1 July 2009. A recommendation to be taken back to the next Finance Committee Meeting.

**F/171/2008:- FORMER KILKEEL TOWN HALL
(REF: CP/11)**

Read: Report of Officer's Meeting with representatives of Newry & Mourne Enterprise Agency held on Wednesday 1 July 2009. *(Copy circulated)*

Mr McGivern advised that a local group in Kilkeel had expressed a possible interest in acquiring the building for commercial use. He said he had given the group a tour of the building and had pointed out that considerable costs would be incurred to refurbish the building in line with Building Control and other related legislation. He said the group had not come back to him. He cautioned that if the Council were to lease the Town Hall to another party it would incur the costs to update the building, which were substantial.

On the proposal of Councillor McArdle seconded by Councillor M Murphy it was agreed that the Council initiate the process to have Kilkeel Town Hall de-listed from its grade B2 listing with a view to selling the property.

**F/172/2008:- PROPERTY MOUNT ST PATRICK, UPPER CHAPEL STREET,
NEWRY
(REF: R/S187)**

Read: Letter dated 23 July 2009 from McShane & Co Solicitors re: Trustees of the Gaelic Pitch – Property at Mount St Patrick, Upper Chapel Street, Newry. *(Copy circulated)*

On the proposal of Councillor G Stokes seconded by Councillor C Casey it was agreed that if the Council owns the land it accepted legal advice as follows "It would not seem unreasonable that the Trustees of the Gaelic League would be given access to the car park to facilitate them in the development of Mount St Patrick, Upper Chapel Street, Newry".

**F/173/2008:- LAND AT CARNBANE, NEWRY
(REF: R/S233)**

Read: Report by D Russell regarding Lands at Tandragee Road, Newry. *(Copy circulated)*

It was agreed to mark the above Report noted and that this Report be forwarded to the Sports Development Committee for consideration.

**F/174/2008:- LISMORE PARK, CROSSMAGLEN
(REF: R/S 201)**

Read: Report of Slieve Gullion DEA Councillors Meeting plus other interested Councillors with representatives from Carnbane League held on Thursday 16 July 2009. *(Copy circulated)*

On the proposal of Councillor J McArdle seconded by Councillor C Casey it was agreed to mark the above Report noted.

It was further noted that a Fews Councillors, and any interested Councillors, Meeting had been arranged to discuss this matter further had been scheduled to be held on Thursday 20 August 2009.

**F/175/2008:- LAND AT HIGH STREET, BESSBROOK
(REF: R/S 177)**

Read: Report of Fews Councillors Meeting held on Friday 22 May 2009 re: Land at High Street, Bessbrook. *(Copy circulated)*

Read: Letter dated 12 June 2009 from McShane & Co Solicitors re: Sale of lands at High Street, Bessbrook to Carragher advising if the Council accepted the recommendation from the Fews Area Councillors Meeting of the 22 May 2009 not to accept Mr Carragher's offer then this created no legal difficulties for the Council as the Council had not entered into contractual arrangements with Mr Carragher. *(Copy circulated)*

On the proposal of Councillors McArdle seconded by Councillor Casey it was agreed the Council would now close the file on this matter and inform Mr Carragher that the Council not be accepting his offer and will not be considering the matter any further.

**F/176/2008:- THOMAS DAVIS, CORRENSHIGO GFC – LAND AT ALTNAVEIGH
(REF: R/S 275)**

Read: Letter dated 3 July 2009 from Armagh County Board re Land at Altnaveigh advising that the GAA and the Armagh County Board fully endorse the proposal for a land transfer to provide a playing field for Thomas Davis GFC. *(Copy circulated)*

Read: Report of Newry City and Fews Area Councillors Meeting regarding the proposed sale of Council lands at Altnaveigh to Thomas Davis GFC held on Monday 10 August 2009 with maps for Option 5 & 6 attached. *(Copy circulated)*

The Report recommended the following:-

1. The Council agree to sell the land at Altnaveigh to Thomas Davis GFC for the purposes of recreation and sports development as detailed in the option provided in maps 5 & 6 subject to DOE approval and a final determination of the sale price at existing use/recreational value.

The offer be time bound as referred to in the original Council Minute at the Monthly Meeting held on 6 July 2009.

2. Officers report to the next appropriate meeting on the error with regard to the purchase of land at Altnaveigh in 1996.
3. In order to expedite the above recommendation that this matter be considered as an extra item at the Finance Meeting to be held on Thursday 13 August 2009 and thereafter at the Monthly Meeting to be held on Monday 7 September 2009.

Read: Letter dated 12 August 2009 from O Reilly Property Services re Land at Doran's Hill, Newry – Options 5 & 6 advising that having received revised maps (Options 5 & 6) for the proposed football pitch that a rental figure of £5,700 per annum be charged for the 6.5 acre site, on a 21 year lease with a rent review every three years. Outright sale figure suggested was in the sum of £325,000 with a restrictive covenant limiting the land for recreational use only. The letter strongly recommended that the Council retain adequate sight lines over the frontage of the entire site in case of future development on the remaining land.

Mr Dowey noted Minute F/136/2009 (Finance Committee Meeting – Thursday 18 June 2009), which was ratified at the Monthly Meeting of the Council on Monday 6 July 2009.

He noted that the Report of the Newry City and Fews Area Councillors Meeting held on Monday 10 August 2009 referred to option 4.

Mr McManus stressed the importance of the Council retaining full control of the sight lines on the frontage of this site, as they may be needed for Council development in the future.

Councillor W Burns expressed concern at the valuation of the land in the sum of £325,000 and said he believed it was worth much more. He proposed that no decision be made until after the Area Plan was published.

There was no seconder for this proposal.

On the proposal of Councillor Casey seconded by Councillor M Murphy it was agreed to sell the land as outlined in Minutes of 10 August 2009 recommendations (i.e. Options 5 & 6); subject to agreement of sightlines over the frontage.

**F/177/2008:- CROREAGH - FORMER LANDFILL SITE
(REF: SC/37)**

Read: Memo dated 1 July 2009 from Mr E McManus re Former Landfill site at Croreagh, Glenvale Road, Newry advising of recommendations arising from a meeting between Mr McManus, Mr F Somerville, Director of Building Control and Mr D Hudson held on Monday 29 June 2009.
(Copy circulated)

On the proposal of Councillor Casey seconded by Councillor Stokes it was agreed to approve the recommendations contained in the above Memo, with ROW Officers to action same.

**F/178/2008:- MULLAGH CLOSE, BALLYMARTIN - PLAY AREA
(REF: R/S 77/58)**

Read: Letter dated 24 July 2009 from NIHE re Play Area at Mullagh Close, Ballymartin advising that NIHE preferred option would be the proposal that the lands are leased directly to the Council and then sub leased to Ballymartin Community Development Association with a new lease drafted to reflect the intended use and sub letting arrangement would be required and a premium assessed by Land and Property Services, subject to NIHE central approval. (Copy circulated)

It was agreed that the sub-lease to Ballymartin Community Development Association will be a sub-lease from the Council and not a direct lease between the Community Association and NIHE.

**F/179/2008:- LAND AT CARNAGET ROAD, NEWRY
(REF: R/S300)**

Circulated: Colour Map dated 24 January 2008 of Daisy Hill site outlining position of land leased to Woodland Trust, position of land in receipt of Open Space Grant, area of land for valuation (2.158 hectares) and area with Tree Preservation Order. (5 No copies)

Councillor Casey asked that the process to advertise for sale the land at Carnaget Road on the open market be delayed until after September 2009. He said he was aware that Bunscoil an luir was still looking for a site for the school, as the site they had considered with the Baptist Church was not suitable.

Councillor Carr expressed concern that selling parcel of land in a piecemeal fashion would devalue the entire asset.

Mr Dowey noted that the 2.158 hectares as indicated on the map was the only area suitable for sale.

At the request of Councillor Casey it was agreed to defer any decision on the sale of land at Carnaget Road on the open market until after September 2009.

**F/180/2008:- CAFÉ FRANCHISE – BAGENAL’S CASTLE
(REF: SB/16/26)**

Mr Dowey advised that the franchise holders for the Café Facility at Bagenal’s Castle wished to cease operating the café facility at Bagenal’s Castle on Sundays due to poor trading circumstances.

On the proposal of Councillor Hanna seconded by Councillor Stokes it was agreed to accept the recommendation that the franchise holders Copper Café at Bagenal’s Castle cease operation of the café facility on Sundays.

**F/181/2008:- LEASE MCGRATH CENTRE (SEAMUS MCATEER – THE
BOULEVARD RESTAURANT)
(REF: G/3/1/5/2/1)**

Mr Dowey advised that the current lease to Mr S McAteer, the Boulevard Restaurant, in the McGrath Centre was due to expire on 13 October 2009. He said this was a 9-year lease with the option of further 3-year renewal period.

It was agreed to instruct the Valuers to negotiate renewal of the Lease with a review in 3 years time. Valuers to be mindful of the current economic climate.

**F/182/2008:- SALE OF LAND AT ALBERT BASIN
(REF: R/S 89/2/14/A)**

Read: Letter dated 6 August 2009 from Craigavon Borough Council re Disposal of Land: Newry Canal advising that Craigavon Borough Council had received a letter from the Inland Waterways Association of Ireland asking the Council to urge Newry and Mourne District Council to reconsider its decision to sell the basin in Newry for development and requesting relevant information.

Read: Letter dated 31 July 2009 from Inland Waterways Association of Ireland requesting that Newry and Mourne District Council reconsider their decision to sell the basin in Newry for development.

Read: Letter received 30 July 2009 from local residents expressing concern about the Council’s decision to sell the Albert Basin.

It was agreed to mark the above correspondence noted.

Mr McGivern reminded Members of the Council’s decision to sell the Albert Basin and said he wished to bring the above correspondence relating to this decision to their attention.

Councillor Carr said there seemed to be some confusion as to what area the Albert Basin covered and there was a public perception that the Council was selling the basin and waterway.

Mr McGivern advised that in the Council's response to the letters it would be made clear that the land in the Middlebank was being sold and not the Canal.

**F/183/2008:- DELIVERY OF THE WORK 4 YOU NEIGHBOURHOOD RENEWAL PROJECT
(REF: F/1)**

Mr Dowey advised that at the Scrutiny Committee held on Monday 9 March 2009 it was agreed the Council sign the Letter Of Offer from DSD for the Work 4 You Programme and be responsible for making claims to DSD and to reimburse Newry and Mourne Enterprise Agency only when payment has been received from the Department.

On the proposal of Councillor Stokes seconded by Councillor Casey it was agreed that Newry and Mourne District Council make payment on a raised invoices from Newry and Mourne Enterprise Agency for the delivery of the 'Work4You' project and the Council immediately claim this amount from DSD on a quarterly basis.

There being no further business the meeting ended at 5.50 pm.

FOR CONSIDERATION AT THE MONTHLY MEETING OF THE COUNCIL TO BE HELD ON MONDAY 7 SEPTEMBER 2009.

SIGNED **Mr R Dowey**
 Director of Finance