

**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Tuesday 12 June 2018 in Council Offices, Ballyronan Road,  
Magherafelt**

**Members Present**

Councillor Reid, Chair

Councillors Buchanan, Burton, Cuthbertson, Glasgow,  
Kearney, McFlynn, McGinley, B McGuigan,  
S McGuigan, McNamee, Mulligan, O'Neill, M Quinn,  
Totten

**Officers in  
Attendance**

Mr Cassells, Director of Environment and Property  
Mr Kelso, Director of Public Health and Infrastructure  
Mr Lowry, Head of Technical Services  
Mr McAdoo, Head of Environmental Services  
Mrs McClements, Head of Environmental Health  
Mr Scullion, Head of Property Services  
Mr Wilkinson, Head of Building Control  
Miss Thompson, Committee Services Officer

The meeting commenced at 7.02 pm

**E170/18      Apologies**

Councillor Gillespie.

**E171/18      Declarations of Interest**

The Chair reminded Members of their responsibility with regard to declarations of interest.

**E172/18      Chair's Business**

Councillor Glasgow asked if there was an increase in reports regarding sheep worrying as he was aware of several recent instances. Councillor Glasgow also referred to old graveyards and Derryloran and Kildress graveyards in particular in that the grass had not been cut this year.

The Head of Environmental Health advised that due to the rural nature of Mid Ulster the number of sheep worrying incidents was higher in comparison to other Councils but stated she was not hearing from officers that there was a significant increase in these type of incidents, the officer advised that year on year statistics could be checked.

The Head of Property Services advised that grass at old graveyards was being cut by a third party contractor who is currently working their way through the list of graveyards to be cut. The officer advised that he would bring situation at Derryloran and Kildress to the attention of the contractor.

Councillor Glasgow asked how long it would be before the grass was cut as the grass was that long in these graveyards that the gravestones could not be seen.

The Head of Property Services stated that he would follow up with the contractor and advised that it is expected that these graveyards should receive between six and eight cuts per year.

Councillor McGinley congratulated Councillors Reid and S McGuigan on their positions as Chair and Vice Chair of the Committee. Councillor McGinley referred to previous discussions in relation to Travellers and asked if there was an update in relation to Traad Point.

The Director of Public Health and Infrastructure advised of meeting with NIHE on 22 May and subsequent PAD planning request made by NIHE on 29 May in relation to Traad Point. The Director advised that a date for the PAD had yet to be confirmed and that work was ongoing in relation to preparing an environmental impact assessment. The Director stated that a progress update would be circulated to Members.

Councillor McGinley referred to a number of flags which had been put up in various locations across the District and also A4 fliers and posters which have been attached to signage. Councillor McGinley stated that the flags/fliers/posters were derogatory to Council and asked what action was being taken in having the items reported and removed.

The Director of Environment and Property advised that Council had received some reports in relation to posters on signage and advised that any found to be on Council property would be removed as soon as possible. For items found on property not belonging to Council it will be the responsibility of those owning the property to have the items removed ie. A poster attached to road signage will be the responsibility of DfI Roads to remove.

## **Matters for Decision**

### **E173/18      Ageing Well – Age Friendly Network**

The Head of Environmental Health presented previously circulated report which provided information in relation to Age Friendly Communities and Network. The Head of Environmental Health pointed out a change to the recommendation within the report in that it was not recommended to sign up to the Age Friendly designation for Mid Ulster at this point in time but that Council continue to work towards the Age Friendly Agenda contained within the Health and Wellbeing Actions set out in the Mid Ulster Community Plan.

*Councillors Burton and McFlynn declared an interest in this item as they both sit on Agewell.*

Proposed by Councillor McGinley  
Seconded by Councillor Glasgow and

**Resolved**      That it be recommended to Council to note the work being carried out on the Ageing Well Programme and continue to work towards the Age Friendly Agenda contained within the Health and Wellbeing Actions set

out in the Mid Ulster Community Plan. Work on designating Mid Ulster as an Age Friendly locality to be reconsidered at a later date.

#### **E174/18      The Roads Miscellaneous Provisions Act (NI) 2010**

The Head of Environmental Health presented previously circulated report which sought approval for a Road Closure Order to be made for the Clogher Valley 100<sup>th</sup> Agricultural Show on 25 July 2018.

Councillor McNamee advised of previous discussion and proposal which was agreed at Development Committee to write out to community groups making them aware of requirements in relation to Roads Closure Orders for events they may be holding. The Councillor stated he was not sure whether what had been agreed at the Development Committee had been carried out but stated that some groups would not have filtered in the extra cost and time element of obtaining a Road Closure Order and it was important for them to be made aware.

The Head of Environmental Health advised she would check if what had been agreed at the Development Committee had been progressed.

Councillor McNamee stated he would be asking the same question at this week's Development Committee.

In response to Councillor B McGuigan's question the Head of Environmental Health advised that those groups which require a Traffic Management Plan for their event have to use those companies identified by the Department.

Councillor Mulligan referred to proposed closure of Knockmany Road which is a through road for many accessing Augher. The Councillor stated that the Knockmany Road is also a main access route to the show fields and felt that clarification was needed as to who can and cannot access Knockmany Road on the day of the Show.

The Head of Environmental Health advised that as Knockmany Road is being proposed to be closed to facilitate Clogher Valley Show, traffic movements associated with the Show are considered to be part of the event and will therefore be permitted.

Councillor Cuthbertson advised that if a road is closed ie. For road works, then any vehicles travelling on a closed road are not insured. The Councillor stated that clarification may be needed on this.

In response to Councillor Glasgow's question the Head of Environmental Health advised that the events listed in the appendix to report may or may not require a road closure but have been listed in order to facilitate the first stage of Council's application process.

Proposed by Councillor Burton  
Seconded by Councillor S McGuigan and

**Resolved**      That it be recommended to Council to –  
▪ Approve the following Road Closure Order in line with DfI Guidance  
– Clogher Valley 100<sup>th</sup> Agricultural Show – Temporary prohibition of

vehicular access to Knockmany Road, Augher from 8am to 8 pm on Wednesday 25 July 2018.

- Note the schedule of forthcoming events that may require a road closure.

## **E175/18      Fly-Tipping and Duty of Care Campaign**

The Head of Environmental Health presented previously circulated report which sought Council support for an NIEA campaign relating to 'Duty of Care'.

In response to Councillor M Quinn's questions the Head of Environmental Health advised of Fly-Tipping Protocol between NIEA and Council and that under this Protocol fly-tipping under 20m<sup>2</sup> is the responsibility of Council to remove except where the material in question is hazardous ie. Asbestos or laundered fuel processing waste in which it will be referred to NIEA for removal. Fly-tipping over 20m<sup>2</sup> will also be referred to NIEA.

The Head of Environmental Health advised that the definition between litter and fly-tipping was difficult. The officer also referred to comment within legislation in which a landowner 'knowingly permits' fly-tipping takes place.

Councillor Kearney asked if this was the first time tyre retailers had been canvassed in relation to tyre marking scheme.

The Head of Environmental Health advised that following problems experienced at two bonfires in the District officers undertook visits to tyre suppliers in those areas in which a pilot tyre marking scheme was discussed. The Head of Environmental Health advised that nine out of ten tyre retailers visited had agreed to take part in a pilot voluntary tyre marking scheme.

Councillor Glasgow referred to comment within NIEA press release which advised that householders and businesses disposing of waste via skip hire, building contractor or 'man with a van' should ensure that those carriers are licensed to do so. Councillor Glasgow stated that most in the public domain would not be aware of this and asked if the press release could be amended to include comment in relation to Council's bulky collection service.

The Head of Environmental Health advised that Council can add its own comment to the press release.

Councillor Cuthbertson asked if tyre marking will take place all year round or only in the summer months.

The Head of Environmental Health advised that officers have emphasised to tyre retailers the importance of prompt collection of waste tyres from their premises. The officer stated that suitable paint was currently in the process of being purchased for tyre suppliers following which they will be allocated a colour and tyres marked on a year round basis as part of the pilot scheme.

Proposed by Councillor O'Neill  
Seconded by Councillor McFlynn and

**Resolved** That it be recommended to Council to support the NIEA 'Duty of Care' Campaign.

**E176/18 Extension of Public Analyst Services Contract**

The Head of Environmental Health presented previously circulated report which sought to extend the contract for a Public Analyst to act as Analyst(s) for Mid Ulster District Council for a further 12 months under the terms of the existing contract.

Proposed by Councillor McFlynn  
Seconded by Councillor B McGuigan and

**Resolved** That it be recommended to Council that the contract between Council and Public Analyst Scientific Services Limited under Article 27 (1) of the Food Safety (NI) Order 1991 be extended for a period of 12 months under the terms of the original contract.

**E177/18 Environmental Health Service Improvement Plan 2018/19**

The Head of Environmental Health presented previously circulated report which detailed Environmental Health Service Improvement Plan for 2018/19.

Proposed by Councillor McGinley  
Seconded by Councillor McNamee and

**Resolved** That it be recommended to Council to approve the Environmental Health Service Improvement Plan for 2018/19.

**E178/18 Dual Language Signage Requests**

Members considered previously circulated report which advised of requests for Dual Language Signage from residents on streets/roads in the District.

Proposed by Councillor McGinley  
Seconded by Councillor McNamee and

**Resolved** That it be recommended to Council to proceed to survey the following roads on which a request for Dual Language Signage has been received –

- Annaghbann, Coalisland
- Willow Gardens, Dungannon

**E179/18 Dual Language Signage Surveys**

Members considered previously circulated report which advised on the results of surveys undertaken on all applicable residents on the streets/roads in response to Dual Language Signage nameplate requests.

Councillor McGinley proposed the officer recommendation to agree to the erection of Dual Language signage as listed within report.

Councillor McNamee seconded Councillor McGinley's proposal.

Councillor Cuthbertson proposed that Council do not proceed with the erection of Dual Language Signage due to cost to Council and no budget being in place.

Councillor Buchanan seconded Councillor Cuthbertson's proposal.

The Director of Environment and Property advised that there was an overall budget in place which included a budget for Property Services and erection and signage.

Members voted on Councillor Cuthbertson's proposal not to erect Dual Language Signage –

For – 5

Against – 9

Members voted on Councillor McGinley's proposal to erect Dual Language Signage as per report.

For – 9

Against - 5

**Resolved** That it be recommended to Council to agree the application of Dual Language Nameplates in Irish for –

- Mullan Road, Cookstown
- Derrycrin Park, Cookstown
- Derrycrin Road, Cookstown

## **E180/18      Dual Language Signage – Nameplates Policy and Procedure**

The Head of Building Control presented previously circulated report which advised of proposed revision to the Policy for Dual Language Signage Nameplates.

Councillor S McGuigan proposed the recommendation as per report.

Councillor Buchanan asked what happened to households with no internet access.

The Head of Building Control advised that the proposal was put forward as a workaround of providing information whilst reducing administration within the department.

Councillor Glasgow suggested that a further option would be to include comment within survey letter advising that Council's decision will be published on Council website or that a letter will be issued if preferred. Persons should then indicate by which method they wish to be made aware of Council's decision.

Councillor B McGuigan felt that by sending out all letters again to advise of outcome to survey was a duplication of work and that if an individual wanted to know Council's decision on the outcome to the survey they will make contact with Council.

Councillor Mulligan felt that the proposal represented penny pinching and that Council was taking a very blasé attitude with regard to making everyone aware of the outcome to the survey. Councillor Mulligan felt that everyone should be entitled to a

letter from Council advising them of the outcome of survey carried out and the decision taken by Council.

The Head of Building Control advised that the proposal was just to publish the outcome of the survey on Council's website.

Councillor S McGuigan stated he had made a proposal to agree the proposed amendment to policy and felt this was still the correct way forward.

Councillor Mulligan proposed that Council do not amend policy and continue to issue letters advising on outcome to survey and decision taken by Council.

Councillor Burton seconded Councillor Mulligan's proposal stating that Council has a duty to all ratepayers to provide easy access to information.

Councillor McGinley stated that the number who respond to the survey is normally a lot less than the number actually living on the road. The Councillor asked for clarification that the process would not be held up if there was a 'tick box' added to the survey letter asking for indication as to how the person wants to be made aware of Council's decision on the outcome of the survey.

The Director of Public Health and Infrastructure advised that there would be no delay to the process if Members wanted to move forward on the basis that letters would be issued to those who indicate they want one as per survey letters returned.

Councillor Mulligan agreed to amend his proposal on this basis.

Councillor S McGuigan stated he would withdraw his proposal.

**Resolved** That it be recommended to Council to amend the Policy for Dual Language Signage Nameplates as follows –  
"Following the Council's decision with regards to the request on Dual Language Signage for a particular street/road, the outcome will be published on the Council website. A letter will also be issued to those individuals who have indicated they wish to be advised of Council's decision in this way following receipt of their return."

### **E181/18 Street Naming and Property Numbering**

The Head of Building Control presented previously circulated report regarding the naming of new residential housing developments within Mid Ulster.

Site off Moy Road, Dungannon

Proposed by Councillor Cuthbertson  
Seconded by Councillor Buchanan and

**Resolved** That it be recommended to Council to name development off Moy Road, Dungannon as Park Ridge.

Site off Bush Road, Dungannon

Proposed by Councillor McNamee  
Seconded by Councillor Burton and

**Resolved** That it be recommended to Council to name development off Bush Road, Dungannon as The Spires.

Site off Brough Road, Castledawson

Proposed by Councillor Kearney  
Seconded by Councillor M Quinn and

**Resolved** That it be recommended to Council to name development off Brough Road, Castledawson as Moyola Mill.

### **E182/8 Building Control Service Improvement Plan 2018/19**

The Head of Building Control presented previously circulated report which detailed Building Control Service Improvement Plan for 2018/19.

In response to Councillor Burton's question the Head of Building Control advised that officers will work with architects in order to progress funded projects as quickly as possible provided all information is provided in a timely manner.

Proposed by Councillor S McGuigan  
Seconded by Councillor B McGuigan and

**Resolved** That it be recommended to Council to approve the Building Control Service Improvement Plan for 2018/19.

### **E183/18 Entertainment Licensing Conditions**

The Head of Building Control presented previously circulated report which advised on licensing conditions to an Entertainment Licence applicable to places proposing outdoor entertainment.

Councillor S McGuigan asked if these conditions were also applicable for family events.

The Head of Building Control advised that an Entertainment Licence was not required for a family event.

The Chair, Councillor Reid referred to problems at premises in Cookstown the last two Monday nights and asked if there were maximum number thresholds on how many can attend a premises.

The Head of Building Control advised that the conditions of a licence would stipulate maximum numbers, he advised that officers had performed inspections in the past and that the premises in question had not been found to be overcrowded. The Head of Building Control advised that no complaints had been received in relation to problems over the past two weeks.



The Director of Public Health and Infrastructure advised that no complaints had been received to date in relation to recent problems and stated that if there were complaints then these should be formalised to Council.

Councillor Glasgow asked if an outside Church event with a marquee will require a separate Entertainment Licence.

The Head of Building Control advised that a separate Entertainment Licence will be required depending on the type of event.

In response to Councillor Burton's question the Head of Building Control advised that Council do not have to let a premises know they are coming to carry out an inspection.

Councillor Burton asked how often premises in rural towns and villages are inspected for adhering to closing times.

The Head of Building Control advised that premises are inspected on an annual basis and that any complaints received will be investigated.

In response to Councillor Burton's question the Head of Building Control advised that Liquor Licensing is the responsibility of the Police and Entertainment Licensing is the responsibility of Council.

Proposed by Councillor McGinley  
Seconded by Councillor Glasgow and

**Resolved** That it be recommended to Council to approve the additional Licensing Conditions applicable for places providing outdoor musical entertainment as outlined at appendix to report.

#### **E184/18      Technical Services Service Improvement Plan 2018/19**

The Head of Technical Services presented previously circulated report which detailed Technical Services Service Improvement Plan for 2018/19.

Proposed by Councillor Mulligan  
Seconded by Councillor M Quinn and

**Resolved** That it be recommended to Council to approve the Technical Services Service Improvement Plan for 2018/19.

#### **E185/18      Street Naming and Dual Language Signage**

The Head of Technical Services presented previously circulated report which provided update on Dual Language Signage.

Councillor McGinley referred to the approved Dual Language Signage template in which text is right aligned, the Councillor felt that when these signs were erected they did not appear to be sitting right. Councillor McGinley proposed that the format

of Dual Language Signage be changed to that noted at Option B in the report (centre alignment).

Councillor Cuthbertson felt there was too much information on Dual Language signage and asked that the opinion of emergency services be obtained.

The Head of Technical Services advised that opinion of emergency services had been obtained in the past and that as long as the font being used is clear and adheres to lettering size requirements they have no other comments to make. The Head of Technical Services advised that Option C (left of centre alignment) as listed in the report is easiest read for those with Dyslexia.

Councillor Glasgow asked who raised the issue of changing the signage template format, he stated that the approved template had been put out to consultation and agreed. The Councillor felt it may be useful to consult again with the emergency services and also referred to the impact on costs if signage templates are changed.

Councillor M Quinn stated he would prefer option C as listed in report (left of centre alignment). The Councillor also stated he liked some colour separation of signage similar to that noted at option D of the report.

Councillor Mulligan asked that if it was decided to change the signage template what would become of the Dual Language Signage already erected.

The Chair, Councillor Reid advised that the signs already erected will remain in place.

Councillor McGinley stated that taking into account the comments of the Head of Technical Services in relation to the ease of reading signs for those with Dyslexia he would change his proposal to Option C as noted in report (left of centre alignment).

Councillor O'Neill seconded Councillor McGinley's proposal.

The Director of Public Health and Infrastructure confirmed representation was received from an elected member group regarding the quality and formatting of the signage.

Councillor Glasgow asked whether after a year there will be an opportunity to have this signage changed.

Councillor Kearney felt that the option of centre aligned signage looked best as the signage looked lopsided otherwise.

The Director advised that there was no proposal to change signage already erected and that a format template change would apply to new signs being installed.

**Resolved** That it be recommended to Council to change format of Dual Language Road Signage to that noted at Option C in the report (left of centre alignment) for all new Dual Language signage installed.

## **Matters for Information**

### **E186/18 Minutes of Environment Committee held on Tuesday 8 May 2018**

Members noted minutes of Environment Committee held on Tuesday 8 May 2018.

### **E187/18 Litter Initiative**

Members noted previously circulated report which provided update on the focus on litter as part of the Clean Neighbourhood Plan for Mid Ulster District Council.

### **E188/18 Building Control Workload**

Members noted previously circulated report which provided update on the workload analysis for Building Control.

### **E189/18 Entertainment Licensing Applications**

Members noted previously circulated report which provided update on Entertainment Licensing Applications across the Mid Ulster District.

### **E190/18 DfI Roads Proposals to Mid Ulster District Council – Proposed Abandonment Order – M1 Motorway Westbound Off-Slip at Tamnamore Roundabout, Dungannon**

Members noted previously circulated report which advised of DfI Roads Proposed Abandonment Order at M1 Motorway Westbound Off-Slip at Tamnamore Roundabout, Dungannon.

### **E191/18 Cemetery Charges 2018-2019**

Members noted previously circulated report which advised of the updated scale of charges in relation to operational cemeteries for the year ending 31 March 2019.

Councillor Cuthbertson stated there was no signage from the centre of Dungannon to Cottagequinn cemetery and asked if it was possible to put signage in place.

The Director of Environment and Property stated that it was not unusual for there to be a lack of directional signage to cemeteries and advised that there was no signage to cemeteries in Cookstown and Magherafelt. The Director stated he appreciated there was signage to some Leisure Centres and Council Offices but that there are other cemeteries not under Council ownership with no signage. The Director stated that Council could make enquiries from DfI Roads in relation to putting signage to Cottagequinn Cemetery in place but that DfI Roads could ask Council to pay for such signage.

The Chair, Councillor Reid asked how many Council owned active cemeteries there were within the District.

The Director of Environment and Property stated there were five active Council owned cemeteries in the District.

Councillor Burton advised there was signage to Cottagequinn Cemetery off the A4.

Councillor Cuthbertson stated that Cottagequinn Cemetery is outside Dungannon town boundary and felt that some signage was needed. Councillor Cuthbertson proposed that officers investigate directional signage to the five active cemeteries within the District.

Councillor McGinley seconded Councillor Cuthbertson's proposal.

**Resolved** That it be recommended to Council to investigate signage options to the five active Council owned cemeteries within the District.

## **E192/18      Review of Assisted Refuse Collections**

Members noted previously circulated report which provided update on the outcome of a review carried out in relation to the provision of an assisted refuse collection service across the District in line with Council policy.

Councillor Glasgow referred to the need for those who wish to avail of assisted refuse collections to provide evidence from a GP stating that they are deemed unfit to place their bin out for collection. The Councillor stated that GPs are already under considerable pressure and that Council was adding to this by requesting additional paperwork from them.

The Director of Environment and Property stated that anyone who feels they require an assisted collection can apply at any time. The Director stated that the service has required a review for some time as the numbers requesting the service have increased year on year and Council are often not told a service is no longer required. The Director advised that Council are reliant on medical opinion being received as to whether the applicant can or cannot put their bin out and it was difficult to know what other verification process could be put in place.

Councillor Glasgow asked if the proposal to carry out this review had been brought to the attention of the Committee. The Councillor stated that Mid Ulster has an ageing population and although he appreciated that circumstances can sometimes change the fact that those who needed the service were being required to seek GP verification was causing frustration.

The Director of Environment and Property advised that the review of assisted refuse collections was contained within the Environmental Services Service Improvement Plan brought before Committee last month.

Councillor Glasgow stated that he had been approached by a member of the public in relation to the review process approximately three months ago. The Councillor stated the review has caused concern in the community and asked what a person has to do when they cannot get GP verification on time and then have to reapply to get the service.

Councillor Burton stated that Council has to appreciate the workload of GPs and asked if someone is receiving benefits if this could be used as proof or that verification be provided from a Practice Nurse rather than a GP.

The Director of Environment and Property stated that there had been a need to review the assisted refuse collection service. The Director stated that the need for the service cannot be ascertained without medical evidence and that extension of verification by Practice Nurses could be explored further.

*Councillor S McGuigan left the meeting at 8.30 pm.*

Councillor Cuthbertson stated that if a person is receiving high rate mobility benefit then it could be assumed that they would not be able to leave their bin out. The Councillor also stated that a GP cannot verify if there is another person in the house who would be able to put a bin out.

Councillor Glasgow stated that Council is always lobbying in support of GPs but in this instance were adding to their workload pressure. The Councillor stated that consideration needed to be given to the fact that the person may not have been at home for a long period and were unaware of the need to reapply for the service.

The Director of Environment and Property stated that the process has worked well in the past but that Member's comments would be taken on board for the future.

Councillor Burton stated that Council should have an interest in a persons health concerns as they are ratepayers.

The Chair, Councillor Reid stated that he would have some concern that the people who need assistance will fall to the side and that Council needed to be mindful and ensure this does not happen going forward.

#### **E193/18      Northern Ireland Local Authority Collected Municipal Waste Management (LACMW) Report for October to December 2017**

Members noted previously circulated report which provided update on Council's performance in relation to recycling and landfill diversion targets as outlined in the NIEA Northern Ireland Local Authority Waste Management Statistics Report for the quarter three period of October to December 2017.

#### **E194/18      Compost Awareness Week 2018**

Members noted previously circulated report which provided update on Compost Awareness Week held from 7 to 12 May 2018.

#### **E195/18      Tullyvar Joint Committee Update**

Members noted previously circulated report which provided update on Tullyvar Joint Committee.

## **Local Government (NI) Act 2014 - Confidential Business**

Proposed by Councillor McGinley  
Seconded by Councillor M Quinn and

**Resolved** In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items E196/18 to E205/18.

### **Matters for Decision**

E196/18	Extension of Dog Kennelling Contract Until July 2020
E197/18	Amenity and Planting Sponsorship
E198/18	Tender for the Collection and Processing of WEEE and Batteries
E199/18	Maghera Leisure Centre – Capital Project
E200/18	Capital Projects – Public Realm Schemes – Contracts Update

### **Matters for Information**

E201/18	Confidential Minutes of Environment Committee held on Tuesday 8 May 2018
E202/18	Audit of Mid Ulster Council Fuel Stamp Scheme
E203/18	Capital Projects Update
E204/18	Off-Street Car Parking Update 2017-2018
E205/18	Construction of Waste Transfer Station – Capital Works Update

### **E206/18 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 9.11 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_