

NEWRY AND MOURNE DISTRICT COUNCIL

COMHAIRLE AN IÚIR AGUS MHÚRN

Minutes of the Technical/Environmental Services Committee Meeting held on Monday 27 October 2003 in the Boardroom, District Council Offices, Monaghan Row, Newry at 7.00pm.

In the Chair: Councillor B Lewis (7pm – 8pm)
Councillor M Carr (8pm – 8.10pm)
Councillor B Lewis (8.10pm – 10.45pm)

Other Members: 25

In Attendance: Councillor PJ Bradley
Councillor C Burns
Councillor W Burns
Councillor P McKibben
Councillor M Carr
Councillor M Cole
Councillor C Casey
Councillor B Curran
Councillor J Fee
Councillor F Feely
Councillor I Hanna
Councillor T Hearty
Councillor D Hyland
Councillor D Kennedy
Councillor B Lewis
Councillor E Martin
Councillor A Moffett
Councillor M Murphy
Councillor J McArdle
Councillor J McCreesh
Councillor P McDonald
Councillor P McElroy
Councillor P McGinn
Councillor J O'Hare
Councillor H Reilly
Councillor M Ruane
Councillor A Williamson

Officials in Attendance: Mr T McCall, Clerk of Council
Mr E McManus, Deputy Director of Technical/Leisure Services
Mr H O'Neill, Director of Environmental Health
Mr A Toombs, Assistant Director of Building Control
Mr L Dinsmore, Management Services Officer
Mr K Scullion, Environmental Health Officer
Mr S McGivern, Assistant Director of Finance (IT/Purchasing)
Miss L Vallely, Committee Administrator

Apologies: Councillor J Patterson
Councillor M Cunningham
Councillor J Feehan

T.E.S/352/2003 :- MINUTES

On the proposal of Councillor Hyland seconded by Councillor McElroy Minutes of the Technical/Environmental Services Committee Meeting held on Monday 22 September 2003 were adopted as a true and accurate record, same having been circulated.

T.E.S/353/2003 :- MATTERS ARISING

T.E.S/321/2003 – Costings – Provision of Second PC Facility – Newry Town

Councillor Casey referred to the above minute regarding costings for the provision of a second Public Convenience facility for Newry Town. He asked for clarification as to whether or not the public were permitted to use Public Convenience facilities in Council owned buildings such as the Arts Centre, Town Hall, Sports Centre and District Council Offices.

Mr McManus confirmed the public were permitted access to Public Convenience facilities in the above mentioned Council buildings. He also added that the only Public Convenience facility in Newry was located at Newry Market.

Councillor Casey questioned why the Council should consider spending a further £40,000 or £50,000 of Ratepayers money to provide another Public Convenience facility for the city.

In response to a query from Councillor McElroy regarding opening times of Council buildings Mr McCall confirmed that the District Council Offices did not open on a Saturday and Sunday but that other buildings such as the Town Hall and the Arts Centre were occasionally opened on Sundays, but not every Sunday. He explained the Council had decided to provide public access to PC facilities in these buildings due to an increase in vandalism at public conveniences throughout Newry City. He said the Council had decided to avoid an over provision of public conveniences in the town and he explained that although not all public conveniences in the town were opened 7 days per week, that taking into account the number of PC facilities available in various Council buildings, there were adequate public convenience facilities provided for the members of the public in Newry City. He said it was entirely a decision for the Council to agree on how it wished to spend ratepayers money.

Councillor Lewis informed that the issue regarding costings for the provision of a second public convenience facility for Newry City would be brought to a future meeting of the Technical/Leisure Services Sub Committee in due course and thereafter to Rate Estimates for discussion.

**T.E.S/316/2003:- Arrangements re Meeting with Rt. Hon John Spellar MP
- Re Foul Odour Problem – Newry Sewerage Treatment Plan**

Councillor Hyland referred to the above Minute regarding arrangements for the Rt. Hon. John Spellar MP, to visit Newry Sewerage Treatment Plant on Saturday 11 October 2003 which was subsequently postponed. He asked if any indication had been received from the Minister's Office that this visit would be reconvened.

Mr McCall confirmed no further notification had been received from the Minister's Office regarding reconvening the above visit and he felt that in light of the current situation involving forthcoming elections that this visit may not be taking place in the immediate future.

It was therefore agreed should the Rt Hon. John Spellar MP reconvene his visit to the Newry Sewerage Treatment Plant that the following two items be included on the Agenda for the said meeting:-

- Water Main at Ballard Road, Lislea, as requested by Councillor E Martin.
- Foul Odour Coming from Kilkeel Sewerage Treatment Works, as requested by Councillor H Reilly

Request for Clean Up – Newry River

Councillor Hyland expressed thanks to relevant Council Officials for organising a clean up of Newry River which he had previously requested.

NILGA Visit to Sellafield Plant

Councillor McGinn asked for an update regarding formulating a response from the Council in relation to a recent visit to the Sellifield Plant by a deputation from NILGA.

Mr O'Neill confirmed he had now received a copy of the transcript of the radio interview which was broadcast regarding the NILGA deputation visit to Sellifield. He said the transcript would be circulated to all Councillors in due course in order to consider an appropriate response from the Council to NILGA on this matter.

T.E.S/325/2003 – Removal of Chewing Gum – Footpaths

Councillor Reilly asked for an update regarding the proposed demonstration of a machine to remove chewing gum on footpaths throughout various locations in the district.

Mr Dinsmore confirmed that the above demonstration would commence on Tuesday 28 October 2003 and arrangements would be made for the machine to be used for one day in Kilkeel, one day in Warrenpoint and one day in Newry.

T.E.S/328/2003 re Mourne Rock and Blues Festival

Councillor Reilly asked if a statement had now been agreed for issuing in the local press regarding the Mourne Rock and Blues Festival.

Mr McCall confirmed Mr E Curtis, Director of Administration was currently preparing a statement on behalf of the Council which would be issued in the press in due course regarding the above matter.

TENDERS

**T.E.S/354/2003 :- TENDER REPORT FROM MR D RUSSELL
RECREATION/SPORTS DEVELOPMENT OFFICER
RE ENVIRONMENTAL IMPROVEMENT SCHEME
- KITTY'S ROAD, KILKEEL
(REF: M/81/15/4)**

Mr McManus informed the meeting that the tender report in respect of the Environmental Improvement Scheme for Kitty's Road, Kilkeel was not yet available but that on finalisation of this report, same would be submitted to the next available full Council meeting for consideration.

BUILDING CONTROL MATTERS

**T.E.S/355/2003 :- REPORT OF BUILDING CONTROL SUB COMMITTEE
MEETING
- TUESDAY 14 OCTOBER 2003
(REF: SB/14)**

Read: Report of Building Control Sub Committee Meeting held on Tuesday 14 October 2003. (copy circulated).

On the proposal of Councillor McElroy seconded by Councillor Feely it was agreed to approve the above report and the recommendations contained therein.

The following issues were then raised and referred to the Building Control Department for attention:-

1. Nuisance at Canal Street, Newry – Late Night Trading

Councillor McElroy referred to the video presentation which had been given at the above meeting of the Building Control Committee regarding claims of noise and disturbance nuisance in the Canal Street area caused by late night trading and he asked if the video presentation had been carried out by the Council.

Mr Toombs recommended that before the Council proceeded with discussion on this issue that it would be prudent for the Council to go "Into Committee".

On the proposal of Councillor Reilly seconded by Councillor Carr it was agreed the Council go "Into Committee" in accordance with Section 23 (2A) of the Local Government (NI) Order 1972 by reason of the confidential nature of the business to be transacted.

It was agreed a vote be taken on the above proposal to go "Into Committee" for discussion on noise/disturbance nuisance at Canal Street, Newry caused by late night trading, and voting was as follows:-

For: 3

Against: 6

The proposal was therefore declared lost.

Councillor Reilly expressed his objection that the above matter be discussed "Out of Committee". He said other similar cases which were being dealt with through the Courts which he had concerns about had been discussed "In Committee" and he felt that in this case it seemed as if double standards were being applied.

It was noted that Council Officials advised that the Council should have gone "Into Committee" for discussion on the item relating to noise/disturbance at Canal Street Newry.

Mr Toombs explained that complaints had been received from residents in the Canal Street area regarding noise nuisance which was claimed to be caused as a result of late night trading at Fast Food outlets in the Canal Street area. He said following these complaints he arranged to conduct a study in conjunction with Mr Kevin Scullion, Environmental Health Officer, to ascertain the level of noise disturbance in the Canal Street area. He said the findings of this study supported the claims from residents that the noise in the Canal Street vicinity seriously influenced their pattern of life.

Mr Toombs said arising out of the Building Control Committee Meeting held on Tuesday 14 October 2003 it was recommended the Council consider placing a Closing Order from 1.00am to 5.00am on the two fast food premises on Canal Street, i.e Mr Eatwells and Mr James.

Mr Toombs confirmed the video which was taken as part of the study at Canal Street, had been presented at the above meeting of the Building Control Committee and is available for viewing by any Councillor who would wish to view it.

In response to a query from Councillor Kennedy regarding the length of time a Closing Order can be imposed on premises, Mr Toombs said under current Legislation the Closing Order can last up to 3 years. He said initially the Council issue a Notice of Intention which gives the owner of the premises 28 days to request a meeting or make written representation to the Council on the proposed Closing Order. He also explained that if the Council decision was to issue the Closing Order then the owner of the premises has 21 days within which to appeal to the Courts.

Mr Toombs pointed out that the Council may rescind the decision to impose a Closing Order on premises at any time.

Councillor Kennedy asked if the Council proceeded with the Closing Order in this case would the situation at Canal Street continue to be monitored, and if in the event a further complaint regarding noise nuisance was received, would a further video type study be carried out and would the Council have the opportunity to view same.

Mr Toombs explained that regarding the claims which have already been received that readings of noise level and disturbance had been taken on 2 separate nights but that if further complaints are received then the entire situation shall need to be revisited.

Councillor Kennedy asked if Officials were satisfied that the disturbances which have been the subject of claims from residents at Canal Street, is emanating from the two fast food premises previously mentioned.

In response to Councillor Kennedy, Mr Toombs confirmed Officials were in agreement that the noise disturbance was emanating from the two fast food premises previously mentioned.

Mr McCall explained that under the Legislation which exists regarding this type of nuisance, the Council cannot ignore complaints received from residents and are duty bound to address such complaints. He added the Council are also duty bound to notify the owner of the premises for which a Closing Order is to be imposed on in order that they be granted the right to appeal such an Order.

Mr Toombs then referred to the final paragraph contained in the report by Mr K Scullion, Environmental Health Officer regarding the study of noise nuisance at Canal Street, Newry which read as follows:-

“During my observations the behaviour of people visiting the fast food outlets was disruptive as the noise they created would have made it difficult for local residents to sleep. It was my view that the people were attracted to the street due to the availability of food from the fast food outlets. It is also my view that had these premises been closed from 1am, as they did during the mid week, people would not congregate in this street causing sleep interference to local residents.”

Mr McCall said the Meeting was not an appropriate forum for the discussion of this entire issue and he suggested the Council should convene a Special Meeting of the Building Control Committee including all Councillors, if the Council feel this matter requires further discussion.

Councillor Curran said whilst he respected the investigation conducted by Council Officials regarding this matter and sympathized with the residents in Canal Street he did however feel that Planning Service should not have permitted the opening of fast food outlets in a residential area. He also pointed out it was very difficult for people to obtain transport out of Newry City late at night because of the lack of taxi services therefore resulting in people loitering around fast food outlets, etc, late at night and which therefore presented an anti social element. He said there were wider issues which needed to be addressed in this case.

Councillor Hyland said he sympathized with the residents at Canal Street who were inflicted with the problem of noise nuisance but he also expressed concern at the ramifications which may arise if the Council proceeded with a Closing Order on the fast food outlets concerned as he felt the Council were being selective on this issue.

Mr McCall explained it would not be possible for the Council to implement a blanket of Closing Orders on fast food outlets, etc but added if the Council were to ignore complaints made by residents regarding noise nuisance issues then legal action could be taken against the Council. He said Council Officials were required to investigate such claims which the Council in turn must carry out an examination of the evidence presented.

Councillor Carr said it would be pointless to go through the entire process for the investigation of nuisance complaints and not support Council Officials and the residents who are suffering.

Councillor McArdle said he had viewed the video presentation regarding the study of nuisance claims at Canal Street and he felt if the Council were prepared to send out it's Officials to investigate such claims then it is the duty of the Council to act to protect innocent people who are entitled to their sleep and he therefore fully supported the proposed action on this matter.

Councillor Williamson said if any such cases arise in the future, all Councillors should be presented with the evidence gathered by Council Officials. He said in this case the entire matter should be deferred to a meeting involving full Council to view and examine the evidence and to then take a decision thereafter.

On the proposal of Councillor McArdle seconded by Councillor Fee it was agreed to defer the recommendation contained in the report of the Building Control Meeting held on Tuesday 14 October 2003, in respect of nuisance claims at Canal Street, Newry caused by late night trading, to the next meeting of the Building Control Committee, to which all Councillors are to be invited to attend, in order to give all Councillors the opportunity to view the findings of the video study carried out regarding this issue and to make a decision on this matter.

It was also agreed that in future similar cases involving the examination of evidence gathered by Council Officials in respect of claims of noise/disturbance nuisances, that all Councillors be given the opportunity to view such evidence before a final decision is presented to the Council for consideration.

Dangerous Structures Notices – Retaining Wall at Crieve Court

Councillor Fee referred to the issue regarding the retaining wall at Crieve Court and asked that the report of the meeting regarding this issue which was held on Wednesday 22 October 2003 be available for circulation at the next Special Meeting regarding this issue which is to be held on Wednesday 5 November 2003.

He questioned whether the Dangerous Structures Notice was appropriate in the case relating to the retaining wall at Crieve Court, and what impact the issuing of this notice would have.

Mr McCall said he understood Building Control Officials would submit a report on the retaining wall issue at Crieve Court to the next meeting which is to be held on Wednesday 5 November 2003 regarding this issue.

Ongoing Unauthorised Works

Councillor W Burns referred to the number of cases relating to ongoing unauthorised work at a number of premises in the farming community as contained in the Report of the Building Control Committee Meeting as above, in particular in the Mourne area. He said it appeared many people were unaware of the regulations relating to such matters and he said he would be interested to obtain information as to how Councils in other areas are addressing this matter. He added that the buildings which are the subject of ongoing unauthorised works are not dangerous structures but he accepted there may be problems regarding their location.

He asked that the Building Control Department investigate how other Councils are enforcing regulations relating to ongoing unauthorised works with particular reference to farm buildings, to establish if Newry and Mourne District Council's approach to this matter is consistent with what is applied by other Councils.

Mr Toombs explained the requirements of Building Regulations had been advertised twice in the farming press and that the Department were currently considering having these Regulations forwarded to The Farmers Union in order to highlight this issue. He said if illegal works are taking place the Council must address such matters otherwise the Council could be held liable if action was not taken in respect of such matters.

He pointed out that legislation relating to ongoing unauthorised works was introduced in 1973 as part of the Building Regulations but that since the introduction of this legislation, it had changed slightly and he gave a brief explanation of the requirements to erect buildings under Building Regulations.

**T.E.S/356/2003 :- NON COMPLIANCE WITH REQUIREMENTS
A10 AND A11
BUILDING REGULATIONS NORTHERN IRELAND 2000
(REF: SB/14)**

Councillor Feely referred to premises owned by Mr Gerard McCann, 2 Lower Water Street, Newry which were currently under prosecution by the Council for non compliance with requirements under the Building Regulations and he asked that the Council consider withdrawing its prosecution in this instance as he believed the owner did infact comply with relevant regulations.

Mr Toombs explained that a recommendation to refer all relevant documentation in respect of file reference UW/2002/0039 to the Council's Solicitor for whatever action is considered necessary, had been agreed at the Technical/Environmental Services Committee Meeting held in May 2003. He said the prosecution was in relation to illegal works being carried out at premises at 2 Lower Water Street, Newry.

Mr McCall suggested that before the Council proceed with any further discussion on this issue that it should go "Into Committee" as legal action was ongoing in relation to this matter.

It was therefore unanimously agreed the Council go "Into Committee" in accordance with Section 23 (2A) of the Local Government (NI) Order 1972 by reason of the confidential business to be transacted.

When members came "Out of Committee" Councillor Feely proposed that the Council withdraw its prosecution in relation to premises at No. 2 Water Street, Newry.

Councillor Feely received no seconder in respect of the above proposal which was therefore declared lost.

ENVIRONMENTAL HEALTH MATTERS

T.E.S/357/2003 :- ENVIRONMENTAL HEALTH MONTHLY REPORT (REF: PH/2)

Read: Environmental Health Monthly Report from Mr H O'Neill,
Director of Environmental Health for the month of October 2003.
(copy circulated).

On the proposal of Councillor McElroy seconded by Councillor Hyland it was agreed to approve the above report and the recommendations contained therein.

The following matters were then raised and referred to the Environmental Health Department for attention:-

1. Newry Sewerage Treatment Works – Foul Odours

Mr O'Neill gave an update regarding the foul odour problem at Newry Sewerage Treatment Works. He said the Filtration Plant was now working since 23 October 2003 and that 2 weeks from the said date, the plant would be fully operational.

2. Visit to Arklow Bank Windfarm

Mr O'Neill said a visit for members to Arklow Bank Wind Farm had been arranged for 5 November 2003 and he asked that members indicate whether or not they will be attending this visit. He said all members had been issued with a letter regarding the visit.

Councillor McGinn said Airtricity would be a very important issue for the Council in the future and he felt the above visit would be very worthwhile and that the Council should investigate this entire issue.

After discussion it was therefore unanimously agreed Mr O'Neill contact Airtricity to seek an alternative date for the visit for Council members to view the Arklow Bank Windfarm in view of forthcoming elections.

3. Copper Pipe Corrosion – Mournes Area

Councillor Williamson referred to Item 1.4 contained in the above report regarding copper pipe corrosion. He said he understood Water Service were to install a plant at the end of 2002, to prevent further copper pipe corrosion. He said it was now 2003 and this problem still existed throughout many parts of the Mournes which was resulting in people having to purchase copper tanks to overcome this problem. He said this problem was causing considerable damage and resulted in people having to incur expense and he asked that the Council seek a definite date from Water Service as to when this equipment shall be installed.

Councillor W Burns concurred with Councillor Williamson regarding the problem with copper pipe corrosion in the Mournes area. He said many people were having to replace hot water tanks, etc, and he felt a further meeting should be arranged with the Public Analyst, Mr Walker to discuss the issue of copper pipe corrosion.

Councillor Hanna concurred with the previous speakers regarding the problem of copper pipe corrosion and he said this problem had now increased and was effecting both tanks and pipes.

Councillor Reilly said he understood Water Service were currently implementing a system at Attical which it was hopeful would resolve the copper pipe corrosion problem. He said Water Service may be using Attical as a trial scheme and possibly implement in other areas in due course.

Mr O'Neill said he understood the implementation of a specialist plant at the Silent Valley System had not yet been installed by Water Service.

It was agreed Mr O'Neill arrange for a meeting to be held with the Public Analyst, Mr Walker to discuss the issue of copper pipe corrosion, on receipt of information on this issue from Water Service.

4. Proposed Removal of Telecommunication Mast - School Road, Jerrettspass, Newry

At the request of Councillor McGinn it was agreed a letter be sent to Mr Ian May, Acting Chief Executive, Planning Service requesting an immediate update regarding the proposed removal of the Telecommunication Mast at School Road, Jerrettspass, Newry. It was also agreed to seek clarification from Planning Service as to why this matter has been delayed and also obtain a timescale for the proposed removal of this equipment.

**T.E.S/358/2003:- REPORT OF PUBLIC MEETING
- WEDNESDAY 1 OCTOBER 2003
RE MOBILE PHONES AND TELECOMMUNICATION
MASTS
(REF: PH/32)**

Read: Report of Public Meeting held on Wednesday 1 October 2003 to discuss mobile phone and telecommunication masts. (copy circulated).

On the proposal of Councillor McDonald seconded by Councillor Feely it was agreed to approve the above report.

**T.E.S/359/2003:- REPORT OF NEWRY TOWN COUNCILLORS
MEETING/WATER SERVICE
- STORM/FOUL SEWERAGE – VIOLET HILL AVENUE
- WEDNESDAY 24 SEPTEMBER 2003
(REF: G/4/2)**

Read: Report of Newry Town Councillors Site Meeting with representatives from Water Service and local residents held on Wednesday 24 September 2003 to discuss problems regarding storm/foul sewerage at Violet Hill Avenue, Newry. (copy circulated).

The report recommended the following:-

- (a) Roads Service arrange to re inspect the road gully mentioned and the road drain connecting it to the sewer to ascertain that this system was not defective.
- (b) Water Service District Office to carry out an urgent survey with foul and storm sewers in the immediate areas of numbers 9,11 and 15 and also number 2.
- (c) Water Service District Office to request it's headquarters to survey the main storm and foul sewers in the Violet Hill Avenue, College Garden areas and their connection to the main system serving in the direction of the meadow/and old railway sidings, to ascertain the effectiveness of the systems.
- (d) Water Service to report to the Council's Environmental Health Department with findings in respect of the above.
- (e) Environmental Health Department to advise the Council and residents of Water Service findings as above, in due course.

On the proposal of Councillor McElroy seconded by Councillor Casey it was agreed to approve the above report and the recommendations contained therein.

**T.E.S/360/2003 :- REPORT OF CROTLIEVE AREA COUNCILLORS
MEETING/WATER SERVICE
RE SEWERAGE PROBLEMS AT SEVERAL LOCATIONS
ROSTREVOR/WARRENPOINT/HILLTOWN AREAS
- WEDNESDAY 24 SEPTEMBER 2003
(REF: G/4/2)**

Read: Report of Crotlieve Area Councillors Site Meeting with representatives from Water Service held on Wednesday 24 September 2003 to discuss sewerage problems at the following locations:-

- Rostrevor/Warrenpoint Road (Tinnellys & O'Hares)
- Drumsesk Road, Rostrevor
- Bridge Street, Rostrevor
- Kilbroney Road (Shannowen)
- 4a Rossmara Park, Warrenpoint
- Outlet on Bann River, Hilltown (copy circulated).

The report recommended the following:

1. Water Service to repair defective sewer serving Tinnellys premises without delay.
2. Water Service to keep Council advised of any changes intended to Shore Road Pumping Station and associated pipe work.
3. Water Service to confirm to Environmental Health Department when new pumps to Drumsesk Road Pumping System have been fitted.
4. Water Service to further investigate sewer and mal – odours arising in Bridge Street, Rostrevor.
5. Water Service to advise Environmental Health Department when repairs to sluice valve at Hilltown Sewerage Works have been completed.
6. Mr M Mooney, Environmental Health Department to refer the matter relating to road drainage at Grinan Road/Milltown Industrial Estate, to Roads Service.
7. Water Service to undertake the investigation of the point raised regarding mal odours arising from Warrenpoint Sewerage Works.

On the proposal of Councillor Williamson seconded by Councillor Murphy it was agreed to approve the above report and the recommendations contained therein.

Councillor Williamson asked that it be recorded that he had previously raised the issue regarding the leakage of sewerage at Shannowen, Kilbroney Road, Rostrevor and had asked that it be followed up by the relevant department. He said it was a disgrace the number of times this issue had to be raised with the Department before any action was taken to resolve this issue.

The following matters were then raised arising out of the above report:-

1. Proposed Overflow – Hilltown Sewerage Works

Councillor O’Hare asked if any update had been received regarding works to repair the sluice valve at Hilltown Sewerage Works.

Mr O’Neill said Water Service had confirmed that repair works to the sluice valve, as above, have been completed.

2. Proposed Overflow – Bann River

Councillor O’Hare asked that an update be obtained from Water Service regarding issues relating to a proposed overflow into the Bann River.

3. Forthcoming Meeting re Rosses Quay

Councillor Carr referred to a forthcoming meeting to be arranged to discuss issues relating to land reclamation and the blocking of a Right of Way in relation to Rosses Quay and he asked that the above report of the Crotlieve Councillors Meeting on 24 September 2003, be circulated with the Agenda for the meeting regarding Rosses Quay as he felt information contained in the said report are relevant to issues at Rosses Quay.

**T.E.S/361/2003 :- NOTICE OF APPEAL
- DEPOSIT OF CONTROLLED WASTE
– 9 COTTAGE ROAD, KILLEEN
(REF: G/4/14 & SC/25)**

Read: Correspondence dated 23 September 2003 from Tiernan’s Solicitors enclosing a Notice of Appeal in respect of permitting the deposit of Controlled Waste on property at 9 Cottage Road, Killeen.

On the proposal of Councillor Feely seconded by Councillor McArdle it was agreed Mr H O’Neill, Director of Environmental Health refer the above Notice of Appeal to the Council’s Solicitor for examination.

**T.E.S/362/2003 :- NOTICE OF APPEAL
- DEPOSIT OF CONTROLLED WASTE
– 130 CONCESSION ROAD, CULLOVILLE
(REF: G/4/14 & SC/25)**

Read: Correspondence dated 23 September 2003 from Tiernan’s Solicitors enclosing a Notice of Appeal in respect of permitting the deposit of Controlled Waste on property at 130 Concession Road, Culloville.

On the proposal of Councillor Feely seconded by Councillor McArdle it was agreed Mr H O’Neill, Director of Environmental Health refer the above Notice of Appeal to the Council’s Solicitor for examination.

**T.E.S/363/2003 :- LIQUOR LICENCE SCHEDULE
(REF: M/152)**

On the proposal of Councillor Feely seconded by Councillor McArdle it was agreed the Council had no objections to those Liquor Licence Schedule, subject to there being no objections from the Environmental Health and Building Control Departments.

NOTICE OF MOTION

**T.E.S/364/2003 :- NOTICE OF MOTION
(REF: M/2 & G/4/9/6)**

The following Notice of Motion came forward for consideration in the names of Councillor P McElroy and Councillor PJ Bradley:-

“That Newry and Mourne District Council set up a small working group of relevant Council Officers and Councillors to investigate the feasibility of installing lockgates on the stretch of water at Narrow Water Castle to enhance sporting, recreational and tourism provision within our district. This Group to investigate funding opportunities for such a project.”

Councillor McElroy formally proposed the Notice of Motion.

He said the Motion was largely an attempt to open the debate on the development of one of both Newry and Mourne District Council’s and Louth County Council’s greatest natural tourist facility which is it’s waterways. He said Newry was surrounded by a substantial area of waterways, in particular at Narrow Water and between the Canal and river, which he said could be developed to benefit further regeneration, in particular, Albert Basin. He said the Notice of Motion was requesting for a feasibility study to be carried out to investigate if permanent water level can be maintained throughout the area from Narrow Water up to the centre of Newry City.

He pointed out that tourism would be seen to be one of the greatest employment generators for the next 50 years and he felt the Council needed to be proactive in developing and creating forward thinking projects to the benefit and growth of the tourism industry in the Newry and Mourne area. He said the proposed location of such a project was ideal in that it was located between two areas of outstanding natural beauty and would be situated along the gateway to the north of Ireland and was therefore perfectly located in terms of tourism potential. He said such a project would provide a safe area for berthing boats and would also attract funding from various funding bodies.

He asked the Council to consider the following points when considering the above Motion:-

- The development of boat facilities.
- A safe area to berth boats.
- Cleaning up the environment.
- The development of nature reserves at Rough Island.

- Improve navigation conditions.
- Attract funding at a significant level.

He asked that the Council should proceed as follows:-

- Form a Working Group to consider the contents of the Notice of Motion.
- Convene a meeting between Newry and Mourne District Council and representatives from Louth County Council and Dundalk, to seek their support for such a project.
- Council Officials to investigate the level of funding available from Interegg and Peace II.
- Convene meetings with all interested parties i.e Warrenpoint Harbour Authority, New Cross Border Waterways Committee, Carlingford Lough Commission, etc to enlist their support.
- Table a report on the above listed matters at a future meeting of the Council prior to agreeing to commission a feasibility study on this issue.

Finally Councillor McElroy asked for the support of the Council for the Notice of Motion to ensure the District's assets are developed to the benefit of the people of the District.

Councillor Bradley seconded the Notice of Motion. He said the development of such a project at the waterways surrounding Newry could transform the area into a hub of tourism and could also act as an important control mechanism for tidal control especially in view of the fact that Newry has become extremely vulnerable to flooding. He said he would welcome a feasibility study to be carried out in line with the Notice of Motion as he believed the waterways held the potential to greatly enhance and regenerate the area.

Councillor Ruane proposed the following Amendment which was seconded by Councillor Murphy:-

“Accepting that there is a growing recognition that Newry and Mourne District Council is overburdened with costly and at times ineffective committee, and not wishing to add to such a list, that Newry and Mourne Council as a matter of urgency task the appropriate officials to investigate the feasibility of installing lock gates on the stretch of water at Narrow Water Castle with the view of the enhancement of sporting, recreational and tourism provision in the District, and that they also research what funding opportunities could be accessed to deliver and sustain such projects. A report on such findings should be returned to Council within an acceptable timeframe”.

Councillor Murphy felt that the issues contained in the Notice of Motion should have been raised at a meeting regarding the Banbridge and Newry and Mourne Area Plan. He felt the Council had more than enough Committees, Working Groups, etc, and also had a lot of studies and surveys ongoing at present. He said that to engage Consultants to undertake another feasibility study of this nature was only going to result in additional meetings and more importantly more expense to the Council. He said if the Council were to undertake such a study there were wider issues which needed to be addressed such as parking, roads etc and he felt that it would be more appropriate to initiate such a project to enhance the seafront from Warrenpoint to Monument Corner at Rostrevor as in his opinion this would attract increased tourism. He therefore felt the Council should support the Amendment.

Councillor Kennedy felt the Council were already heavily involved in water associated projects in particular the upgrading and restoration of Newry Canal. He said if this waterway was to be opened up that other things may possibly arise from this. He felt the Notice of Motion was very presumptuous and that the Amendment was a mechanism to counteract the Motion and that neither the Motion or the Amendment were substantially worked up at present. He also pointed out that no finance had been provided within Rate Estimates for such a project and he felt these issues only raised expectations.

Councillor Kennedy cautioned the Council against adopting either the Amendment or the Notice of Motion and urged the Council to concentrate efforts on the Newry Canal Project as he again said this may open up opportunities to get projects underway for the Albert Basin.

Councillor McGinn suggested Officials could possibly research the undertaking of a feasibility study on the issues raised in the Notice of Motion and the Amendment to ascertain if funding could be accessed for such a project and report back to the Council with findings.

Mr McCall stated he felt in terms of investigating funding opportunities, that Council Officials could undertake this work through “Grantfinder” to possibly identify where funding opportunities may lie, but said he did not feel the Council would have the necessary “in house” resources to implement the contents of the Notice of Motion.

Mr McCall said he believed an earlier decision had been taken some time ago to examine the possibility of providing a Dam at the waterways at Narrow Water Castle.

Councillor Reilly informed the above project did not take place as it was established it would not be viable because of the ecological damage it would cause. He felt Kilkeel Harbour should be prioritised if the Council were to agree on any such project.

In response to a query from Councillor Hearty regarding costs for funding a feasibility study Mr McCall explained the Council would initially have to explore the potential for such a study to be grant aided and thereafter the Council would need to identify a number of outside partners to assist in funding such a study as he felt the Council should not provide funding alone as the costs involved would be considerable indeed.

Mr McManus gave a brief explanation regarding the costs associated with previous feasibility studies and he made particular reference to the Newry River Weir. He said many other studies are required before such a project can be initiated.

Councillor McElroy said he accepted the fact the Council would not be in a position to fund such a feasibility study and that he would not propose for any further expense to be included in the Rate Estimates. He explained this issue had not been raised at Area Plan Meeting as it was not within the scope of the Area Plan as it would be cross border initiative and the Area Plan dealt only with Newry and Banbridge. He stressed that any way forward on this issue should be at the least possible expense to Ratepayers, if any at all, and he stated he would not support the Notice of Motion if it would be resulting in additional costs to the Ratepayers.

Mr McCall confirmed the Amendment was an expansion of the Notice of Motion but was not a direct negative, but he said he was satisfied the Amendment was competent.

A vote was taken on the Amendment and voting was as follows:-

For: 11

Against: 12

The Amendment was therefore declared lost.

Councillor Williamson proposed a second Amendment to the Notice of Motion which was seconded by Councillor Hyland, as follows:-

“That Newry and Mourne District Council instruct relevant Council Officers to investigate the feasibility of installing lockgates on the stretch of water at Narrow Water Castle to enhance sporting, recreational and tourism provision within our District. Officers to investigate funding opportunities for such a project and report back to Council in 6 months time.”

The above Amendment then became the Substantive Motion and was unanimously adopted by the Council.

Councillor Reilly asked that it be recorded that he objected to the adoption of the above proposal as he felt Kilkeel Harbour should be prioritised in terms of any future development.

TECHNICAL/LEISURE SERVICES MATTERS

**T.E.S/365/2003 :- (A) REPORT OF TECHNICAL/LEISURE SERVICES COMMITTEE MEETING – 15 OCTOBER 2003
(B) TECHNICAL/LEISURE SERVICES GENERAL REPORT – SEPTEMBER 2003
(REF: MT/2/5)**

Read: Report of Technical/Leisure Services Committee Meeting held on Wednesday 15 October 2003. (copy circulated).

Read: Technical/Leisure Services General Report for the month of September 2003. (copy circulated).

On the proposal of Councillor Reilly seconded by Councillor McArdle it was agreed to approve the above reports and the recommendations contained therein.

The following issues were then raised arising out of the above reports and referred to the Technical/Leisure Services Department for attention:-

**1. Assertion of Public Right of Way
- Hickeys Lane**

On the proposal of Councillor Reilly seconded by Councillor McArdle it was agreed to defer consideration of the recommendation to assert Hickeys Lane as a Public Right of Way, as per Minute No. T/L 255 in the Technical/Leisure Services Committee Report as above, as no formal map or Assertion Statement were available for display at the meeting.

It was therefore agreed the above matter be referred to the next meeting of the Technical/Environmental Services Committee to be held in November 2003.

It was also noted that a proposed meeting between representatives from the Council and their legal advisors with representatives from St Coleman's College together with their legal advisors, scheduled to be held on 13 November 2003, shall proceed and that the report of this meeting to be submitted for consideration to the Technical/Environmental Services Committee Meeting to be held in November 2003.

2. Emptying of Bottle Banks – Crossmaglen

Councillor Hearty referred to Minute No. T/L/256 in the above report of the Technical/Leisure Services Committee Meeting and asked if bottle banks at Crossmaglen would be emptied on a more frequent basis as ongoing complaints were being received that the banks were continually full up.

Mr McManus said he understood the above request had been referred through to a Service Contractor but that he would however arrange to have this matter followed up.

3. Gate at Violet Hill Avenue

Councillor McElroy referred to Item 5.1 in the above Technical/Leisure Services General Report and stated that in his opinion, a Right of Way did exist at Violet Hill Avenue.

Mr McManus explained if there was a Right of Way issue at the above location it would be prudent for the Council in the interim, to have the gate at this location opened and kept open pending further investigation to establish if a Right of Way exists.

Councillor Casey advised that the gate had been provided at the above location in order to prevent illegal dumping along the alleyway.

It was therefore unanimously agreed that the gate at Violet Hill Avenue which has been erected at St Patrick's Primary School to control illicit dumping at Violet Hill Avenue, be unlocked and kept opened until such times as a Newry Town Councillors Meeting has been arranged to consider if a Public Right of Way exists at this location.

The report of the above meeting to be submitted back to the Council via a future meeting of the Technical/Leisure Services Committee in due course.

4. Brown Bin Collection – Newry Road, Kilkeel

Councillor Reilly asked for clarification regarding brown bin collections reverting to a once per month collection in view of oncoming winter months.

Mr Dinsmore confirmed there would be one further fortnightly collection of brown bins after which these bins will return to a schedule of monthly collections for a period of 4 months.

Councillor W Burns explained that households along Newry Road, Kilkeel had been issued with brown bins but that many people had not been notified as to when these bins should be left for collection. He said ordinary bins were collected but not on the days which people had been notified that collections would take place.

Mr Dinsmore said he understood that all households along Newry Road, Kilkeel had been informed of schedules for brown bin collections but that he would arrange to have this matter followed up and an update provided to Councillor W Burns as soon as possible.

**T.E.S/366/2003 :- ILLEGAL DUMPING OF LIQUID
- BALLINTEMPLE VIEW POINT
(REF: SC/40)**

Councillor Lewis referred to a serious incident involving the illegal dumping of a quantity of liquid, alleged to be diesel, at Ballintemple View Point. He said this was a very serious issue which posed extreme environmental hazards and also would incur considerable cost for the Council in order to have this substance removed.

Mr Dinsmore confirmed reports had been received that a quantity of liquid had been illegally dumped at Ballintemple View Point. He said after investigation by Council Officers it was established that two containers, each holding approximately 1000 litres of liquid, had been dumped at the said location and was confirmed to be classified as special waste. He said this liquid could possibly result in a very substantial impact on the environment and that the total cost for the removal of same was not yet established.

It was agreed that on receipt of full details of the costs associated to have the illegally dumped substance removed from Ballintemple View Point, that these details be reported to the Council via the Technical/Leisure Services Sub Committee Meeting in due course.

**T.E.S/367/2003 :- REPORT OF CROTLIEVE AREA LIAISON COMMITTEE MEETING
- TUESDAY 21 OCTOBER 2003
(REF: SC/54)**

Read: Report of Crotlieve Area Liaison Committee Meeting held on Tuesday 21 October 2003. (copy circulated).

The above report contained the following recommendations:-

1. That a further meeting of the Crotlieve Liaison Committee and local residents be convened as soon as possible, with all relevant Council Officials present including the Environmental Health Department, in order to further address the concerns of residents in relation to the proposed housing development.
2. Residents to be issued in advance, with copies of any reports made by the Environmental Health Department in relation to this planning application.
3. Matters relating to Aughnagun Landfill Site be deferred to the next meeting of this Committee.

On the proposal of Councillor McElroy seconded by Councillor McDonad it was agreed to approve the above report and the recommendations contained therein.

**T.E.S/368/2003 :- RIVERS AGENCY RE NEWRY FLOOD ALLEVIATION SCHEME
- IMPROVEMENTS TO FLOODING AT GREENBANK
(REF: G/1/7/2)**

Read: Correspondence dated 16 October 2003 from Rivers Agency informing that the Agency proposes to carry out a scheme for improvements to the flood bank at Greenbank, Newry, as part of the Newry Flood Alleviation Scheme. The Agency now seek agreement from the Council to the terms and conditions in respect of this Scheme. (Copy circulated).

A copy of Land Plan No. 3 was on display regarding the above Scheme.

On the proposal of Councillor Cole seconded by Councillor McElroy it was agreed to accept the proposals outlined in the above correspondence from Rivers Agency in respect of the Scheme for improvements to the flood bank at Greenbank, Newry.

**T.E.S/369/2003 :- UPDATE RE MATTERS REGARDING STRATEGY FOR NEWRY SPORTS CENTRE
(REF: CP/2/6)**

Mr McManus explained that several issues relating to Newry Sports Centre had previously been raised at the District Development Committee Meeting held on Monday 20 October 2003 i.e decrease in numbers attending spinning and need for upgrading of reception area to provide easier access, etc, for wheelchair users and small children.

He explained Mr P O'Neill, Leisure Facilities/Marketing Officer was currently preparing a strategy in respect of Newry Sports Centre which would be submitted for consideration to the Technical/Leisure Services Committee in due course.

It was agreed to mark the above information noted.

**T.E.S/370/2003 :- UPDATE REPORT RE ENVIRONMENTAL
IMPROVEMENT SCHEMES:-
- DROMINTEE, NEWRY
- TULLYDONNELL, SILVERBRIDGE
(REF: G/4/27)**

Mr McManus confirmed at the Monthly Meeting of the Council held on Monday 6 October 2003 it had been agreed to approve a request to adopt 2 no. Environmental Improvement Scheme Projects at Dromintee, Newry and Tullydonnell, Silverbridge subject to the following:-

- All statutory approvals being required.
- Officials from Technical/Leisure Services Department meeting with respective Community Groups to discuss the projects.
- Community Groups maintaining the environmental improvement areas.
- Newry and Mourne District Council adoption to provide public liability insurance only.

Mr McManus confirmed that to date no further matters have arisen which require further consideration by the Council in respect of the above mentioned Environmental Improvement projects, and that an update on these issues would be provided when appropriate, to the Technical/Leisure Services Committee.

It was agreed to mark the above information noted.

**T.E.S/371/2003 :- DRIVER AND VEHICLE LICENSING NI
RE APPLICATION FOR AMENDMENT OF ROAD
SERVICE LICENCE
- SLO COACHES LTD, KILLOWEN ROAD, ROSTREVOR
(REF: G/4/1)**

Read: Correspondence dated 6 October 2003 from the Driver and Vehicle Licensing Northern Ireland requesting if the Council wish to make comment in respect of an application for the amendment of a Road Service Licence in respect of SLO Coaches Ltd, Killowen Old Road, Rostrevor.

Councillor Cole felt that the times stated in the Application for the above service were quite late indeed.

Councillor Reilly expressed reservations regarding drop offs being carried out in residential areas late at night.

Mr McCall pointed out for clarification to members that the Council were only a statutory consultee in respect of such applications.

Councillor Kennedy felt it would be appropriate to circulate the above correspondence to all Councillors in order that they may make individual representation to the Department if necessary, regarding the Application, in view of the fact the Council were not the statutory body who make decisions on such applications.

Councillor Williamson cautioned the Council against possibly being selective on commenting on such issues.

Councillor Hearty felt it was obvious there was a demand for this service to be provided and he felt it was a safe way for young people to be transported at weekends.

It was therefore unanimously agreed to reply to the above correspondence confirming that although the Council held no specific view in respect of the above application, Members did however express various opinions and reservations regarding the implications involved in respect of departing and arrival times, in particular in residential areas late at night.

**T.E.S/372/2003 :- DRIVER AND VEHICLE LICENSING NI
RE YELLOW LINE COACHES, CHURCH STREET,
WARRENPOINT
(REF: G/4/1)**

Read: Correspondence dated 29 August 2003 from Driver and Vehicle Licensing Northern Ireland inviting comment from the Council in respect of an application for the amendment of a Road Service Licence in respect of Yellow Line Coaches, Church Street, Warrenpoint.

It was noted the Council had no objections in respect of the above application.

**T.E.S/373/2003 :- WMABNI RE WASTE MANAGEMENT INDUSTRY FUND
(REF: SC/40)**

Read: Information for the Waste Management Advisory Board Northern Ireland dated 23 September 2003 regarding a £1million fund launched to help industry manage waste. (copy circulated).

It was agreed to mark the above information noted.

**T.E.S/374/2003 :- SOUTHERN WASTE MANAGEMENT PARTNERSHIP
RE CONSULTATION RESPONSE – TRANSPOSITION OF
ARTICLE 6/ANNEX 1
- END OF LIFE VEHICLES DIRECTIVE (2000/53/EC)
(REF: SC/40)**

Read: Correspondence dated 9 October 2003 from the Southern Waste Management Partnership regarding the consultation response on the transposition of Article 6 and Annex 1 of the End of Life Vehicles Directive (2000/53/EC) – Proposals for regulations. (copy circulated)

It was agreed to note the above correspondence for information.

**T.E.S/375/2003 :- SOUTHERN WASTE MANAGEMENT PARTNERSHIP
RE PROPOSED LANDFILL REGULATIONS (NI) 2003
- CONSULTATION RESPONSE
(REF: SC/40)**

Read: Correspondence dated 2 October 2003 from the Southern Waste Management Partnership regarding a consultation response on proposed Landfill Regulations (NI) 2003. (copy circulated).

It was agreed to mark the above correspondence for information.

**T.E.S/376/2003 :- SOUTHERN WASTE MANAGEMENT PARTNERSHIP
RE PROPOSED WASTE LICENSING REGULATIONS
(NI) 2003 - CONSULTATION RESPONSE
(REF: SC/40)**

Read: Correspondence dated 2 October 2003 from Southern Waste Management Partnership regarding a consultation response to the proposed Waste Licensing Regulations (NI) 2003. (copy circulated).

It was agreed to mark the above correspondence noted for information.

**T.E.S/377/2003 :- NORTHERN IRELAND FISHERY HARBOUR
AUTHORITY
RE KILKEEL HARBOUR
(REF: H/9)**

Read: Correspondence dated 3 October 2003 from the Northern Ireland Fishery Harbour Authority in response to the Council's letter of 25 September 2003 regarding pedestrian and vehicle safety at Kilkeel Harbour. The Authority confirm that in line with their 2003/2004 Business Plan it is intended to commission an Engineers Report on a traffic management system for the South Quay roadway in Kilkeel which will consider all aspects of safety with regard to

pedestrian and vehicle usage of the roadway. Improvements to the North Quay roadway shall be carried out following completion of the sewerage upgrading works which is expected to be during mid 2004. They confirmed recently signage has been upgraded and concrete roadside barriers have been erected at certain strategic locations around the harbour. (Copy circulated)

It was agreed to mark the above correspondence noted.

**T.E.S/378/2003 :- APPLICATIONS FOR REGISTRATION AS A SOCIETY
(REF: M/142)**

On the proposal of Councillor Williamson seconded by Councillor McDonald it was agreed to approve the following applications for Registration as a Society, subject to all matters being in order:-

1. Southern Area Hospice Services.
2. Drumgath GFC.
3. Warrenpoint Town FC.
4. Cruise Bereavement Care – Newry and Mourne.
5. Longstone GAC.
6. Spartac United FC.
7. Corrinshogo GFC.
8. Ballybot United FC.
9. Lisummon GFC.
10. Craobh Rua Camlocha.
11. St Bronagh's GAC.
12. Saval GAC.
13. Kingdom Club.
14. Carrickcruppen GFC and Youth Club.
15. St Peter's GAA Club.
16. Irish National Foresters.
17. St John Bosco GFC.

**T.E.S/379/2003 :- REPORT OF FEWS/NEWRY TOWN COUNCILLORS
SITE MEETING/ROADS SERVICE
- UNAUTHORISED USE OF RIGHT OF WAY
- WINDSOR AVENUE
- FRIDAY 24 OCTOBER 2003
(REF: G/4/10)**

Read: Report of Fewes and Newry Town Councillors Site Meeting with representatives from Roads Service, and local residents held on Friday 24 October 2003 to discuss problems regarding the unauthorised use of the Right of Way at Windsor Avenue, i.e Bellman's Loanan. (copy circulated).

The report recommended the following:-

- (a) Roads Service to examine the provision of traffic lights at the bottom of Windsor Avenue/Belfast Road, in order to assist traffic exiting from Windsor Avenue onto the Belfast Road.
- (b) The Council to contact the developer of a nearby site along Windsor Avenue requesting that the site be adequately secured in line with health and safety regulations and to ensure that Windsor Avenue be kept clear at all times.

On the proposal of Councillor Kennedy seconded by Councillor Moffett it was agreed to approve the above report and the recommendations contained therein.

Councillor McElroy explained he was unable to attend the above meeting as it clashed with another meeting which also effected a number of Newry Town Councillors who were also unable to attend the meeting at Windsor Avenue. He said he accepted the report of the meeting but expressed his disappointment that he was unable to attend.

Councillor Casey concurred with comments made by Councillor McElroy regarding the meeting at Windsor Avenue. He said although he would have wished to attend the said meeting it was however virtually impossible for him to attend both meetings.

Mr McCall said that due to the amount of requests being received for meetings that regrettably he could not provide any satisfactory answer with respect to the clashing of meetings. He said if there continued to be high numbers of meetings to be convened that unfortunately meetings would continue to clash.

In response to a suggestion to convene meetings on Saturdays, Mr McCall said Council Officials provided members with a good service and were therefore entitled to weekends off.

Mr McCall said he would work with Councillors and Group Leaders regarding requests for meetings but again pointed out that given the current level of meetings to be convened there would be unavoidable clashes and that there were too many meetings for Council Officials to programme any differently than what was currently being done.

**T.E.S/380/2003 :- NEWRY AND DISTRICT GATEWAY CLUB
RE 30th ANNIVERSARY DINNER DANCE
- 21 NOVEMBER 2003 - CANAL COURT HOTEL
(REF: VB/23)**

Read: Letter dated 23 October 2003 from Newry and District Gateway Club informing that as part of the Newry and District Gateway Club 30th Anniversary Celebrations a formal dinner dance will be held on Friday 21 November 2003 at the Canal Court Hotel, Newry. The cost per table seating of 10 is £250.

On the proposal of Councillor Reilly seconded by Councillor O'Hare it was agreed to nominate the following Members plus partners, to receive tickets to attend the above function:-

- Councillor Curran plus partner.
- Councillor McArdle plus partner.
- Councillor Feely plus partner.
- Councillor McElroy plus partner.
- Councillor O'Hare plus partner.
- Councillor E Martin plus partner.
- Councillor J Patterson plus partner.

**T.E.S/381/2003 :- COSTS FOR PROVISION OF NEW GENERATOR
- DISTRICT COUNCIL OFFICES, MONAGHAN ROW
(REF: CP/9)**

Mr McManus informed that costs had been obtained for the supply and installation of a new generator for the Council Offices at Monaghan Row which was a total cost of £24,656 inclusive of all trenching, cabling, new concrete base, transporting existing generator to stores at Greenbank.

In response to a query from Councillor Casey as to why the existing generator at Monaghan Row had to be replaced, Mr McCall advised the existing generator would not have the capacity to provide the necessary backup required in the event of a power failure. He said the building at Monaghan Row would be designated as an emergency centre in the event of an emergency situation and therefore would require full back up in terms of power. He said the existing generator would be relocated in another Council centre which would also be designated as an emergency centre.

Councillor Kennedy asked if the provision of a new generator was part of the original contract for refurbishments at Monaghan Row or if it was an addition.

Mr McCall said he did not believe it was initially intended to replace the generator at Monaghan Row but said that in his view this matter should have been identified at the outset of the said contract of refurbishments. He pointed out if the Council proceeded with the provision of a new generator that the costs in respect of same would be taken from the Council's Capital Budget and therefore would not be effecting the General Revenue budget. He again pointed out a new generator would be required at the Monaghan Row building in order to keep the building fully operational in the event of an emergency.

Mr McCall said no final decision had been taken with regard to which building the existing generator would be located within, but that it would be installed at an appropriate centre in order to maximize its use.

Councillor Ruane asked that Officials consider locating the old generator in Warrenpoint Town Hall.

Mr McCall confirmed he would examine Councillor Ruane's request as above.

Several members then raised queries as to whether or not the cost which had been obtained for the provision of a new generator would be best value for the Council.

Mr McCall suggested members could defer consideration on this issue to the Monthly Meeting of the Council to be held in November 2003, pending further examination by relevant Council Officials to establish if the Council are getting best value for money in respect of the costs which have been obtained.

Councillor O'Hare felt that a decision should be taken on this issue as if it has been established that a new generator is required then it would be much easier to have the installation work carried out when a Contractor is actually on site.

Councillor Murphy said he understood that adequate back up in the event of a power failure would be provided as part of the original contract for refurbishments at Monaghan Row and he asked that this matter be investigated.

Mr McCall pointed out Mr Curtis, Director of Administration was the Officer responsible for dealing with the contract of refurbishments at Monaghan Row and he added that Council Officials needed to be satisfied that any new generator must meet all technical specifications required as he understood it had been established that the existing generator was not adequate in such terms.

Councillor Williamson said the Council should not be presented with items involving such costs without any additional background information.

On the proposal of Councillor O'Hare seconded by Councillor Hanna it was agreed that the provision of a new generator for the Monaghan Row Offices be referred to relevant Council Officials to process as appropriate.

It was agreed a vote be taken on the above Proposal and voting was as follows:-

For: 5

Against: 7

The proposal was therefore declared lost.

It was therefore unanimously agreed that consideration of the provision of a new generator for Council Offices at Monaghan Row, be deferred to the Monthly Meeting of the Council to be held on Monday 3 November 2003 at which further information be available to establish if the current costs obtained for the provision of a new generator is best value for money for the Council.

**T.E.S/381/2003 :- TO CONSIDER MATTERS REGARDING LETTING OF
LAND FOR GRAZING:-
- CARGINAGH ROAD, KILKEEL
- COURTNEY HILL NEWRY,
- HIGH STREET, BESSBROOK
(REF: R/S 99/1 R/S 7 & R/S 177)**

On the proposal of Councillor Hearty seconded by Councillor Murphy it was agreed as follows in relation to the letting of land for grazing at the following locations:-

(a) Land at Carginagh Road, Kilkeel

It was agreed that lands at Carginagh Road, Kilkeel be let for grazing for year commencing 1 November 2003 to 31 October 2004, to those who submitted the highest offer in respect of same, but that for the following year the letting of this land for grazing to be referred to an Auctioneer, in order to seek higher offers in respect of letting this land.

(b) Land at Courtney Hill, Newry

It was agreed to let land for grazing at Courtney Hill, Newry, for year commencing 1 November 2003 to 31 October 2004, and thereafter arrange to convene a Newry Town Councillors site meeting to discuss arrangements for the letting of these lands next year.

(c) Land at High Street, Bessbrook

It was agreed to accept the highest offer received in respect of the letting of land at High Street, Bessbrook for the period commencing 1 November 2003 to 31 October 2004.

**T.E.S/382/2003 :- COMMENTS BY COUNCILLOR CROWE (NILGA)
RE MUSLIM COMMUNITY
(REF: G/4/55)**

Councillor McGinn said he hoped the Council would disassociate itself with the recent remarks made by Councillor F Crowe, NILGA Representative, on the Newsnight programme, in which he expressed his views regarding the Muslim Community in Craigavon.

On the proposal of Councillor McGinn seconded by Councillor Murphy it was agreed the Council express its objection to the recent comments made by Councillor F Crowe in relation to the Muslim Community in Craigavon.

Councillor Reilly objected to the above proposal and said Councillor Crowe should have the right to free expression.

**T.E.S/383/2003 :- PROBLEMS RE NEW MOBILE PHONE CONTRACT
WITH ORANGE
(REF: M/51/17)**

Councillor McDonald expressed concern at the new mobile phone contract with Orange and said his mobile phone did not operate satisfactorily as he could not receive incoming calls. He said he was aware other Councillors were experiencing similar problems with their mobile phones.

Councillor Lewis suggested Mr R Dowey, Director of Finance arrange a meeting including all Councillors, with a representative from Orange, to address the problems being experienced regarding the new mobile phone contract.

Councillor Murphy concurred with previous speakers and said the problems relating to the new mobile phones was a very serious matter as people could not get in touch with elected representatives.

It was therefore unanimously agreed Mr R Dowey, Director of Finance arrange for a representative from Orange to attend a Special Council Meeting to address problems regarding the new mobile phone contract with Orange.

**T.E.S/384/2003 :- SERIES OF ARSON RELATED FIRES
- CRANFIELD/ANNALONG AREAS
(REF: M/1 & M/66)**

Councillor Cole said many people in the Cranfield and Annalong areas were extremely concerned at the recent series of arson related fires occurring in these areas. He said he would be interested to know the number of call outs the fire service have had to attend to deal with these situations.

It was agreed a letter be sent to the Fire Service requesting if they could possibly provide details on the number of call outs which have been received to deal with the recent series of arson related fires in the Annalong and Cranfield areas.

**T.E.S/385/2003 :- DAMAGE TO PROPERTIES
- WARRENPOINT AREA
(REF: M/66)**

Councillor Murphy referred to several complaints received regarding youths causing damage to property and also terrorising elderly people. He made particular reference to an incident which occurred in Warrenpoint whereby a tractor tyre had been rolled down from the top of Bridal Loanan and crashed through the door of a house which was occupied by a mother and a young infant.

He appealed for parents to encourage their children to have consideration for elderly people and for other peoples property especially during the forthcoming Halloween period.

**T.E.S/386/2003 :- VANDALISM – NEWRY TOWN
(REF: M/66)**

Councillor Casey referred to complaints he had received from pensioners living alone who have been the victims of rampaging youths. He made particular reference to an incident which occurred at premises in Loanda Crescent whereby vandals had completely destroyed garden furniture.

He also referred to another incident whereby a lady and her family living opposite Hickeys Lane had been verbally abused by youths and were in a very distressed state as a result.

Councillor Casey appealed to parents to be aware of what their children are doing in the evenings.

**T.E.S/387/2003 :- THE SHELL BEST KEPT TOWN AWARDS
ULSTER IN BLOOM COMPETITION
(REF: R/S 40)**

Members referred to Newry and Warrenpoint both obtaining Runner Up Awards in their categories in the Shell Best Kept Town Awards and also to the fact that Newry City received 3rd place in its category in the Ulster in Bloom Competition.

Mr McCall said there would be an opportunity for both Newry Town Councillors and Crotlieve Area Councillors to recognise these awards by way of a photocall to be arranged.

Mr McCall congratulated Mr L Dinsmore, Management Services Officer and Mr E McManus, Deputy Director of Technical/Leisure Services for their efforts in helping Newry and Warrenpoint to achieve these awards and he said both Officers and their staff should be highly commended.

**T.E.S/388/2003 :- FUNDING FOR SMALL BUSINESS VENTURE
- PROVISION OF BUSINESS UNITS AT CLOUGHREAGH
(REF: M/4/2)**

Councillor McGinn referred to a small business venture being initiated by Mr Anthony McArdle to provide business units at Cloughreagh and he requested that the relevant Council Official contact the funding bodies who have been approached regarding this issue requesting that the process for funding for this project be progressed as soon as possible.

It was agreed the relevant Council Official update Councillor McGinn on the above matter in due course.

**T.E.S/389/2003 :- CANCELLATION OF MEETINGS
RE FORTHCOMING NORTHERN IRELAND ASSEMBLY
ELECTIONS
(REF: SB/21)**

Councillor Hearty asked what arrangements were in place regarding convening meetings in view of forthcoming Northern Ireland Assembly Elections.

Mr McCall said it was a matter for the Council to agree on what arrangements are to be made regarding scheduling of meetings in view of the forthcoming Elections.

Councillor Hearty asked if all Committee meetings with the exception of the 3 main Council meetings could be postponed until after the Elections in order to leave evenings free for Councillors who may be out canvassing and that any urgent or important issues could be referred to either of the 3 main Council meetings where necessary.

Councillor McArdle stressed it was important to retain Council business even though Elections were due to be held.

Councillor Kennedy felt this issue merited much more detailed consideration and he suggested it be discussed in the first instance, by the Party Group Leaders.

Councillor O'Hare felt there were several important meetings scheduled to be held during the evenings which in her view should not be cancelled and she made particular reference to the Crotlieve Liaison Committee Meeting regarding Aughnagun which she did not want cancelled.

Councillor McElroy concurred with Councillor O'Hare and said that on behalf of the SDLP Party Grouping on the Council it was believed that Council business should proceed in the run up to the forthcoming Elections.

It was agreed a vote be taken regarding a proposal to cancel all Committee and Sub Committee meetings scheduled for the evening times in the run up to the forthcoming Northern Ireland Assembly Elections, with the exception of the 3 main Council meetings.

Voting was as follows:-

For: 9

Against: 12

The above proposal was therefore declared lost.

T.E.S/390/2003 :- MESSAGE OF CONGRATULATIONS
(REF: M/23)

At the request of Councillor Cole it was agreed a message of congratulations be sent to Mr James McKibben on his recent Retirement as Caretaker of St Coleman's Primary School, Kilkeel.

T.E.S/391/2003 :- MESSAGE OF THANKS
(REF: M/23)

At the request of Councillor Hyland it was agreed a letter of thanks be sent to Mr P Duffy, Area Community Development Officer for his involvement in organising the recent trip for the Members of the Newry and District Gateway Club to Glasgow to attend the Celtic versus Aberdeen football match.

He said up to 60 people went on the trip which included several Councillors which he said was thoroughly enjoyed by everyone.

It was also agreed a letter of thanks be sent to the staff at Glasgow Celtic Football Club for allowing the people from the Gateway Club to assist with the Paradise Draw and also for allowing them to meet the Glasgow Celtic Team Captain, Mr Paul Lambert and participate in the photocall with him.

T.E.S/392/2003 :- MESSAGE OF CONGRATULATIONS
(REF: M/23)

On the proposal of Councillor Hearty seconded by Councillor McDonald it was agreed a letter of congratulations be sent to Crossmaglen Rangers GAA Club on winning the County Championship on Sunday 26 October 2003.

He said this was the 8th consecutive year Crossmaglen Rangers had won this Title and was actually the 32nd time the Club have achieved this title.

T.E.S/393/2003 :- MESSAGE OF SYMPATHY
(REF: M/21)

On the proposal of Councillor W Burns seconded by Councillor Hanna it was agreed a message of sympathy be sent to the Rt. Hon. John Spellar, MP on the recent death of his wife.

T.E.S/394/2003 :- EXPRESSION OF THANKS
(REF: M/23)

Councillor P McElroy expressed his gratitude to both Councillors and Council Officials who attended the home and the funeral of his late sister Sadie. He said both he and his family greatly appreciated the expressions of sympathy on the sad occasion of losing Sadie and he wished to express sincere thanks on behalf of his family.

There being no further business the Meeting ended at 10.45pm.

For consideration at the Technical/Environmental Services Committee Meeting to be held on Monday 24 November 2003.

Signed: _____
Clerk

Signed: _____
Chairman

NEWRY AND MOURNE DISTRICT COUNCIL

PURPOSE OF MEETING: Technical/Environmental Services Committee Meeting

VENUE: Boardroom, District Council Offices, Monaghan Row, Newry

DATE: 27 October 2003

Name of Councillor		Time of Arrival	Time of Leaving	Meeting Duration	Travel Time To/From Home	Mileage	Same Day Meeting	Total Time	Amount Payable
Bradley P J	1	7.00	10.45		50 Mins	12			
Burns C	58	7.00	10.45		1 hr	34			
Burns W J	2	7.00	10.45		1 hr 40	36			
P McKibben	60	7.00	10.45		40 mins	16			
Carr M	52	7.00	10.45		40 mins	16			
Casey C	54	7.00	10.45		15 mins	1			
Cole M J	48	7.20	10.45		1 hr 40	42			
Cunningham M	51				1 hr 40	52			
Curran B	6	7.00	10.45		15 mins	3			
Fee J	7	7.00	10.45		1 hr	30			
Feehan J W	49				15 mins	6			
Feely F	8	7.00	10.45		25 mins	5			
Hanna I B	10	7.00	10.45		1 hr 30	42			
Hearty T	59	7.00	10.45		1 hr	34			
Hyland D	33	7.00	10.45		30 mins	4			
Kennedy D	12	7.00	10.45		20 mins	6			
Lewis A B	42	7.00	10.45		20 mins	8			
Martin E	57	7.00	10.45		30 mins	14			
Moffett W A	46	8.10	10.45		45 mins	11			
Murphy M	47	7.00	10.45		1 hr	26			
McArdle J	55	7.00	10.45		30 mins	3			
McCreech J P	44	7.00	10.45		45 mins	20			
McDonald PJ	35	7.00	10.45		25 mins	16			
McElroy P	17	7.00	10.45		10 mins	5			
McGinn P	56	7.00	10.45		15 mins	6			
O'Hare J	37	7.00	10.45		50 mins	13			
Patterson J	38				40 mins	6			
Reilly H	26	7.00	10.45		1 hr 45	38			
Ruane M	53	7.00	10.45		40 mins	16			
Williamson A V	39	7.00	10.45		1 hr	22			

Officials in attendance:

Time of Arrival:

Time of Leaving:

Signed:

Date: