

**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Wednesday 4 February 2015 in Cookstown District Council Offices**

<b>Members Present:</b>	In the Chair, Councillor Cuddy (Chair)  Councillors Buchanan, Burton (7.03 pm), Cuthbertson, Gillespie, Mallaghan, McAleer (7.12 pm), McFlynn, McGinley, B McGuigan, McNamee, Mulligan, J O'Neill, Reid
<b>Officers in Attendance:</b>	Mr Tohill, Chief Executive Mrs Caldwell, Head of Environmental Health (CDC) Mr Cassells, Director of Technical Services and Leisure Services (MDC) Mr Kelso, Director of Environmental Health and Building Control (CDC) Mr Law, Head of Waste Services (DSTBC) Mr McAdoo, Head of Waste and Contracts Management (CDC) Mrs McClements, Director of Environmental Services (DSTBC) Mr Scullion, Head of Technical Services (CDC) Mr Wilkinson, Head of Building Control (CDC) Miss Thompson, Committee Services/ Senior Admin Officer (DSTBC)

The meeting commenced at 7.02 pm

**E9/15        Apologies**

Councillors McGuigan and Mullen

**E10/15        Declarations of Interest**

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

**E11/15        Receive and confirm minutes of the Environment Committee  
meeting held on Wednesday 14 January 2015**

Proposed by Councillor Cuthbertson  
Seconded by Councillor Mulligan and

**Resolved**    That the Minutes of the Meeting of the Environment Committee held on Wednesday 14 January 2015 (E1/15 – E6/15 and E8/15) were considered and signed as accurate and correct.

*Councillor Burton entered the meeting at 7.03 pm*

## **Matters for Decision**

### **E12/15      Transport NI Environmental Maintenance**

Mr Scullion provided Members with an overview of the TransportNI grass cutting functions carried out by Council and sought Members views on service delivery from 1 April 2015.

At the moment the three Councils carry out all or some of TransportNI's functions as follows:

- Town and village grass cutting of verges and sightlines at junctions
- Off Street Car park cleansing
- Streetscape hard surfaces weed control
- Snow/Ice clearance of town centre footpaths in periods of prolonged ice

With regard to grass cutting the TransportNI policy is to cut grassed areas up to twice a year in rural areas up to one swathe width for safety reasons. This includes areas at sightlines and junctions as necessary. In urban areas the policy is to cut grassed areas five times per year across the full verge within the 30mph boundaries. In addition to Council and TransportNI, the NI Housing Executive cut grass in towns and villages. Often grass is cut to three different standards.

In lieu of grass cutting services TransportNI make a payment to Councils annually depending on the amount grass is cut and to what standard.

Due to the nature of grounds maintenance works much of the planning and preparation is undertaken 12 months in advance. Due to time constraints grounds maintenance arrangements for the new Council are expected to be the same as the current year.

Correspondence received from TransportNI suggests that payment in lieu of grass cutting services may not be made in 2015/16 and arrangements need to be agreed with TransportNI. At present, approximately £29,000 has been included as income from TransportNI in lieu of Council services in the draft Mid Ulster District council financial estimates for 2015/16.

Mr Scullion asked Members to note the contents of the report and to give approval to enter into discussions with TransportNI to agree a way forward with grass cutting in Mid Ulster for 2015/16.

Councillor McNamee commented that this appears to be another function which is being off-loaded to Councils without reimbursement.

Councillor Burton advised that rural areas are as much in need of grass cutting as the urban areas.

Councillor McFlynn advised that TransportNI currently make presentations to each of the Councils and asked if TransportNI be invited to a future meeting of Mid Ulster District Council.

The Chief Executive confirmed that TransportNI will be invited twice yearly to make a presentation to the Council. He advised that it will be important to meet with TransportNI to discuss reimbursement for grass cutting for 2015/16 season and also to discuss continuity of approach to grass cutting as operations are currently serviced by different TransportNI sections resulting in different quantities of grass being cut in each area and different rates of payment.

Councillor Reid felt that Council should not be taking this function on without reimbursement.

Proposed by Councillor Cuthbertson  
Seconded by Councillor B McGuigan and

**Resolved** That it be recommended to the Council to enter into discussions with TransportNI to agree a way forward for grass cutting in Mid Ulster for 2015/16.

### **E13/15 Transitional Arrangements for Byelaw Control**

Mrs Caldwell updated Members on the Byelaws currently in force in the current Council areas and the arrangements for transposing these for use in Mid Ulster District Council in April 2015.

Under the Local Government (NI) Act 1972, Councils were given the power to introduce Byelaws for the Good Rule and Government of their District. These controls were utilised to provide for the regulation and management of parks, recreational facilities and local cemeteries, in addition to commercial activities such as hairdressing, tattooing, ear piercing and cosmetic skin treatments. Byelaws currently in force across the three Council areas are:

<b>BYELAWS</b>
<p><b><u>General Public Health</u></b></p> <ul style="list-style-type: none"> <li>• Cosmetic Piercing</li> <li>• Semi-Permanent Skin Colouring</li> <li>• Tattooing</li> <li>• Hairdressers Act (NI) 1939</li> <li>• Ear-Piercing and Electrolysis</li> <li>• Acupuncture</li> </ul>
<p><b><u>Good Rule and Government</u></b></p> <ul style="list-style-type: none"> <li>• Byelaws for Use of Designated Pleasure Grounds</li> <li>• Byelaws for Rules and Regulations of Public Cemeteries</li> <li>• Byelaws for Consumption of Alcohol in Public Places</li> </ul>

The procedures for revoking old Byelaws and establishing New Byelaws are defined in guidance provided by the Department of the Environment. As this is in effect a legislative process, the Council must follow the procedures as set out in the Local Government (NI) Acts 1972 and 2014. The procedure for introducing a new or revised Byelaw is:

- Draft New Byelaws
- Committee considers / agrees – Draft Byelaws
- Draft Byelaws are publicly advertised local papers – 1 month
- Committee considers public comments / revises Draft Byelaws
- Committee ratifies ‘Byelaws’
- Ratified Byelaws forwarded to relevant NI Department for ‘Signature’
- Byelaws returned and publicly advertised / implemented

As the amendment or introduction of a new Byelaw is a legislative procedure the timescales and arrangements must be adhered to. The process as outlined above can take between three and six months to complete before the new Byelaw can take effect. This will depend on how quickly the relevant Northern Ireland Department agrees and signs off the Draft Byelaw. An officer working group has been established within Mid Ulster to review the current suite of Byelaws and prepare new draft Byelaws for Members’ consideration.

The Department of the Environment has recognised given the timescales that it would be impractical to expect new Councils to have revised Byelaws in place for April 2015. The Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (NI) 2014, Regulations 3 and 4 provide for the transfer of existing Byelaws to the new Council for their regulation and control until new Byelaws are approved.

This will mean that the current set of Byelaws will require to be ratified by Mid Ulster District Council after 1 April 2015, when it becomes a legal entity. A report will be brought to Members at the earliest Committee, setting out the Byelaws and the legal arrangements for doing same. These arrangements will enable Council to apply the Byelaws, until such times as a new set are drafted, considered and consulted upon.

Proposed by Councillor B McGuigan  
Seconded by Councillor Reid and

**Resolved** That it be recommended to the Council to ratify the current set of Byelaws after 1 April 2015 in order that they may be applied until such times as a new set are drafted, considered and consulted upon.

## **E14/15 Street Naming and Property Numbering Policies**

Mr Wilkinson advised Members of the Street Naming and Property Numbering Policies within the constituent Councils across Mid Ulster.

Currently each Council has an approved policy for Naming of Streets/Roadways, the policy as agreed in each case is based on Article 11 of The Local Government (Miscellaneous Provisions) (NI) Order 1995. Each Council policy has incorporated slightly different approaches to approval for names of Streets / Roadways which include:

### **Include**

- Number of naming options requested from developer

- Inclusion of townlands in name
- Inclusion of a name specifically relating to a locality

### **Exclude**

- Exclusion of names marking historical or political events
- Exclusion of names relating to an individual person or family
- Exclusion of names which may have a similar street name in same locality (or postcode)

Mid Ulster Council will require a Street Naming and Property Numbering Policy to enable new properties to be suitably addressed from 1 April 2015.

Councillor McNamee felt it is important that townlands continue to be used in street naming and also expressed the need for bilingual signage.

Councillor Mallaghan advised Members of the current policy used regarding bilingual signage in Cookstown District Council. Councillor Mallaghan also enquired whether it is a legal requirement to display the number on a property.

Mr Wilkinson advised that there is nothing in legislation which states a number has to be displayed and that it is at the discretion of each Council if they wish to enforce this issue. In relation to bilingual signage Mr Wilkinson advised that legislation states that signage must be in English and any other language.

Councillor Cuthbertson felt it important that when townland names are being used that an additional name also be incorporated such as Avenue or Way so that other properties in the area can continue to use the townland name if they wish without confusion.

Councillor Mulligan felt that the use of family names should be discouraged as there is always the risk of names being excluded.

Proposed by Councillor Burton  
Seconded by Councillor B McGuigan and

**Resolved** That it be recommended to the Council to base the Street Naming and Property Numbering policy for Mid Ulster District Council on the Inclusions and Exclusions as listed above.

### **E15/15 Entertainment Licensing**

Mr Wilkinson updated Members on the licensing of Places of Entertainment within constituent Councils across Mid Ulster.

The Council has responsibility for Licensing Places of Entertainment in accordance with The Local Government (Miscellaneous Provisions) (NI) Order 1985. Within the legislation, it specifies the types of entertainment which require licensing as follows:

- Theatrical performances;
- Dancing, singing or music or any other entertainment of a like kind;

- Any entertainment which consists of, or includes any public contest, match, exhibition or display of boxing, wrestling, snooker, pool, darts or any other similar game or sport.

Currently, the constituent Councils will issue licences for the following:

- Grant/renewal of Full Licences
- Occasional Licences (14 days)
- Temporary Licences (for example marquees for one-off events)
- Outdoor Licences

Mr Wilkinson advised that the total number of licences issued across the three councils is 216 providing an annual income of £53,000. The fees for an application for the grant/renewal of an Entertainment Licence are specified by The Department of Environment and are primarily based on the type of licence and maximum number of people permitted within the premises.

At present, two Councils administer the Entertainment Licence function by means of an "Excel Spreadsheet" system. The third Council uses the Tascomi Te-Licence System. The Tascomi Te-Licence System will be used as the common platform for administering this function in Mid Ulster Council.

Currently, two Councils issue licences on a monthly basis with the expiry date 12 months from the date of issue. The remaining Council issues the full Licence with the same fixed expiry date year on year (ie. all Full Licences expiry on 30 September each year).

It is proposed that all Licence applications will be processed on a receipt basis throughout the year from 1 April 2015. The Te-Licence System will allow for a completed on-line electronic application process for both renewals and new applications.

A draft policy on Entertainment Licencing for Mid Ulster District Council will be brought to a future Committee Meeting for consideration by Members.

Proposed by Councillor Mallaghan  
Seconded by Councillor McNamee and

**Resolved** That it be recommended to the Council that all Licence applications be processed on a receipt basis throughout the year from 1 April 2015.

## **E16/15 Oil Stamp Savings Scheme**

Mrs McClements reported on the oil stamp schemes in each of the legacy Councils within Mid Ulster and the likely convergence issues.

Oil stamp schemes have been in place within Dungannon and South Tyrone Borough Council, Cookstown and Magherafelt District Councils to help householders who use oil heating to budget effectively and help reduce fuel poverty.

A Mid Ulster District Council oil stamp and associated cards require design, print and promotion through a communications strategy to both oil stamp retailer, oil suppliers and the public. Arrangements require to be put in place to ensure stamps from the legacy Councils remain valid for reimbursement throughout the transition period and beyond. Each Council currently operates their oil stamp scheme in a relatively similar manner however the design of stamps and oil stamp savings cards are different and these require convergence bearing in mind the current numbering system of stamps over three sites. Payment from both retailers and to oil suppliers also needs to be regularised.

Councillors McNamee and Reid enquired as to the amount of stock of current cards/stamps and how long they will be valid.

Mrs McClements advised that all current cards/stamps will be used before the new cards/stamps will be issued but that in one of the three current Councils this could be by April 2015. Mrs McClements stated officers are aware that there is a time lapse between people buying the stamps and when they are cashed in and that consideration will be given to this when phasing in the new scheme.

Councillor Mallaghan felt that Councils are providing a good service with the oil stamp scheme and enquired if oil suppliers offer any support to Council for running the scheme.

Mrs McClements advised that there were no such arrangements with oil suppliers and that Councils would not be permitted to receive a bonus back for the scheme.

Councillor Mallaghan felt that Councils should be able to receive a small percentage from oil suppliers.

Proposed by Councillor Gillespie  
Seconded by Councillor Reid and

**Resolved** That it be recommended to the Council that arrangements are made to establish the Mid Ulster Oil Stamp Scheme as soon as corporate branding and associated issues are agreed.

## **E17/15 Street Trading Fees**

Mrs McClements asked Members for their views with regard to progressing Street Trading Licence fees for use in Mid Ulster District Council from 1 April 2015 as required by Street Trading (NI) Act 2001.

The Street Trading (NI) Act 2001 sets out the legislative process and in setting the Street Trading Fee the decision must be made based on cost recovery fees, designation procedure fees, review/calculation fees and the number of newspapers used for advertising.

The proposed fees require to be publicised in two or more newspapers, notice has to be given of the proposed fees to licence holders affected by the proposal, allowing 28 days for anyone to make a written representation. The Council must consider

any such representation and determine the final fees which then have to be publicised in two or more newspapers in the district with all licence holders affected by the decision requiring notification of the set fee.

Mrs McClements advised that a policy for Advertising Public Notices, Tenders and Recruitment was presented to last night's Policy & Resources Committee. This policy recommended that seven newspapers be used for publication of public notices and this was agreed.

For illustration purposes a summary of the proposed fees using two newspapers as specified as a minimum in legislation and seven newspapers as noted in the Policy & Resources Committee paper are outlined below.

	(2 papers used)	(7 papers used)
<b>STATIONARY TRADER</b>	<b>£175</b>	<b>£205</b>
<b>MOBILE TRADER</b>	<b>£175</b>	<b>£205</b>
<b>TEMPORARY TRADER</b>	<b>£55</b>	<b>£55</b>
<b>VARIATION OF LICENCE</b>	<b>£70</b>	<b>£70</b>

Recommendations were taken forward in the December Committee papers proposing that all fees are payable at the time of application, with an administrative portion retained in the event of the licence being refused.

Mrs McClements advised that funding will be required to pay for the cost of the public notices of the decided fees. This will depend on the number of newspapers agreed for placing such notices. In addition, future income from street trading licences will be affected by the proposed fee structure.

Proposed by Councillor B McGuigan  
Seconded by Councillor McFlynn and

**Resolved** That it be recommended to the Council that the Street Trading fees for Mid Ulster District Council are as set out below by advertising in seven newspapers as per the Policy for Advertising Public Notices, Tenders and Recruitment.

<b>STATIONARY TRADER</b>	<b>£205</b>
<b>MOBILE TRADER</b>	<b>£205</b>
<b>TEMPORARY TRADER</b>	<b>£55</b>
<b>VARIATION OF LICENCE</b>	<b>£70</b>

## **Matters for Information**

### **E18/15 Fly-Tipped Waste**

Mrs Caldwell provided Members with some background to the Fly-Tipping of Waste Protocol between the Northern Ireland Environment Agency (NIEA) and Local Councils and updated Members on the current position.



Fly-Tipping of waste is a significant problem for all Councils in Northern Ireland. The primary controls are contained within the Waste and Contaminated Land (NI) Order 1997, which is regulated by the NIEA. The DoE amended this legislation with The Waste and Contaminated Land (Amendment Act) (NI) 2011. This amended legislation was designed to strengthen the enforcement powers of the Department and Councils in regard to unlicensed and Fly-Tipped waste.

As part of the regime, NIEA agreed to establish a programme to identify the scale and extent of fly-tipped material and in particular, hazardous waste, across the region. The Department of the Environment established a Fly-Tipping Waste Unit, to enable the Department and NIEA to fulfil their statutory responsibilities in the clearance and removal of hazardous waste materials. In the Mid Ulster cluster, two Councils signed up to the pilot programme.

The programme has proved very successful to date, with approximately four separate incidents of fuel laundered waste material being removed by NIEA contractors in one period of six months alone during 2013/14 at a cost of approximately £20,000 in one Council area.

Correspondence received on 5 December 2014 indicated that a total of 394 incidents of fly-tipped waste had been dealt with across Northern Ireland in the period June 2012 to October 2014, at a total cost of £1,179,000. The correspondence confirmed that the budget for the Pilot Programme has now been exhausted and that no further resources will be made available to deal with fly-tipped waste incidents.

The costs for collection and disposal of fly-tipped waste in Mid Ulster by NIEA, amounted to in excess of £64,878 since June 2012 and this does not include the smaller quantities of fly-tipped waste which would be collected by councils as part of the Street Cleansing Programme.

If this position is left unchallenged, Mid Ulster District Council will be faced with a similar position as that prior to 2012, when Council's had to incur the costs of removal of "Fuel Laundered Waste" at a cost of approximately £1,500/tonne for removal and disposal. In one case alone NIEA incurred a cost of £14,000 in dealing with a 40 foot trailer containing this type of hazardous waste material.

Mrs Caldwell recommended that correspondence is forwarded to the Minister for the Environment, highlighting the need to review the "Pilot Programme" and that a structured fund for the regulation, control and disposal of highly toxic fuel laundered waste and other similarly hazardous materials in accordance with the requirements of the Waste and Contaminated Land (NI) Order 1997 be put in place.

Proposed by Councillor McNamee  
Seconded by Councillor McGinley and

**Resolved** That it be recommended to the Council to write to the Minister for the Environment highlighting the concerns regarding the proposed curtailment of the Fly-Tipped Waste Programme.

## **E19/15      Charging Arrangements for Collection and Disposal of Waste**

Mr McAdoo advised members on the arrangements for charging for kerbside collection and the disposal of commercial and Schedule 2 waste.

At the October 2014 meeting a report outlining a scale of charges for the collection and disposal of commercial waste for the 2015/16 year was approved. The report acknowledged that there were a number of issues in relation to how the charges would be applied which needed to be addressed in advance of 1 April 2015, these issues were how and when commercial properties will be charged and secondly to which premises discretionary charges will be applied.

With regard to payment terms and conditions, all commercial properties will be charged for the service bi-annually with invoices for the first six month period covering 1 April to 30 September 2015 being issued in February with payment made before the end of March 2015. Given the preference of Finance that payment is made in advance and in order to limit the administrative burden no direct debit payment option will be made available.

A common Mid Ulster bin label to be attached to commercial bins to confirm payment has been made will be used from April however invoices and waste transfer notes will be issued by the existing three Councils for the first six month period with standard documentation being used thereafter.

In relation to discretionary charges the Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013 lists certain types of properties, known as "schedule 2" premises, where the Council has discretion to impose a charge for the collection and/or disposal of waste. A summary of the legal position in relation to the classification of waste from the various premises and permitted charges is shown:

	<b>Type of Premise</b>	<b>Classification of Waste</b>	<b>Collection Charge Permitted</b>	<b>Disposal Charge Permitted</b>
1.	Educational Establishment	Household	YES	YES
2.	Charity Shops	Household	YES	NO
	<i>Exceptions</i>			
2a	Where waste originates from non-domestic property	Commercial	YES	YES
3.	Premises occupied by a charity and wholly or mainly used for charitable purposes	Commercial	YES	YES
	<i>Exceptions</i>			
3a	Where waste is from premises used mainly or wholly for public meetings	Household	YES	NO
3b	Where waste is from a place of worship	Household	NO	NO

At the moment all three existing Councils charge for both the collection and disposal of waste from schools and other educational establishments and no change will be

made here other than adopting a common approach of applying an annual charge to cover 40 weeks of the year to reflect school holiday periods/closures.

With regard to the other schedule 2 premises only one Council presently applies any type of charge, specifically a landfill tax disposal charge as this was considered to be a “pass through” cost imposed by HMRC. Moving forward this charge will not apply to the 64 premises concerned in order to ensure a common position across the new Council district.

Whilst there will be a financial implication arising from the non-application of the landfill tax charge to the existing charitable premises in one Council area it is not anticipated there will be a significant impact on overall income as any loss should be offset by additional income arising from the collection of recycling bins in another Council area (set at 50% of the residual charge as approved by Committee).

Prior to the second six month period (October 2015 to 3 March 2016) a standard contract for the provision of the commercial waste collection service by Mid Ulster District Council will be developed and put in place with all customers.

Members noted the content of this report.

## **E20/15      Visual Condition Surveys on Car Parks Transferring to Mid Ulster**

Mr Cassells updated Members on the off street car parks identified for transfer to Mid Ulster District Council on 1 April 2015 and provided a summary of findings on the condition of same.

As part of Local Government Reform off street car parks as identified by the Department for Regional Development will transfer to the ownership of Mid Ulster District Council. It is noted that 23 car parks will transfer to Mid Ulster District Council, these car parks make provision for 1,978 car parking spaces across the new Council area. Responsibility for their management and maintenance will fall with the Council from 1 April 2015. Council will not have responsibility for on street car parking.

In preparation for the transfer of the responsibility and the assets from DRD council officers undertook a visual condition survey of each car park to ascertain:

- A quality score on a scale of Good, Satisfactory, Unsatisfactory and Unacceptable for each inspected area within the car park. The areas inspected included surfacing, line marking, kerbing and pavement, equipment and signage, boundaries, landscaped areas and street lighting.
- The priority of works required; and
- The costs estimated for works identified.

The surveying related to a visual survey only and did not extend to the inspection of underground, utilities, mechanical and electrical services.

As a result of the surveys it is estimated that £146,200 is required to undertake the necessary identified works. The works have been banded on a scale of (i) requiring

immediate attention; (ii) attention within one year (2015-2016); or (iii) attention beyond 2015-2016 and broken down as follows:

Priority of Works	£
Immediate (1)	57,980
2015-2016	79,584
2016-2017+	8,636
<b>Total</b>	<b>146,200</b>

Note 1 Includes estimated costs of £55k for resurfacing 4 car parks which could wait until future years, subject to further assessment

The visual condition surveys identified a number of issues which although identified on inspection of the sites are beyond the scope of this report and will be progressed accordingly. Matters include unregistered lands, pedestrian access to car parks, utility access, NIE Charge Points within car parks, street lighting costs, boundary issues of the car parks and existing TransportNI plans for some car parks.

With reference to monies transferring to local government from DRD for car park maintenance it is expected that this will be in the region of £200,000. This is in contrast to the 2001-2005 when DRD spent approximately £4 million per annum on maintenance. Mid Ulster due diligence work on its car parks would suggest that DRD should be allocating and transferring substantially more than it has currently identified, to be in line with the local government reform principle of transferring functions being cost neutral to local government at the point of transfer.

Members thanked officers for their detailed reports in relation to this matter but again raised concern of additional responsibilities coming to council with little or no budget.

Councillor Mallaghan proposed that Council request a meeting with the Minister for Regional Development in relation to the budget for maintenance of carparks transferring to Mid Ulster District Council and also issues relating to grass cutting as discussed earlier.

Councillor Cuddy felt that Council should not adopt these car parks until they are brought up to standard by DRD.

The Chief Executive advised that financial amounts coming to Council for additional responsibilities are now final and that legislation allows for the transfer of car parks to Council with no comeback on their condition however a meeting with the Minister may be useful to discuss a review of budget for the future.

Proposed by Councillor Mallaghan  
Seconded by Councillor J O'Neill and

**Resolved** That it be recommended to the Council to request a meeting with the Minister for Regional Development in relation to the budget for car park maintenance and also grass cutting.

*Councillor Reid left the meeting at 8.25 pm*

**Confidential Business**

Proposed by Councillor Mallaghan  
Seconded by Councillor Gillespie and

**Resolved** That items E21/15 and E22/15 be taken as confidential business.

**E23/15 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 8.30 pm.

**CHAIR** \_\_\_\_\_

**DATE** \_\_\_\_\_