



22 March 2018

Dear Councillor

You are invited to attend a meeting of the Council to be held in
The Chamber, Dungannon at Mid Ulster District Council, Council Offices, Circular
Road, DUNGANNON, BT71 6DT on Thursday, 22 March 2018 at 19:00 to transact
the business noted below.

Yours faithfully

Anthony Tohill
Chief Executive

AGENDA

OPEN BUSINESS

1. Apologies
2. Declarations of Interest
3. Chair's Business

Matters for Decision

- | | | |
|-----|--|-----------|
| 4. | Policy and Resources Committee minute dated 8 February 2018 Item PR27/18 External Signage Play Areas | 3 - 4 |
| 5. | Council meeting minutes of meeting held on 22 February 2018 | 5 - 12 |
| 6. | Planning Committee minutes of meeting held on Tuesday 6 March 2018 | 13 - 34 |
| 7. | Policy and Resources Committee minutes of meeting held on 8 March 2018 | 35 - 40 |
| 8. | Environment Committee minutes of meeting held on Tuesday 13 March 2018 | 41 - 52 |
| 9. | Development Committee minutes of meeting held on 15 March 2018 | 53 - 74 |
| 10. | Conferences, Seminars and Training | 75 - 78 |
| 11. | Consideration of requests for civic recognition | 79 - 82 |
| 12. | Planning Programme for Elected Members | 83 - 100 |
| 13. | Revisions to the Protocol for the Operation of the Planning Committee | 101 - 118 |

Matters for Information

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| 14 | Consultations notified to Mid Ulster District Council | 119 - 122 |
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16	Boundary Commission - 2018 Review of Parliamentary Constituencies	141 - 146

Notice of Motions

- 17 Notice of Motion
Councillor Molloy to move

This Council acknowledges that there are grave concerns about the Boundary Commission's decision to scrap their own Provisional Proposals of September 2016 in favour of Revised Proposals published in January 2018, which are not only far removed from their provisional proposals but which are remarkably similar to proposals submitted to the Commission by the DUP in the course of the public consultation periods of 2016 and 2017.

As a result of this, many in the Nationalist community have lost confidence in this Boundary Commission, therefore, this Council, in reflecting that loss of confidence, is calling for a Public Inquiry into the Boundary Commission's handling of the current review.

Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Matters for Decision

18. Council confidential minute of meeting held on 22 February 2018
19. Planning Committee Confidential Minutes of Meeting on 6 March 2018
20. Policy and Resources Committee confidential minutes of meeting held on 8 March 2018
21. Environment Committee confidential minutes of meeting held on 13 March 2018
22. Development Committee confidential minutes of meeting held on 15 March 2018
23. Insurance Renewals

Matters for Information

PR047/18 Extract of Policy and Resources Committee Minute dated 8 February 2018 (PR027/18 External Signage Play Areas)

The Head of Democratic Services provided clarification in relation to vote taken by Members on this item. The officer highlighted that, based on the number of Members in the room at the time, the vote should read –

For – 8
Against – 5

The Chair, Councillor Molloy referred to his own notes taken on the night and stated he could concur with the officer's remarks.

Proposed by Councillor Bateson
Seconded by Councillor S McGuigan and

Resolved That it be recommended to Council to amend vote taken in relation to item PR027/18 – External Signage Play Areas to read –

For – 8
Against – 5

Extract of Policy and Resources Minute dated 8 February 2018
(PR027/18 External Signage Play Areas) to be brought back to Council for approval subject to the foregoing.

Minutes of Meeting of Mid Ulster District Council held on Thursday 22 February 2018 in the Council Offices, Circular Road, Dungannon

Chair: Councillor Ashton

Members Present: Councillors Bateson, Bell, Burton, Clarke, Cuddy, Cuthbertson, Doris, Elattar, Gildernew, Gillespie, Glasgow, Kearney, McAleer, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McNamee, McPeake, Milne (7.02pm), Molloy, Monteith, Mullen, Mulligan, J O'Neill, M Quinn, T Quinn, Reid, Robinson, Totten and Wilson

Officers in Attendance: Mr Tohill, Chief Executive
Ms Campbell, Director of Leisure & Outdoor Recreation
Mr Cassells, Director of Environment & Property
Mr McCreesh, Director of Business & Communities
Mr P Moffett, Head of Democratic Services
Mr JJ Tohill, Director of Finance
Mrs Forde, Member Support Officer

The meeting commenced at 7pm

C26/18 Apologies

Councillors Buchanan, Forde, Mallaghan, McLean and G Shiels

C27/18 Declarations of Interest

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

C28/18 Chair's Business

None.

Matters for Decision

C29/18 Receive and Consider Minutes of matters transacted in "Open Business" at the Special Council meeting held on Thursday 18 January 2018

Proposed by Councillor Molloy
Seconded by Councillor Wilson and

Resolved: That the Minutes of the Meeting of the Special Council held on Thursday 18 January 2018 (SC1/18 –SC7/18) transacted in "Open

Business” having been printed and circulated were considered and adopted.

C30/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Council meeting held on Thursday 25 January 2018

Proposed by Councillor McNamee
Seconded by Councillor J O’Neill and

Resolved: That the Minutes of the Meeting of the Council held on Thursday 25 January 2018 (C1/18 – C25/18) transacted in “Open Business” having been printed and circulated were considered and adopted.

C31/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Special Council meeting held on Monday 12 February 2018

Proposed by Councillor B McGuigan
Seconded by Councillor Wilson and

Resolved: That the Minutes of the Meeting of the Special Council held on Monday 12 February 2018 (SC8/18 –SC15/18) transacted in “Open Business” having been printed and circulated were considered and adopted.

C32/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee meeting held on Tuesday 6 February 2018

Proposed by Councillor Reid
Seconded by Councillor Bell and

Resolved: That the Minutes of the Meeting of the Planning Committee held on Tuesday 6 February 2018 (P016/18 – PO31/18) transacted in “Open Business” having been printed and circulated were considered and adopted.

C33/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy and Resources meeting held on Thursday 8 February 2018

The Chair, Councillor Ashton drew attention to Item PR027/18 and sought clarity in relation to the vote tally. Councillor Molloy concurred stating that his recollection was it should read ‘For 8’ and ‘Against 6’. The Chair stated that there had only been 13 voting members present at that point of the meeting and recommended that the item be referred back to Policy and Resources Committee in March for clarification. The Chair also requested that Councillor Burton be added to the ‘In Attendance’ list.

Councillor McFlynn stated that she had been in attendance but had not participated in the vote.

Proposed by Councillor Gildernew
Seconded by Councillor Molloy and

Resolved: That

- (i) the Minutes of the Meeting of the Policy and Resources Committee held on Thursday 8 February 2018 (PR024/18 – P026/18, PR029/18 – PR032/18 and PR043/18) transacted in “Open Business” having been printed and circulated were considered and adopted; and
- (ii) Item PR027/18 External Signage: Play Areas referred back to committee to clarify voting numbers.

Councillor Milne entered the meeting at 7.02 pm

C34/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee held on Tuesday 13 February 2018

Proposed by Councillor McNamee
Seconded by Councillor Kearney and

Resolved: That the Minutes of the Meeting of the Environment Committee held on Tuesday 13 February 2018 (E031/18 – E068/18) transacted in “Open Business” having been printed and circulated were considered and adopted.

C35/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee held on Thursday 15 February 2018

Proposed by Councillor McAleer
Seconded by Councillor Doris and

Resolved: That the Minutes of the Meeting of the Development Committee held on Thursday 15 February 2018 (D023/18 – D044/18) transacted in “Open Business” having been printed and circulated were considered and adopted.

C36/18 Conferences, Seminars and Training

Approval was sought for undernoted conferences for attendance of Members and Council Officers outlined in the report, the payment of attendance fees and associated costs as incurred. The Head of Democratic Services tabled and referred to the undernoted, DIGG for Success event, highlighting that Councillor Doris wished to attend. The Chair Councillor Ashton suggested that details of the event be circulated to Members in case other members wished to attend.

(i) Member Approvals

- NILGA – Code of Conduct Refresher Information
Following dates as outlined below: No attendance fee, mileage and subsistence.
 - Tues 20 February 2018, 10.30am-12.30pm Downshire Civic Centre, Downpatrick
 - Tues 27 February 2018, 12.30pm-14.20, Radisson Blu Hotel, Limavady
 - Wed 7 March 2018, 12.30pm – 14.30, Glenavon Hotel, Cookstown
 - Tues 27 March 2018, 17.30pm – 19.30, Bangor Castle, Bangor
- DIGG For Success - Under The Influence (Social Media Seminar)
Friday 2 March 2018 at Ranfurly House, Dungannon 8.30am – 1.00pm Cost £40, travel and subsistence; Councillor Doris to attend

(ii) Officer Approvals

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fee (Yes/No)
Healthy Working Lives Conference	15th March 2018	1	Belfast	Free
SOLACE Conference	1 st March 2018	3 - Chief Executive & 2 Directors	Belfast	£99 member £130 Non-member

Proposed by Councillor J O'Neill
Seconded by Councillor S McGuigan and

Resolved: That the attendance of Members and Officers, the payment of attendance fees and associated costs as incurred be approved, as required for attending Members and Officers.

C37/18 Consideration of Requests for Civic Recognition

Reference was made to the previously circulated report and approval sought for request(s) for civic recognition from members, in line with Council Receptions Policy.

Proposed by Councillor Monteith
Seconded by Councillor B McGuigan and

Resolved: That approval be given to submitted requests for civic recognition as outlined in the report.

C38/18 Council Consultation - Submission for Approval

The Head of Democratic Services drew attention to the previously circulated report to inform members of the development of a council response to the Northern Health & Social Care Trust Consultation - Future Model for Acute Paediatric Services in Northern Trust hospitals.

Proposed by Councillor S McGuigan

Seconded by Councillor J O'Neill and

Resolved: That approval be granted to the consultation response for Northern Health & Social Care Trust Consultation - Future Model for Acute Paediatric Services in Northern Trust hospitals.

Matters for Information

C39/18 Consultations Notified to Mid Ulster District Council

Reference was made to the previously circulated report to update Members on consultations notified to Mid Ulster District Council. The Head of Democratic Services highlighted that a number of the consultations were scheduled to close prior to the March Council meeting and should Members wish Council to submit a response they could consider delegating authority to the relevant Committee to agree.

Councillor McGinley expressed concern in relation to the Boundary Commission for NI proposed changes, he stated that within the community there was a nervousness surrounding the changes and there were suggestions that what was being proposed was gerrymandering as it was such a dramatic change from the 2016 proposals. Councillor McGinley proposed that Council write to the Boundary Commission for NI posing the question as to how the dramatic change came about, he emphasised that he would like to see Council having a fair approach in responding to the consultation of which he would like input into to.

Councillor Cuthbertson stated that Council had made a submission into the initial Boundary Commission consultation at which time Dungannon town had been cut in three and declared that Council should be welcoming the current proposals as they had taken on-board the views of the political parties.

Councillor McGinley sought clarification on what Councillor Cuthbertson had proposed as it was the opposite of his own proposal. He emphasised that Council should be supporting its citizens.

The Chair, Councillor Ashton stated that Councillor Cuthbertson had not made a proposal.

Councillor Cuthbertson reiterated that he welcomed the current Boundary Commission for NI proposals and clarified that he had not made a proposal but was emphatic that Council should only be concerned about their towns and villages, not party political wishes. He emphasised that any Dungannon Councillor would welcome the current proposals as the town was within one parliamentary constituency not split as per the 2016 proposals.

Councillor M Quinn stated he was somewhat torn between the two proposals in that the current plan is better in some respects but that he would share Councillor McGinley's concerns and that he too would like to know how and why the proposals were so radically changed.

Councillor Bell seconded Councillor McGinley's proposal highlighting that it was 50 years since Civil Rights had been triggered in the district and said that the current proposal issued by the Boundary Commission was a throwback from the past. He emphasised as a Council area he would like Mid Ulster to progress and return to past ways.

Councillor Monteith said he had no difficulty with anyone looking at the proposals but that in his thinking Council needed to protect its main towns. He recalled that he had been the Member who raised the issues of Dungannon in the original consultation in 2016. He emphasised, that wherever the lines were drawn, towns and hinterlands needed to be together. He further reflected that on a local level, Dungannon is in a better situation but would have no difficulty working with Members in relation to concerns raised but was emphatic that he did not want to go back to a situation when Dungannon town would be split in three.

Councillor Wilson said he found the discussion somewhat strange in that when Councillor Monteith drew attention to this in 2016 the issue was Dungannon town and how it was being divided up, yet within revised proposals this was not happening. He stated that if Council was now taking it outside of Mid Ulster context they would be setting a dangerous precedent.

The Chair, Councillor Ashton sought clarity from Councillor McGinley in relation to the proposal.

Councillor McGinley reiterated his proposal as undernoted

‘That Council send a letter to the Boundary Commission seeking clarification as to what basis they used to amend the boundaries from what was proposed in 2016 to the revised proposals detailed in the ‘2018 Review of Parliamentary Constituencies’

Councillor McGinley confirmed that he was speaking with regard to the complete proposals not a small section. Councillor McGinley emphasised that constituents had expressed concern to him with regard to the complete proposal presented by the Boundary Commission.

Councillor Cuthbertson stated that Council should be congratulating the Boundary Commission for NI for taking into consideration the concerns raised at the previous consultation. He emphasised that they had listened to Council and had rectified the concerns in relation to Dungannon.

Councillor Monteith asked what Members were being asked to vote on. In response the Chair, Councillor Ashton stated that the proposal was for a letter to ask why the proposals had changed.

Councillor Monteith was emphatic that he would not vote for Dungannon being split three ways.

Councillor McGinley declared that he was not proposing a way forward but merely expressing concern on behalf of the people who had come to him who were

concerned on how the proposals were affecting the whole of the north and they did not wish to go back to a gerrymandering state. Councillor McGinley concluded, saying that Council needed to look seriously at it.

The Chair, Councillor Ashton called for a vote on Councillor McGinley's proposal

For	17
Against	9

The Chair, Councillor Ashton declared the proposal as undernoted carried.

Proposed by Councillor McGinley
Seconded by Councillor Bell and

Resolved That Council send a letter to the Boundary Commission for NI seeking clarification as to what basis they used to amend the boundaries from what was proposed in 2016 to the revised proposals detailed in the '2018 Review of Parliamentary Constituencies.'

Resolved That Council, subject to the foregoing, note the consultations listed in the report.

C40/18 Correspondence

The Head of Democratic Services drew attention to the previously circulated report to update the Council on correspondence received from;

- Department for the Economy on the NI Registry of Credit Unions
- Mr D McCallan, Chief Executive, NILGA on Summary Product and Work Plan for 2018-19 and notification of the subscription for the period 2018-19

In response to the Chair, Councillor Ashton the Chief Executive advised that the Council had previously resolved to be a member of NILGA.

Resolved: The previously circulated paper on consultations notified to Mid Ulster District Council was noted.

C41/18 Request to Raise an Issue

In response to Councillor Clarke's request to raise an issue the Chair Councillor Ashton stated that she would not accept the request as it was not an item on the agenda.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor Burton

Seconded by Councillor J O'Neill and

Resolved: That items C41/18 - C52/18 be taken as confidential business.

- (i) Minutes taken as confidential business at Planning Committee held on Monday 8 January 2018
- (ii) Minutes taken as confidential business of Council meeting held on Thursday 25 January 2018
- (iii) Minutes taken as confidential business of Planning Committee held on Tuesday 6 February 2018
- (iv) Minutes taken as confidential business of Policy and Resources Committee held on Thursday 8 February 2018
- (v) Minutes taken as confidential business of Environment Committee held on Tuesday 13 February 2018
- (vi) Minutes taken as confidential business of Development Committee held on Thursday 15 February 2018
- (vii) Council's Compound Interest Claims

Documents for Sealing

- (i) Deed of Dedication – SIF Capital Build Programme for Moneymore Recreation Centre
- (ii) Mid Ulster District Council with ReGen Waste Limited: Articles of Agreement; Provision for the Receipt and Processing of Local Authority Collected Kerbside Comingle Recyclables
- (iii) Application for Rectification of Boundaries for Lands at Oaks Road, Dungannon

The press left the meeting at 7.21pm.

C53/18 Duration of Meeting

The meeting was called for 7pm and ended at 7.50pm

CHAIR _____

DATE _____

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 March 2018 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Mallaghan, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid, Robinson

Officers in Attendance

Dr Boomer, Planning Manager (7.40 pm)
Ms Doyle, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Mr McCrystal, Senior Planning Officer
Ms McEvoy, Head of Development Plan and Enforcement
Mr McGibbon, Senior Planning Officer
Ms McKearney, Senior Planning Officer
Ms McNally, Council Solicitor
Ms Grogan, Committee Services Officer

Others in Attendance

Applicant Speakers

LA09/2016/1692/F	Chris Cassidy
LA09/2017/0897/F	Sean Lavery (Against)
LA09/2017/0897/F	Chris Cassidy (For)
LA09/2017/1384/O	Patrick McMullan
LA09/2017/1494/F	Paul Heron
LA09/2015/0147/F	Chris Cassidy

The meeting commenced at 7.04 pm

P032/18 Apologies

Councillor Mullen.

P033/18 Declarations of Interest

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

P034/18 Chair's Business

The Chair reminded members of the NILGA Planning Training Programme, which was being offered and felt that this may be beneficial to Councillors on the Planning Committee. He said that any member which wished to be included should forward on their name to Democratic Services.

The Head of Development Plan and Enforcement drew members attention to the undernoted planning applications for determination and sought approval to having the following deferred from the list tonight.

- Item 4.1 – H/2014/0119/F – Deferred for an Office Meeting
- Item 4.8 – LA09/2016/1692/F – Deferred for an Office Meeting
- Item 4.13 - LA09/2017/1158/O – Deferred to Access the Additional Information

Proposed by Councillor McKinney
Seconded by Councillor Bateson and

Resolved: That it be recommended to the Council to deal with the remaining applications as listed.

Matters for Decision

P035/18 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

H/2014/0119/F Microhydro Electricity Generating Renewable Energy System on the Glengomna Water, Turbine House, 150m SE of 91 Bancran Road, Draperstown. Intake structure 1300m NW of turbine house on Glengomna Water for Mr C Heron

Mr McCrystal (SPO) presented previously circulated report on planning application H/2014/0119/F advising that it was recommended for refusal.

Resolved: That planning application H/2014/0119/F be deferred for an office meeting.

M/2014/0318/F Renewal of planning permission M/2007/1030/F for erection of a housing development (reduced scheme) at lands adjacent to Quarry Lane, Dalradia Park, No's 1-14 Meadowvale, 4A Carland Road and Drumglass High School, Dungannon for Geda Construction

Members considered previously circulated report on planning application M/2014/0318/F which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor Gildernew

Resolved: That planning application M/2014/0318/F be approved subject to conditions as per the officer's report.

LA09/2015/0709/O Site for food production unit (factory) and new access to have 3 passing bays, at 300m NE of 160 Tandragree Road,

Pomeroy, Dungannon for Samuel Robinson (Cloughbane Farm Shop)

Members considered previously circulated report on planning application LA09/2015/0709/O which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor Cuthbertson and

Resolved: That planning application LA09/2015/0709/O be approved subject to conditions as per the officer's report.

LA09/2016/1052/F Installation of a pedestrian/cycle linkage and a new art feature with associated site and landscape works at Castledawson Roundabout forming the junction between the A6, A31 Castledawson Road and A54 Magherafelt Road, Townland of Killyneese for TransportNI

Members considered previously circulated report on planning application LA09/2016/1052/F which was recommended for approval.

Proposed by Councillor Clarke
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2016/1052/F be approved subject to conditions as per the officer's report.

LA09/2016/1293/F Extension to storage facilities and improvements to sight lines at the main entrance, 6 Grange Road, Cookstown for Allingham Transport

Members considered previously circulated report on planning application LA09/2016/1293/F which was recommended for approval.

Proposed by Councillor Glasgow
Seconded by Councillor Bell and

Resolved: That planning application LA09/2016/1293/F be approved subject to conditions as per the officer's report.

LA09/2016/1342/F Dwelling in substitution of remaining 2 plots of planning approval H/2005/0495 adjacent to 1, 3 and 5 Roughan Glen, Halfgayne Road, Maghera for Thomas and Bernard Cassidy

Members considered previously circulated report on planning application LA09/2016/1342/F which was recommended for approval.

Proposed by Councillor McEldowney
Seconded by Councillor Bateson and

Resolved: That planning application LA09/2016/1342/F be approved subject to conditions as per the officer's report.

LA09/2016/1403/F Replacement dwelling and garage at 45 Rocktown Road, Bellaghy for Mr David Arrell

Members considered previously circulated report on planning application LA09/2016/1403/F which was recommended for approval.

Proposed by Councillor Bateson
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2016/1403/F be approved subject to conditions as per the officer's report.

LA09/2016/1692/F Change of house type to previous approval I/2008/0534/F at lands adjacent to 35 Killymuck Road, Coagh, Cookstown for Mr Terence McGuckin

Mr McCrystal (SPO) presented previously circulated report on planning application LA09/2016/1692/F advising that it was recommended for refusal.

Resolved: That planning application LA09/2016/1692/F be deferred for an office meeting.

LA09/2017/0625/O Dwelling and domestic garage/store on a farm at approx. 30m ENE of no 52 Five Mile Straight, Draperstown for Aidan McGuigan

Members considered previously circulated report on planning application LA09/2016/1403/F which was recommended for approval.

Proposed by Councillor Kearney
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2017/0625/O be approved subject to conditions as per the officer's report.

LA09/2017/0735/F General upgrading works, removal of NW extension, new fleche and roof lights added to roof, new extension to the NW and SW at St Mary's Church, Lavey, 68 Mayogall Road, Knockloughrim for Fr Eamon Graham PP

Members considered previously circulated report on planning application LA09/2017/0735/F which was recommended for approval.

Proposed by Councillor McPeake

Seconded by Councillor Kearney and

Resolved: That planning application LA09/2017/0735/F be approved subject to conditions as per the officer's report.

LA09/2017/0834/F Social Housing Development (28 dwellings), access roads and site works at lands to the rear and SSW of 14-32 Barrack Street, Coalisland for J&A Developments Ltd

Members considered previously circulated report on planning application LA09/2017/0834/F which was recommended for approval.

Proposed by Councillor Clarke
Seconded by Councillor Reid and

Resolved: That planning application LA09/2017/0834/F be approved subject to conditions as per the officer's report.

LA09/2017/0897/F Part use of existing farm shed to provide internal dry storage of peat at 100m NW of 213 Washingbay, Coalisland for Jim McCuskey, Evergreen Peat

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2017/0897/F advising that it was recommended for refusal.

The Chair advised that a request to speak against the application had been received and invited from Mr Lavery to address the committee.

Mr Lavery advised that the key issue about this application was not about the use of the site as an agricultural base but rather about being a commercial business and legally this could not be justified, as it was not an active farm. It appeared that DEARA confirmed in 2016 that Mr Joe McCuskey (applicant for the original 2012 permission) had still not been granted a flock number, in spite of an understanding that they would apply for such a number if the shed was approved by the Department as the case made at the time was for future livestock, with the applicant now listed as a Mr Jim McCuskey. Planning permission was for a built shed, but there was a failure in the construction of the doors and a built concrete wall surrounding the area, which no planning permission was granted for. It was agreed that no lorries or trailers were to be parked at the site, which is now not the case as it is being run as a commercial business rather than an agricultural one which permission was approved for.

Mr Lavery stated that the shed was having a visual impact on the rural character of the area as lorries and trailers can clearly be seen from afar. He said that there was also the pollution impact on the rural area as a disused generator is laying redundant and would support the recommendation of Planning Officers to refuse the application as it wasn't an active farm but rather than a commercial one.

The Chair advised that a request to speak in support of the application had been received and invited from Mr Cassidy to address the committee.

Mr Cassidy advised that the Supporting Statement for part use of existing farm shed to provide internal dry storage of peat in association with the applicants established horticultural business (Evergreen Peat).

He stated that Evergreen peat commenced trading from the Ferry Road site in the 1950's manufacturing baled peat and today, Evergreen offers a comprehensive range of 100% peat based composts to customers throughout Ireland, Mainland UK and Europe. The company has recently been awarded an export licence to import into the Middle East and Australia. The company employs 26 people and operate a fleet of 13 lorries and 30 trailers, with all the business being operated within the red line as outlined in the overhead presentation. With the exception of his dwelling the applicant does not own any additional land around the premises, nor is there any opportunity to acquire any more.

The site at Ferry Road is fully utilised and the applicant wishes to restore plastic rolls used to wrap the pallets and produce bags within a section of the approved shed at Washingbay. The plastic rolls would be stored on racks with all storage being within an approved shed with no external storage being proposed.

He said that it was proposed to only use a small part of the shed for storage with the remainder continuing to be used for this agricultural business as outlined. The existing shed is currently full with the applicant's large and expensive machinery and at no time was there a request for access, but if the request was made the applicant would be happy to make provision.

The rolls are currently stored externally within the Ferry Road yard and due to the constricted site is frequently suffering damage with the slightest tear rendering them unusable. Policy CTY 11 states that planning permission would be granted for a farm diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The first of four criteria, criterion (a) of Policy CTY 11, requires the farm business to be currently active and established. Policy CTY 10 of PPS 21 sets out the determining criteria for what is an active and established business. 5.39 of Policy CTY 10 states for the purposes of the policy "agricultural activity" refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding and keeping animals for farming purposes or maintaining the land in good agricultural and environmental condition. The working peat for the business is thus classified as a farming activity.

Mr Cassidy stated that the Planning Department stated that there was no established farm business ID in existence. This is incorrect as the applicant had a farm number 656156 established on 7 November 2011 and is classed as an active status of the business by DARD.

The appellant's farm comprises two separate parcels of land, his farm survey number is 6/127/018 and applicant ref 173350. The first group is located at the application site and comprises three fields of 5.88ha. The second fields are located approx. 1 mile away immediately south of 152a Washingbay Road and consist of 2.44ha. No single farm payment was claimed thus there are no current farm maps.

He advised that the Council in their report to members questioned if the Peat is itself produced from the farm lands owned, when in fact the peat is harvested from lands owned by the applicant in Derryloughlin as depicted, with the bog being approx. a half mile from the Evergreen processing plant. The peat has been tested by DARD officials on a regular basis to ensure it is free from disease as shown in previously circulated letter from DARD Inspector, Mr John Riddles dated 14 December 2017.

Environmental Health has been consulted and has no concerns. The site is already used for storage of the applicant's farm machinery and as all storage will be inside the building it would not involve the loss of high grade agricultural land. The building would use the existing access to the site thus there would be no prejudice to road safety.

In conclusion Mr Cassidy advised that the proposed was essential for the smooth running of the business and would allow the applicant to buy in bulk thus reducing costs and rendering the business more effective.

The Head of Development Plan and Enforcement said that she just wanted members to be aware that the extraction of peat for the purposes described in the application would not be an agricultural activity but would be considered an industrial one.

Councillor Reid enquired if anyone from the Planning Department was aware about the breach of enforcement and if so could more information or clarity be provided.

Mr Marrion (SPO) advised that an enforcement case was opened for the parking of trailers at the site, but this was closed as they were removed, but it seems to be the case that they have returned again.

In response to Councillor Glasgow's query, Mr Marrion (SPO) advised that DEARA advised that the business ID was established in 2011 but no flock number or herd number was associated with it, which would indicate that it was not an active farm business.

In response to Councillor Gildernew regarding whether the committee could pass the application, the Head of Development Plan and Enforcement advised that based on the information the application would not meet criteria (a) of Policy CTY11 which requires a farm business to be currently active and established.

Councillor Reid enquired could any part of the farm be classed as active and if not could it be farmed by a second party.

Councillor Bell said that he was confused in the images provided as the first picture showed an image of a built shed with trailers and the next image showed nothing.

Mr Marrion (SPO) referred to the most recent image and advised that this was the view of the site and buildings which was approved.

In response to Councillor Glasgow's query about the ownership of the dwelling in the image, Mr Marrion (SPO) advised that picture was taken from the roadway and

shows the extent the works which has developed, but that it was not owned by the applicant.

Councillor McPeake said that the shed could be deemed legal enough for farming and classed essentially as a part change of use.

The Chair suggested deferring the application for an office meeting until further information was sought, providing members were happy to do so.

Councillor McKinney said that clarification was needed from the Department on Business ID numbers and what the categories represented.

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved: That planning application LA09/2017/0897/F be deferred for office an meeting.

LA09/2017/1158/O Site for dwelling to the rear of 5 Ballynorthland Demesne, access of Moy Road, Dungannon for Mr Keith Burgess

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2017/1158/O advising that it was recommended for refusal.

Resolved: That planning application LA09/2017/1158/O be deferred until it is reconsidered.

LA09/2017/1160/F Extension to dwelling with increase in ridge height and replacement garage at 6 Birch Grove, Cookstown for Shea and Annie Quinn

Members considered previously circulated report on planning application LA09/2017/1160/F which was recommended for approval.

Proposed by Councillor Glasgow
Seconded by Councillor Bell and

Resolved: That planning application LA09/2017/1160//F be approved subject to conditions as per the officer's report.

LA09/2017/1309/O Workshop at lands 55m NE of 72 Glenshane Road, Castledawson Road, Castledawson for John Beare

Members considered previously circulated report on planning application LA09/2017/1309/O which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Bateson and

Resolved: That planning application LA09/2017/1309/O be approved subject to conditions as per the officer's report.

LA09/2017/1384/O Dwelling on a farm at land approx. 110m E of 208 Carnteele Road, Lisgallon, Dungannon for Augustine McMullan

Councillor McAleer declared an interest in planning application LA09/2017/1384/O. Mr Marrion (SPO) presented previously circulated report on planning application LA09/2017/1384/O advising that it was recommended for refusal.

The Chair advised that a request to speak on the application had been received and invited from Mr McMullan to address the committee.

Mr McMullan said that firstly, in regards to part C of policy CTY 10 the proposed dwelling cannot be clustered with the current farm buildings due to the farm being located in an elevated position on the skyline. This means that the existing access point has a very steep gradient with extremely poor sight lines as highlighted by the case officers report which states that “entrance is of steep nature and he felt that the intensification of that particular access could increase concerns relating to road safety” It would take an extreme amount of environmental works to bring this entrance close to the standard required. There is another access road which again has an extremely steep gradient and poor site lines but this runs adjacent to the River Oona which floods on a regular basis, which would be a health and safety concern.

Furthermore, the farm had increased substantially in the last few years in terms of acres and herd size and in the near future the farm buildings would have to expand on the current site in order to facilitate the increased number of animals. He said that careful consideration had been given to choosing the alternative site adjacent to the farm buildings during discussion at the PAD application process and local planning clinics. This proposed site has an existing entry with excellent visibility splays in both directions. The case officer’s reports agree that it meets policy PPS 3 access, movement and parking.

It has a much lower elevation and level gradient and is bound on its northern, southern and western boundaries with a mature hedge grow which has been planted at a considerable expense. It also rises significantly to the east, providing a backdrop to the site. The case officers report concurs that this site “exhibits a closed nature due to significant degree of vegetation and mature hedge grow” It also states under the title of integration “I consider this site to be well integrated and able to facilitate a dwelling” and under the title of rural character “it is considered that the site and its surrounding environment is suitable for absorbing a dwelling” the case officers report concludes that the proposed site “may well present a better location in terms of integration and rural character”

Mr McMullan said that in regards to part B of policy CTY10 there have been two sites passed for planning approval on the farm both over 14 years ago. The two sites in question were gifted to two of his brothers who live and continue to work on the farm namely case number M/2004/1412 and M/2004/1413. One of those brothers is now in charge of the active Farm business ID which is confirmed by DEARA on the case officer’s report. This shows that these sites haven’t been sold to anyone external but had been gifted by his father and not for financial reward but as a necessity in order

to maintain the upkeep of the farm he worked his entire life to provide. It is very important I remain on the footprint of the farm to complete my day to day duties and oversee the welfare of the livestock.

At the time these sites were passed for planning approval in 2004 this policy CTY 10 didn't even exist, so he felt it would be extremely harsh to apply criteria retrospectively to a policy which was introduced in 2010 and backdated to November 2008. As the youngest of 4 brothers born 4 years apart and who live and work on the farm it is clear we would have sorted this issue had we been aware of it at the time, it would have been impossible to predict how planning policy would change 6 years into the future. He said that his brothers were working in the building trade so were able to complete the work themselves without the need for lending from a bank which is why the deeds were never transferred over at the time of planning approval. There deeds were transferred over in 2009 and 2012.

To conclude Mr McMullan hoped that a degree of leniency could be applied to this case as the fact remains that a dwelling on the farm has not been passed for planning approval in almost 15 years. There is no 3rd party objections and he has made every effort possible at a considerable expense to ensure that the proposed site meets criteria for integration, rural character, health and safety and access considerations.

The Head of Development Plan and Enforcement referred to Mr McMullan's statement regarding sites being gifted and stated that she wished to clarify that for the purpose of the policy sold off will mean any development opportunity disposed of from the farm holding to any other person including a family member.

Councillor Gildernew said that he knew the site and stretch of road extremely well and stated that it was situated on a very steep and hazardous lane. He said that it was particularly dangerous going up the hill never mind coming down as you go directly onto the main road. He said that it was unfortunate that sites were passed before the new law came in as it put people at a disadvantage.

Councillor McAleer agreed with Councillor Gildernew and said that it was unfair how policy has dictated the outcome, as three sons had each been gifted a site on the family farm they all worked on and due to circumstances 2 of the sons had availed of the sites which resulted in the remaining son being put at in an unfavourable circumstance due to change in policy and this was putting farming families at a disadvantage. She said that she knew the site well and said that the other site that was being recommended would not be allowed by TransportNI, as it was hazardous and that the Committee was here to try and see a reasonable outcome.

Councillor Clarke said that Mr McMullan had been caught out by a decision by a 10 year period and if he had known this 14 years ago there wouldn't be a problem with this now. He said that the decision was taken in 2010 to change the policy and six years later planning permission was sought by the applicant and if this had of being known at the time, we wouldn't be in this situation.

Councillor McKinney suggested deferring the application for Dr Boomer and his team to look at because of the extreme circumstances.

The Planning Manager entered the meeting at 7.40 pm.

Councillor Reid agreed that this application should be looked at again to see if anything can be solved.

Proposed by Councillor McKinney

Seconded by Councillor Reid and

Resolved: That planning application LA09/2016/1692/F be deferred for an office meeting.

LA09/2017/1434/F Retention of access to the rear of 2 Moor Gardens, Coalisland for Mary E Devlin

Members considered previously circulated report on planning application LA09/2017/1434/F which was recommended for approval.

Proposed by Councillor Reid

Seconded by Councillor Bateson and

Resolved: That planning application LA09/2017/1434/F be approved subject to conditions as per the officer's report.

LA09/2017/1450/O Dwelling and domestic garage, 40m S of Drumreany Road, Castlcaulfield, Dungannon for Mr & Mrs Aidan Loughran

Members considered previously circulated report on planning application LA09/2017/1450/O which was recommended for approval.

Proposed by Councillor Gildernew

Seconded by Councillor Reid and

Resolved: That planning application LA09/2017/1450/O be approved subject to conditions as per the officer's report.

LA09/2017/1494/F Temporary mobile home accommodation at 125 Sixtowns Road, Draperstown for Michelle McNamee

To be taken in confidential business due to sensitive issues.

LA09/2017/1736/O Dwelling (renewal of permission M/2014/0499/O) at lands adjacent to 125 Bush Road, Dungannon for Councillor Denise Mullan

Members considered previously circulated report on planning application LA09/2017/1736/O which was recommended for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/1736/O be approved subject to conditions as per the officer's report.

LA09/2017/1756/O Replacement dwelling at 30m SW of 152 Washingbay Road, Upper Meenagh, Coalisland for Patrick Brady

Members considered previously circulated report on planning application LA09/2017/1756/O which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/1756/O be approved subject to conditions as per the officer's report.

H/2015/0010/F Stables and Tack Store approx. 70m NW of 175 Glen Road, Maghera for Jenna Duffy

Members considered previously circulated report on planning application H/2015/0010/F which was recommended for approval.

Proposed by Councillor McEldowney
Seconded by Councillor McKinney

Resolved: That planning application H/2015/0010/F be approved subject to conditions as per the officer's report.

LA09/2015/0147/F 4 Apartments with parking at 32 Mullaghboy Lane, Magherafelt for Mr Philip Donaghy

Ms Doyle (SPO) presented previously circulated report on planning application LA09/2015/0147/F advising that it was recommended for refusal.

Councillor Glasgow left the meeting at 7.43 pm.

The Chair advised that a request to speak on the application had been received and invited from Mr Cassidy to address the committee.

Mr Cassidy advised that this application was an amended proposal from 6 apartments to 4 apartments and that it had been presented before the committee in May 2017 with a recommendation to refuse based on parking concerns.

The site is located beside shops, schools and transport links and is located 400 metres from the Diamond and less than 100m from the town centre boundary. A traffic survey report confirms there are 80 unused parking spaces within 60 metre radius of the proposal including 4 number spaces to the front of the site and 8 to the side. Social housing needs Magherafelt – 75 units (source Mid Ulster Social Housing Investment Plan 2016). People in housing stress Magherafelt – 128 (source Mid

Ulster Social Housing Investment Plan 2016). 121 classified as homeless in Magherafelt (source Northern Ireland Housing Executive).

Transport NI had been asked four times to comment on how the increase in demand for parking within the vicinity of the site was not met with on street parking and Transport NI have also been asked for an onsite meeting and to date no reply to either has been forthcoming.

Paragraph 5.43 of PPS3 states that it may be possible for small scale developments which would not generate significant parking demand to rely on using on street parking for parking provision. In such instances Transport NI would require evidence to demonstrate the capacity and availability of such alternative parking provision. This evidence had been provided by way of a detailed Traffic Impact Assessment against the findings of which are unchallenged by Transport NI.

Policy AMP7 states that the location of a development has to be considered in any assessment on parking. Account has to be taken of the fact that there was abundant on street parking and the fact that the appeal site abuts two roads where there is significant on street parking available. In this evidential context, there was sufficient on street car parking in the vicinity to accommodate the proposal.

Mr Cassidy advised that the proposal was for 4 single person flats where car ownership was unlikely to occur. This assessment was backed up by correspondence with Clanmill Housing Association and Triangle Housing Association in current schemes which they were involved with designing and where they have specifically requested that car park provision be kept to a minimum as it was often under used.

Mr Cassidy asked that the Committee respectfully approve the scheme in its current format.

The Planning Manager advised that this application had been deferred the last time because of the issues relating to carparking and enquired why if the flats were built for a single person, why was it a two bedroom flat as this could impact on the amount of carparking spaces required.

Mr Cassidy said that a similar scheme had been built in Ballymena with 54 carparking spaces being made available but in the long run only 9 cars utilised the spaces. He stated that Transport NI are refusing to meet and that he was keen to get this sorted.

The Planning Manager advised members that the issue here was that Clanmill was a private scheme for 2 bedroom units and that carparking should be provided to the front and doesn't understand why an amended parking layout wasn't considered as the opportunity was given to the agent to get this resolved. He said that the property was sitting on a junction and that Transport NI were objecting because of the potential danger and it was up to them to defend for appeal.

Councillor Bell enquired if Roads Service refused to meet with the applicant how can they recommend refusal.

The Planning Manager said that it was removed from the schedule the last time because of carparking issues and that it was the decision of Roads Service if they wished to meet the applicant and agent.

Councillor Bell said that at any time, there could be an increase in carparking at any nearby properties and they may decide to park on the street.

The Planning Manager stated that Roads Service had recommended refusal on the grounds of highway safety and would advise members to think very carefully on the application as this could be going against the Roads Safety decision and their reasons.

Councillor Glasgow returned to the meeting at 7.55 pm.

Councillor Reid said that the map showed there was room for onsite parking and whilst this was an unusual shape of ground, it could be developed for communal use, but felt it would be unwise to go against a statutory agency who were advising that the site would be hazardous.

Ms Doyle (SPO) advised that the Head of Development Management had met with the Agent to try and resolve the matter but he refused to comply with the Head of Development Management's suggestions.

Councillor McAleer said that it was important to address these issues and that she couldn't understand why the opportunity for a possible resolution wasn't taken.

Proposed by Councillor Bateson
Seconded by Councillor Mallaghan and

Resolved: That planning application LA09/2015/0147/F be recommended for refusal.

LA09/2016/0889/F Conversion of a redundant building to a dwelling at 40m SW of 38 Lisnamuck Road, Tobermore for Ian Hopper

Members considered previously circulated report on planning application LA09/2016/0889/F which was recommended for approval.

The Planning Manager advised the committee that he had received an email from the family of the objector to the application, Mr Henderson to say that he had recently passed away and requested that the application be deferred. He said that a letter of objection had been received from the family advising that they wished to have time to consult with their barrister and then another letter was received from Manor Architects on their behalf. He felt that this wasn't a reason to defer the application but that it was up to members to decide.

Councillor Kearney declared an interest in application LA09/2016/0889/F.

Councillor Kearney advised that he had been contacted last week by the family of the Objector and was sad to say that both the Objector and the Applicant had recently

passed away and feels that some compassion should be shown to both parties at this difficult time.

Councillor Kearney withdrew to the public gallery.

Councillor Reid said that this was sad news for both families concerned, but that the Planning Manager has been put in a position on deciding what to do, either refusing or approving the application.

The Planning Manager said that the original objection was received from Mr Henderson and in this instance given that both parties have had a recent bereavement, he would suggest that the application be deferred for a month to give the Objector's family the opportunity to have their say.

Councillor McKinney said that he wanted it recorded that the decision was made by Officers and that the same consideration should be given to all families and that this wasn't going to change the mind of the committee.

The Planning Manager said that if the committee wished to make a decision tonight that this was their right, but would like members to have the opportunity to read correspondence before making a decision.

Councillor Bateson said that the deaths are the same for both families concerned, but that a decision was being made on planning matters only and proposed to go with the officer recommendation.

The Council Solicitor advised that taking a decision on the application tonight may be a bit hasty if there were potential new issues which may need explored and noted that the committee might wish to defer the application until these issues are considered.

Councillor Reid said that there had been a lot of objection letters received from 2016 and it was unfair to keep putting this application back as everything else had went with no major issues, but by going on what the Council Solicitor had indicated he would be happy to defer the application so more consideration was given to it.

The Chair said that it seemed that the committee would prefer to proceed with making a decision on the application tonight.

The Chair advised members that the committee would return to the application later in the meeting.

LA09/2017/0923/F Dwelling and domestic garage, 45m NW of 177 Glen Road, Maghera for Jenna Duffy

Members considered previously circulated report on planning application LA09/2017/0923/F which was recommended for approval.

Proposed by Councillor Reid

Seconded by Councillor McKinney and

Resolved: That planning application LA09/2017/0923/F be approved subject to conditions as per the officer's report.

LA09/2017/1032/O Single dwelling (amended siting) to the rear of 137 Lisacclare Road, Killeen, Stewartstown for Mrs Cora Donnellan

Members considered previously circulated report on planning application LA09/2017/1032/O which was recommended for approval.

Proposed by Councillor Bateson
Seconded by Councillor Reid and

Resolved: That planning application LA09/2017/1032/O be approved subject to conditions as per the officer's report.

CONFIDENTIAL BUSINESS

Proposed by Councillor Bateson
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/1494/F be heard as confidential business.

Open Business resumed at 8.20 pm

**Continuation of
LA09/2016/889/F Conversion of a redundant building to a dwelling at 40m SW of 38 Lisnamuck Road, Tobermore for Ian Hopper**

The Planning Manager said that it was his recollection that this site wasn't originally accepted as a replacement, but as a conversion and was deferred because of the extension of the new building. He said if it went back as a replacement dwelling this could be interpreted on what could be displayed and as the bar had been lowered by the Minister in his statement, it could meet the conversion criteria and for a replacement dwelling. In relation to conditions for access, this would not be required because it was a replacement dwelling. He said that the key decision was making the standard and this would meet it.

Ms Doyle (SPO) advised an application was made for a conversion.

The Planning Manager advised that conditions could be put on.

Councillor Bateson said that it would be better dealing with the planning conditions and not permission.

Proposed by Councillor Bateson

Seconded by Councillor Reid and

Resolved: That planning application LA09/2016/0889/F be deferred for a one month until further investigations are carried out.

Councillor Kearney returned to the meeting.

P036/18 Receive report on revisions to the Protocol for the Operation of the Planning Committee

The Planning Manager drew attention to the previously circulated report to agree amendments to the Protocol for the Operation of the Planning Committee in order to reduce the time spent at the Planning Committee.

Councillor McPeake said that the additions were improvements, but like a few alterations included regarding site meetings. He stated that the timings of planning meetings were being looked at and a survey carried out, but that he would be concerned about site meeting and their description as it was seldom that members attend them and do not want to make it too difficult as in other areas a site meeting could occur for a full day each month. He said that he would like other members thoughts as it should be looked at more regularly.

Councillor McEldowney left the meeting at 8.25 pm.

Councillor McPeake advised that one Agent told him that it was difficult to provide all the relevant information within 2 to 3 minutes at a Planning Committee and that it would be more productive to show visuals. He said that it was good to see more photographs before the meeting taking place as members appreciate more time on considering information coming through and not just at the last minute.

The Planning Manager said that when we started out, visualisation was of great difficulty and now the committee are in a position to be provided with visuals and scans on plans etc. He said that this was of tremendous help as it could be uploaded from the system to the iPad. He said that a few reports could be done for the next time to see if more information to see plans and photographs and that he would be asking his three teams to see if this would help. He stated that it would be of great help if Agents give the Planning Department all relevant information on time.

Councillor McEldowney returned to the meeting at 8.30 pm.

The Planning Manager said that the Head of Development Management had designed a Performa to go on the website and setting out bullet points to see what was needed.

The Planning Manager referred to site meetings and said that he would caution members on liaising with people as sometimes only one or two councillors attend. He said that although site meetings are beneficial and helps with the visualisation, the key impacts are down to policy reasons now.

The Council Solicitor advised that the member's concerns could be addressed in relation to the site visit. The language used in the protocol does suggest an element of inflexibility and as the protocol is part of the standing orders this is what governs the running of the committee. Therefore, there could be some rewording to this part of the protocol, however, any amendment should not mean that a site visit is the default position, but rather there still needs to be a purpose and justification for the decision to hold a site visit.

Councillor McPeake agreed that the language was flowing in one direction compared to colleagues in other Councils.

The Council Solicitor said that in relation to speaking rights and visuals, again there is a requirement within the Protocol that they provide sufficient information etc. on what they wish to speak on and also that they cannot circulate anything additional on the night. This is necessary as members do need time to consider information and it should prevent the committee from being ambushed on the night.

Councillor Reid referred to Item 3.1 – Paragraph (iv) *“Limit speakers to one opportunity to speak to the Committee, and advise that they will not normally be given the opportunity to speak for a second time if the application is deferred and returned to Committee for final decision”* and was wondering about an application which come back with slightly more evidence, it would be hard to ask the Agent to come back again and asked if this should be at the Chair's discretion. He asked if any new information with a different view would have the potential to make a different decision.

In response the Planning Manager advised that the Agent would have the opportunity to speak.

The Chair advised that it would be at the Chair's discretion either way.

Councillor Cuthbertson enquired if these were guidelines or rules.

The Planning Manager said that it was not in the standing orders, as it would have to go back to full Council for their agreement.

Councillor Cuthbertson enquired if the Council defer away from this or would they have to stick to this.

The Planning Manager said that it was protocol, it was not a legislative requirement but there could be a problem.

Councillor Cuthbertson referred to the deferred list, a list which is brought before the committee on what was coming because it has no other road to go and that continues every month.

The Chair advised that this prevents additional speaking and the information is from the Case Officer.

Councillor Cuthbertson said that there was no more defers on the list.

The Planning Manager said that most Agents use their speaking rights when the application is first presented to committee. If deferred they get the opportunity to present their case to officers, and accept the outcome. Most officers do not choose to come and argue their case when represented to committee recognising that the issues have been aired.

Councillor Cuthbertson referred to application H/2014/0119/F which was raised earlier in the meeting which was deferred from this meeting in 2014 and he felt that this should be sufficient time to make a decision and still it was being deferred.

The Planning Manager said that he would agree on this as a caution, it was indicated that this information was held by a public body and this could be the case as he wasn't an expert. There was a ruling on a judicial review concerning Belfast City Council against PAC for further information being submitted and the courts found against Belfast City Council for not allowing them to proceed. The fact that these are put on the agenda and come for a meeting and have a say is all that's required.

Proposed by Councillor McPeake
Seconded by Councillor Bateson and

Resolved: To adopt the changes recommended as per the amended protocol (appendix one) and to include amendments regarding site meetings as previously mentioned.

The Chair referred to the enforcement case list which was circulated and felt that it was too long.

Councillor Gildernew agreed with the Chair that the list was very long.

The Planning Manager advised that the first list indicated what has been received, the 2nd list indicates how it was being dealt with and the final list advises of how it is progressing as enforcement is quite tricky as discretionary on action and the need to show how things are being done in a timely matter as a paper trail shows evidence of a time line.

P037/18 Committee Meeting Times

The Planning Manager drew attention to the previously circulated report to request that consideration be given to changing the times of the Planning Committee meetings.

He said that the planning meetings are very lengthy and that there was only one other Council that had their meeting at 7 pm in the evening. He said that members of his staff have children and that it was unfair to be out so late and that he has a responsibility to his staff to try and accommodate them.

He asked that members consider the following options:

- (i) Leave the meetings at 7 pm as current
- (ii) Start meetings at 2 pm
- (iii) Start meetings at 5 pm – commencing with closed items but with a break before considering applications from 7 pm onwards

The Chair suggested that this item be deferred until next month until each party had an opportunity to discuss the options before making a decision and taking into account a member's availability.

Councillor Reid felt that it would be better to put on hold until after the AGM, as it would allow members who could attend a 5 o'clock start the opportunity to sit on the Planning Committee. He would suggest that a proper hot meal be provided to members and staff as most would be coming straight from the workplace as in line with other Councils. He felt that there should be money made available for hot food as there was adequate money being received from planning fees.

Councillor Bateson agreed that it would be a good idea if you start with a full complement of staff, it will even out and serve everyone.

Councillor Cuthbertson said that all we ever hear about is how good a job the Planning are doing every month and how we are outdoing every other Council. He said that he would be off the opinion to leave it where it was at 7 pm and as other meetings rotate around other Councils, consideration should be given to others from further afield like the Clogher Valley area who don't have as much flexibility. He said that coming to a meeting for 5 pm for closed business, which does not take 2 hours to conduct results in being away from your home longer and hearing people talking about their family lives also impacts on his family life as he wouldn't be able to see his children around tea time.

The Chair said that he agreed with Councillor Cuthbertson about sitting about for 2 hours.

The Council Solicitor referred to governance and that in relation to any proposed amendment to the standing orders, that the members would need to be mindful of Standing Order 30.2 which states that any motion to vary the standing orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. This also applies in relation to the previous item, i.e., proposed changes to the Protocol.

Councillor Kearney advised that he wouldn't be able to attend the forthcoming Policy & Resources Committee on Thursday night where it was listed on the Agenda about moving towards paperless items. He said that it was hard to move away as being able to see planning applications on hard copies was very beneficial compared to the iPad and asked that consideration be given to allow Planning as being a special circumstance.

Proposed by Councillor Gildernew
Seconded by Councillor Bell and

Resolved: That a decision on committee meeting times be deferred until members have an opportunity to discuss with their parties on an outcome.

Matters for Information

P038/18 Minutes of Planning Committee held on Tuesday 6 February 2018

Members noted minutes of Planning Committee held on Tuesday 6 February 2018.

P039/18 Receive letter from DfI

Members noted previously circulated letter dated 14 February 2018 from DfI.

Councillor Kearney left the meeting at 8.55 pm.

The Planning Manager advised that DfI have provided further correspondence to advise they are not calling this in for Determination under Section 29 of the Planning Act (NI) 2011. They have directed the Council to conduct a Pre-Determination hearing and wanted it noted that this would be arranged in due course.

He said that there may be a problem getting a quorum and suggested we add it to the Agenda for the next meeting.

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved: That the issue of Pre-Determination hearing be added to the agenda for the next meeting and discuss it at the end of open business before going into confidential business.

P040/18 Receive letter from Ulster Architectural Heritage Society

Members noted previously circulated correspondence from Ulster Architectural Heritage Society.

P041/18 Receive report on Road Abandonment

Members noted previously circulated correspondence regarding Abandonment Order.

*Meeting recessed at 9 pm and recommenced at 9.20 pm.
Councillors Gildernew did not return to the meeting.*

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Glasgow
Seconded by Councillor Clarke 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 P042/18 to

Matters for Decision

P042/18 Receive LDP Report – Renewable Energy
P043/18 Receive LDP Report – Minerals
P044/18 Receive Enforcement Reports

Matters for Information

P045/18 Confidential Minutes of Planning Committee held on 6 February 2018
P046/18 Enforcement Case Liveload
P047/18 Enforcement Case Opened
P048/18 Enforcement Cases Closed

P049/18 Duration of Meeting

The meeting was called for 7 pm and ended at 10.50 pm.

Chair _____

Date _____

Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 8 March 2018 in the Council Offices, Burn Road, Cookstown

Members Present

Councillor Molloy, Chair

Councillors Ashton (7.14 pm), Bateson, Buchanan, Cuddy, Doris, Elattar, Forde, S McGuigan, McKinney, McLean, McPeake, M Quinn

Officers in Attendance

Mr A Tohill, Chief Executive
Mrs Canavan, Director of Organisational Development
Mr Cassells, Director of Environment and Property
Mr Kelso, Director of Public Health and Infrastructure
Mrs Kerr, Head of Finance
Ms McNally, Council Solicitor
Ms Mezza, Head of Marketing and Communications
Mr Moffett, Head of Democratic Services
Mr O'Hagan, Head of ICT
Mr JJ Tohill, Director of Finance
Miss Thompson, Committee Services Officer

The meeting commenced at 7.03 pm.

PR044/18 Apologies

Councillors Gildernew, Kearney and Totten.

PR045/18 Declaration of Interest

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

PR046/18 Chair's Business

None.

Matters for Decision

PR047/18 Extract of Policy and Resources Committee Minute dated 8 February 2018 (PR027/18 External Signage Play Areas)

The Head of Democratic Services provided clarification in relation to vote taken by Members on this item. The officer highlighted that, based on the number of Members in the room at the time, the vote should read –

For – 8

Against – 5

The Chair, Councillor Molloy referred to his own notes taken on the night and stated he could concur with the officer's remarks.

Proposed by Councillor Bateson
Seconded by Councillor S McGuigan and

Resolved That it be recommended to Council to amend vote taken in relation to item PR027/18 – External Signage Play Areas to read –

For – 8
Against – 5

Extract of Policy and Resources Minute dated 8 February 2018
(PR027/18 External Signage Play Areas) to be brought back to Council for approval subject to the foregoing.

PR048/18 External Signage: Cemeteries

The Head of Marketing and Communications presented previously circulated report which considered draft design for external signage to be erected at Council cemeteries. The officer highlighted that the layout of this signage could be in either portrait or landscape format.

Councillor S McGuigan proposed the approval of the design for external signage at Council cemeteries.

Councillor Cuddy stated it was a pity the signage could not incorporate something for everyone.

Councillor McLean stated he would vote against the proposal.

Councillor M Quinn seconded Councillor McGuigan's proposal.

The Chair, Councillor Molloy stated that the proposal was within Council policy but would take a vote if desired.

Councillor McLean requested a vote be taken.

Members voted on Councillor S McGuigan's proposal to approve the design for external signage at Council cemeteries -

For – 8
Against – 5

Resolved That it be recommended to Council to approve the design for external signage to be erected at Council cemeteries.

PR049/18 Blueways Trail Development – Lease of Lands along the River Bann, Portglenone

The Council Solicitor presented previously circulated report which sought approval for Council to enter into a 25 year Lease in respect of a portion of land along the River Bann, Portglenone. The Council Solicitor confirmed that an annual rental amount of £600pa, which was within the LPS valuation received, had been agreed with the Landowner and this was to be reflected within the Lease.

Councillor McPeake stated he was happy to propose approval of the Lease, that the Blueways Trail is an exciting project with good potential. The Councillor stated that this proposal was an integral part of the first phase of the project and that work was ongoing in relation to second phase. Councillor McPeake commended officers on the work done in relation to this project.

Councillor M Quinn seconded Councillor McPeake's proposal.

Resolved That it be recommended to Council to approve the Lease as circulated in Appendix B to the report and enter into same on the terms contained therein.

PR050/18 Special Council Meetings Receiving Deputations

The Head of Democratic Services presented previously circulated report which considered the practice of convening meetings of Council to receive deputations from a range of statutory agencies, government bodies and public authorities.

Councillor Ashton entered the meeting at 7.14 pm during presentation of the above report.

Councillor McLean felt that for the proposal to work agencies needed to submit their information to Council in a timely fashion in order for Members to give it due consideration prior to the meeting. Agencies should then refer to their most important points at the meeting. Councillor McLean also felt that Councillors needed to be more strategic in their questioning at the Council meeting and not refer to matters which can be dealt with on a day to day basis.

Proposed by Councillor McLean
Seconded by Councillor S McGuigan and

Resolved That it be recommended to Council that monthly meetings of Council receive deputations from statutory agencies, government bodies and public authorities, discontinuing the practice of convening special meetings of Council to receive same.

PR051/18 Council and Committee Meeting Packs

The Head of Democratic Services presented previously circulated report which considered the practice of producing paper Council and Committee meeting packs.

Councillor McLean stated he would advocate doing away with as much paper as possible but that there were a number of Members who feel they are not au fait enough with the computerised process and that this should be accommodated. The Councillor felt that one month was too short notice to bring in the proposal and that officers should liaise with those who are currently receiving paper copies of meeting packs.

Councillor Forde concurred with Councillor McLean's remarks stating that some Members depend on receiving a hard copy of papers for meetings. The Councillor felt that the current arrangements should remain in place until the end of this Council term and that Council was spending millions of pounds on signage and Members were discussing an average of £4.36 per pack.

Councillor S McGuigan felt it was appropriate for the Chair and Vice Chair of meetings to receive paper copies and that officers should contact those others to review whether they still wanted a hard copy.

Councillor Cuddy suggested that papers be shown on screens at the meeting and felt that those Councillors who are not using the electronic process should not be left behind.

The Chair, Councillor Molloy referred to the size of planning meeting packs and that this was a significant chunk of data to download.

The Head of Democratic Services stated that, based on tonight's discussion, the practice of producing paper copies of meeting packs would be reviewed at the end of the current Council term with a view to ceasing the practice at that time. Officers will make contact with those who currently receive same to discuss their continuing requirements.

Councillor McKinney stated that officers could liaise with those who are receiving a hard copy of papers with a view to providing more training for those Members.

The Head of Democratic Services highlighted that hard copies of papers includes confidential business which needs to be disposed of carefully.

Councillor Bateson felt the situation will improve in the coming months.

PR052/18 Consultation on Improvement Objectives: March – April 2018

The Head of Democratic Services presented previously circulated report which considered the initiation of public consultation on existing Improvement Objectives set in compliance with the Local Government Act (NI) 2014.

Councillor Cuddy asked if there were any results from the first year which could be included in the consultation.

The Head of Democratic Services advised that the committee will receive a report next month which will provide statistics for the first three quarters of the last year and stated he would prefer this comes to the committee first before being released as part of the consultation. The officer advised that there were statistics for statutory indicators which could be included in the consultation.

The Chief Executive advised that Council is obliged to produce a report in September on the results of the previous financial year, he stated that this report is subject to audit and is a good way of demonstrating that Council is meeting its targets.

Proposed by Councillor S McGuigan
Seconded by Councillor Cuddy and

Resolved That it be recommended to Council to approve the initiation of the consultation on retaining the existing improvement objectives for a further 12 month period (2018-19).

PR053/18 Elected Member Development Working Group

The Head of Democratic Services presented previously circulated report which considered the report of a meeting of the Elected Member Development Working Group on 21 February 2018.

Proposed by Councillor Doris
Seconded by Councillor McKinney and

Resolved That it be recommended to Council to approve the report of the Elected Member Development Working Group held on 21 February 2018 as set out in appendix to report.

Matters for Information

PR054/18 Minutes of Policy and Resources Committee held on Thursday 8 February 2018 (Item PR027/18 redacted)

Members noted minutes of Policy and Resources Committee held on Thursday 8 February 2018 (Item PR027/18 redacted).

PR055/18 GDPR Compliance Action Plan Update

Members noted previously circulated report which advised on the plans and actions required in preparation for achieving General Data Protection Regulations (GDPR) compliance.

PR056/18 Member Services

No issues.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor S McGuigan
Seconded by Councillor McKinney 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 PR057/18 to PR069/18.

Matters for Decision

PR057/18	Lands at Railway Park, Ballysaggart
PR058/18	Dungannon Depot Remedial Works
PR059/18	Staff Matters for Decision
PR060/18	Members' Allowances Update
PR061/18	Prudential Code for Capital Finance Indicators and Authorised and Operational Borrowing Limits
PR062/18	2017/18 Review of Treasury Management Policies, Practices and Activities

Matters for Information

PR063/18	Confidential Minutes of Policy and Resources Committee held on Thursday 8 February 2018
PR064/18	Contracts and DAC
PR065/18	Financial report for 10 months ended 31 January 2018
PR066/18	Staff Engagement Survey
PR067/18	Staffing Matters for Information
PR068/18	Recruitment Campaign
PR069/18	Staffing Numbers Update

PR070/18 Duration of Meeting

The meeting was called for 7 pm and ended at 8.46 pm.

CHAIR _____

DATE _____

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Tuesday 13 March 2018 in Council Offices, Burn Road, Cookstown**

Members Present

Councillor McGinley, Chair

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

**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 7.00 pm

E069/18 Apologies

Councillor Totten.

E070/18 Declarations of Interest

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

E071/18 Chair's Business

Councillor Glasgow referred to item 20 on the agenda – Re-Naming of an existing Street/Road and stated that although the item was for information he wished to speak on it.

Matters for Decision

**E072/18 DfI Roads Proposals to Mid Ulster Council – Proposed Traffic
Calming, Ferndale, Clogher**

Members considered previously circulated report which sought agreement in relation to proposal from Department for Infrastructure Roads with regard to proposed traffic calming at Ferndale, Clogher.

Proposed by Councillor Burton
Seconded by Councillor Mulligan and

Resolved That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed traffic calming at Ferndale, Clogher.

E073/18 Redistribution of Residual Waste Contract Savings

The Chair, Councillor McGinley advised that he had received a request that this item be taken in confidential business and that he had accepted this request.

Members agreed that this item be taken in confidential business later in the meeting.

E074/18 Off Street Car Parking Strategy

The Director of Environment and Property presented previously circulated report which sought approval in relation to the implementation of the Strategy and Action Plan for Off Street Car Parking.

Councillor McNamee proposed that this item be deferred for one month to allow time for each political party to discuss the matter within their own party and with the Director of Environment and Property.

Councillor B McGuigan seconded Councillor McNamee's proposal.

Councillor Mulligan proposed the recommendations as per the report, he stated that there was no such thing as free parking and that the user of the car park should contribute towards the operation of a car park.

Councillor Cuthbertson stated he had some issues regarding option 4 and would be happy to defer the matter for further discussion.

Councillor McFlynn also felt further discussion was needed.

Councillor Mulligan stated, on hearing the views of the Members, he would withdraw his proposal.

Resolved That it be recommended to Council to defer making decision on Off Street Car Parking Strategy for one month to allow further discussion on the matter. Party meetings to be arranged with the Director of Environment and Property.

E075/18 Grounds Maintenance Awards Submissions 2018/19

The Head of Property Services presented previously circulated report which sought approval for town and villages nominations to the NIAC Best Kept Awards and Ulster in Bloom 2018.

Councillor Burton commended all community/horticultural groups and Council staff for the work that they put into the competitions and wished all every success for 2018.

Councillor Burton referred to numerous dog fouling complaints in the Fivemiletown area and felt there was an opportunity for officers to work with the Chamber of Commerce on the matter.

Proposed by Councillor Burton
Seconded by Councillor Gillespie and

Resolved That it be recommended to Council to approve the nominations as below to both the Best Kept Awards and Ulster in Bloom 2018 – Dungannon, Cookstown, Magherafelt, Coalisland and Maghera, Castlecaulfield, Donaghmore and Tobermore.

E076/18 Update on Administration of Burials and Cemetery Operations

The Head of Property Services presented previously circulated report which provided update on the administration of burials and Council's operational cemeteries.

Councillor Reid proposed option 1 across the board – maintaining the status quo with regard to burial provision across Council cemeteries at Forthill, Cookstown, Cottagequinn, Dungannon and Polepatrick, Magherafelt. Future development of respective cemeteries should follow current custom and practice.

Councillor Glasgow seconded Councillor Reid's proposal.

The Head of Property Services stated that the status quo could be maintained provided there was agreement to develop provision at respective cemeteries, particularly at Forthill Cemetery.

Councillor Glasgow stated he had previously been advised at a Planning Committee that there was adequate burial provision at Forthill and asked what had changed.

The Head of Property Services advised that there was adequate provision at Forthill Cemetery but that future development needed to be planned.

Resolved That it be recommended to Council –

- **Burial Provision/Future Layouts** – To maintain the status quo (Option 1) with regard to burial provision at respective Council cemeteries and that future burial provision follow current custom and practice.
- **Consultation** – To undertake stakeholder consultation on the draft rules and regulations to incorporate into a policy for Council approval, including consultation on the longer term burial layouts and provision in each cemetery.

E077/18 Dual Language Signage Survey

The Chair, Councillor McGinley declared an interest in this item.

The Chair, Councillor McGinley referred to the spelling of Mullanahoe Road within report and stated it should be spelled Mullinahoe Road.

The Head of Building Control advised that officers refer to the Pointer Addressing System for the spelling of roads and confirmed that Mullanahoe Road is spelled with an “a” on this system.

The Chair, Councillor McGinley asked if there was a fallback for the residents who felt that the spelling was incorrect.

The Director of Public Health and Infrastructure advised that a request could be lodged regarding a spelling change.

The Head of Building Control presented 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 McNamee proposed the officer recommendation for the application of Dual Language Nameplates.

Councillor S McGuigan seconded Councillor McNamee’s proposal.

Councillor McNamee referred to the numerous attacks on Dual Language nameplates across the District, in particular the recent attack at Burnbank on Orritor Road at the weekend which the Councillor stated he had reported as a hate crime. Councillor McNamee stated it was disgraceful what was going on and that Unionist Members needed to be condemning such attacks. Councillor McNamee asked if there were statistics on costs to Council regarding attacks to Dual Language nameplates.

Councillor Cuthbertson proposed not to proceed with erection of Dual Language nameplates due to cost to Council. The Councillor also referred to a lot of graffiti in the Dungannon area which appeared to be related to Republican warring factions and that this also needed to stop.

The Chair, Councillor McGinley advised Councillor Cuthbertson to refer his concerns to the Police.

Councillor Buchanan seconded Councillor Cuthbertson’s proposal.

The Chair, Councillor McGinley called for votes in respect of Councillor Cuthbertson’s proposal not to proceed with erection of Dual Language nameplates –

For – 6

Against – 8

Abstained - 1

Members voted on Councillor McNamee’s proposal to proceed with application of Dual Language nameplates –

For – 8

Against – 6

Abstained - 1

Councillor Cuthbertson referred to the Chair declaring an interest in this item and questioned whether he should have stepped down from the position of Chair when the vote was being taken. The Councillor realised this would make no difference to the result of the vote.

The Chair, Councillor McGinley stated he had declared an interest at the outset of discussion and had merely facilitated the vote on proposals put forward as he had not voted himself.

The Head of Property Services advised that a report could be brought forward regarding costs to Council on vandalism on Dual Language nameplates.

Councillor McNamee referred to problems regarding nameplates not being exactly as per the agreed template and asked that this be given greater consideration going forward.

The Director of Public Health and Infrastructure indicated Technical Services section would follow up on the issue.

Councillor O'Neill referred to his request put forward in November regarding Dual Language Nameplate at Gortgonis Park, Coalisland.

The Head of Building Control advised that officers were working through a list of requests and that Councillor O'Neill's request would be dealt with in due course.

The Chair, Councillor McGinley stated that, having considered Councillor Cuthbertson's comments, he would ask the Deputy Chair to facilitate the vote again if it was so desired.

Councillor Cuthbertson asked officers for their guidance in relation to Standing Orders.

The Director of Environment and Property advised that the interpretation of Standing Orders was a matter for the Chair.

Councillor Cuthbertson asked that the proposals put forward be voted on again.

Due to the foregoing the Deputy Chair, Councillor M Quinn brought the matter to vote –

Members voted on Councillor Cuthbertson's proposal –

For – 6

Against – 8

Abstained - 1

Members voted on Councillor McNamee's proposal –

For – 8
Against – 6
Abstained - 1

- Resolved** That it be recommended to Council to agree the application of Dual Language Nameplates in Irish for –
- Mullanahoe Road, Dungannon
 - Gort Road, Cookstown
 - Drumenny Road, Cookstown

E078/18 Dual Language Signage Request

The Head of Building Control presented previously circulated report which advised of requests for Dual Language Signage from residents on streets/roads in the District.

Councillor McNamee proposed the officer recommendation to proceed to survey.

Councillor S McGuigan seconded Councillor McNamee's proposal.

In response to Councillor M Quinn's question the Director of Environment and Property advised that going forward signage will have street name and townland included.

- 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 –
- Blackrock Road, Cookstown
 - Sullenboy Park, Cookstown
 - Ratheen Avenue, Cookstown

E079/18 Keep Warm Packs – Update Report

The Director of Public Health and Infrastructure presented previously circulated report which advised of the outcomes from recent audit on the distribution of Keep Warm Packs within Mid Ulster area.

Councillor Reid stated that this matter came to his attention in November 2017 and that he had asked for an investigation to be carried out. The Councillor raised a number of issues –

- Complaint from member of public made in January 2017 – why complaint was not actioned at that time.
- Person who made complaint did not need pack – packs are for those in severe need.
- Are packs held in other places.
- In 16/17 year 319 packs were issued to a particular political party grouping with packs also going to an MLA in that political party.

- In the 17/18 year 96 packs were issued to the same MLA and questioned whether these were given out in one go.
- Were Members aware of the availability of Keep Warm Packs.

Councillor Reid felt that the matter had been handled very badly and that more detail was needed. Councillor Reid stated that the abuse of the system had to stop and proposed that going forward an elected representative should pass on the detail of those who require a Keep Warm Pack to council officers to determine distribution.

The Director of Public Health and Infrastructure advised that the investigation report refers to a query received from a member of the public regarding pack distribution. On checking, there was no surety that the person who received the pack should not have done so as there was a wide criteria as to how a recipient can merit receiving a pack. The Director advised that more information could be provided if desired.

The Committee were advised that packs are not held off Council premises, in relation to whether 96 packs were given out at once this would have to be checked. Members were advised that availability of the packs was promoted through Council minutes, Council website, press articles and events.

Councillor Buchanan declared an interest in this item as he was named within the investigation report.

Councillor McFlynn felt Members had to believe that packs distributed prior to 2017 went to those in need and that any remaining packs should be distributed. The Councillor stated she would have concern regarding some of the contents of previous packs distributed. Councillor McFlynn stated she agreed with the recommendations set out in the report and proposed same.

The Head of Environmental Health stated that when packs were given out for distribution what was put alongside them was outside the control of Council.

Councillor Kearney seconded Councillor McFlynn's proposal.

Councillor Glasgow felt that the statistics contained within the investigation gave cause for concern and that there was a responsibility to distribute packs to the most vulnerable within the community. The Councillor stated that whenever election information goes into the packs it does not reflect well on the Council and that any future Public Health Agency cuts may affect Council receiving a further allocation of packs due to what has happened in the past. Councillor Glasgow felt that Council has a qualified staff who can ensure those in need receive a pack, the Councillor seconded Councillor Reid's proposal stating that the current distribution practice could not continue.

The Chair, Councillor McGinley advised that the Public Health Agency have not articulated any concerns in relation to the funding of packs.

Councillor Burton advised she became aware of the availability of packs through officers in Dungannon and stated that she could testify that there was not one person who she distributed a pack to that was not entitled to it and that indeed many

depended on receiving it. Councillor Burton stated that Members needed to be willing to go out to the community in relation to distribution of the packs and that the matter was becoming political. The Councillor felt that as the scheme was now coming under such scrutiny that those in need should be able to self refer.

Councillor S McGuigan stated he would not have been sure of the arrangements regarding the distribution of packs. The Councillor stated that because of the issues raised Members felt some reluctance at being involved with the scheme which was a great pity as this was one of the best initiatives associated with Council.

Councillor Cuthbertson referred to the delivery of packs and whether election material was contained in or out of the pack, or had simply been delivered on the same day. The Councillor felt that when Members are delivering something they are more than likely to leave a card or something with their name on it. Councillor Cuthbertson felt that if more information was being brought back to committee in relation to this matter it should be discussed in confidential business.

The Chair, Councillor McGinley stated that passing detail to staff for determination of allocation will be labour intensive.

Councillor McFlynn stated that on hearing the views of Members she would withdraw her proposal.

The Chair, Councillor McGinley referred to the number of packs already distributed and stated this was a credit to staff.

Resolved That it be recommended to Council that Members submit detail of those who should receive a Keep Warm Pack to Council officers for determination and distribution.

E080/18 Mid Ulster Bonfires – Draft Procedures

The Director of Public Health and Infrastructure presented previously circulated report which provided update on the Bonfire Working Group and considered Draft Procedures arising from the selection of Draft Options at last month's meeting of Committee.

Councillor B McGuigan proposed the actions as set out in appendix under options 3 and 4. The Councillor commended officers and members of the working group on bringing the matter forward to this stage and that work should continue in a proactive way regarding Killymerron and Killymoon bonfires in particular.

Councillor O'Neill seconded Councillor B McGuigan's proposal.

Councillor Cuthbertson stated that he would propose the actions set out under option 2. The Councillor welcomed the positive news in relation to Killymerron bonfire and the proposals put forward by those who organise the bonfire. Councillor Cuthbertson stated that a lot of work was going on behind the scenes and he would mind the committee to give the community space.

Councillor Buchanan seconded Councillor Cuthbertson's proposal.

Members voted on Councillor Cuthbertson's proposal to implement actions under option 2 –

For – 3

Against – 9

Members voted on Councillor B McGuigan's proposal to implement actions under options 3 and 4 –

For – 9

Against - 3

Resolved That it be recommended to Council to implement the Draft Procedural Arrangements under options 3 and 4 (as set out in appendix to report) for the promotion of bonfire safety.

Matters for Information

E081/18 Minutes of Environment Committee held on Tuesday 8 February 2018

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

E082/18 DfI Proposals for Abandonment of Land at Tamnamore Roundabout, Dungannon

Members noted previously circulated report which advised of the Department of Infrastructure's intention to carry out an abandonment of land at Tamnamore Roundabout, Dungannon.

E083/18 Forestry Expansion Scheme at Ballymcombs Landfill Site

Members noted previously circulated report which advised of the planned Forest Expansion Scheme at Ballymacombs Landfill Site.

E084/18 Update on Bin-Ovation App

Members noted previously circulated report which provided update on usage of the Bin-Ovation App and related Report It Functionality.

E085/18 Northern Ireland Local Authority Collected Municipal Waste Management (LACMW) Report for July to September 2017

Members noted previously circulated report which provided update on Councils 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 two) period of July to September 2017.

E086/18 Building Control Workload

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

E087/18 Entertainment Licensing Applications

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

E088/18 Re-Naming of an existing Street/Road

Members considered previously circulated report which advised on the issues regarding re-naming of Church Road, Cookstown.

Councillor Glasgow stated that whilst he did not dispute the content of the report he felt that this was a unique case and it would be a great loss to the local community if the road cannot be renamed. Councillor Glasgow proposed the re-naming of Church Road to Meetinghouse Road, Cookstown.

Discussion ensued regarding whether Councillor Glasgow's proposal was contrary to policy.

The Director of Public Health and Infrastructure suggested that legal opinion be sought to determine if there is any flexibility in the policy taking into consideration Councillor Glasgow's proposal.

Resolved That it be recommended to Council to seek legal opinion in relation to the re-naming of Church Road, Cookstown. Report to come back to Committee on the matter.

E089/18 Workplace Health Event

Members noted previously circulated report which advised of the "Making Links in the Workplace" health event which was held in Magherafelt Council offices on 30 January 2018.

E090/18 Mid Ulster Community Resuscitation Group

Members noted previously circulated report which provided update on the Mid Ulster Community Resuscitation programme

E091/18 The Roads Miscellaneous Provisions Act (NI) 2010

The Head of Environmental Health presented previously circulated report which provided update in relation to the application process for the temporary closing of roads under The Roads Miscellaneous Provisions Act (NI) 2010.

In response to Councillor Cuthbertson's question the Head of Environmental Health advised that a few requests had been received in relation to temporary closure of roads for a special event.

Councillor Cuthbertson asked who was responsible for diversion road signs such as "AA signs."

The Head of Environmental Health advised that those organising the event would be responsible for necessary road signage. The officer advised that there are only a small number of traffic management companies in Northern Ireland.

The Director of Environment and Property advised that for previous events the promotor has paid for the installation and removal of necessary road diversion signage.

E092/18 Live Here Love Here Community Awards and Grants

Members noted previously circulated report which advised of the award recipients from the Mid Ulster District at the Live Here Love Here Community Award ceremony in February 2018 and to advise on an information evening for communities for funding under this programme.

Councillor B McGuigan commended Ballinascreen Eco Schools on being awarded the NI overarching award under the Spirit of Live Here Love Here.

Councillor Reid stated that Live Here Love Here was a very good project.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor McNamee
Seconded by Councillor S McGuigan 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 E093/18 to E098/18.

Matters for Decision

- | | |
|---------|--|
| E073/18 | Redistribution of Residual Waste Contract Savings
(Deferred from Open Business) |
| E093/18 | Maghera Public Realm Scheme – Capital Project |
| E094/18 | Contracts for Landfill Related Services |
| E095/18 | Update Report on Old Burial Grounds |

Matters for Information

- | | |
|---------|--|
| E096/18 | Confidential Minutes of Environment Committee held on
Tuesday 8 February 2018 |
| E097/18 | Cyclical Fleet Replacement Programme Update |

E099/18 Duration of Meeting

The meeting was called for 7.00 pm and ended at 9.16 pm.

CHAIR _____

DATE _____

Minutes of Meeting of the Development Committee of Mid Ulster District Council held on Thursday 15 March 2018 in the Council Offices, Burn Road, Cookstown

Members Present

Councillor Doris, Chair

Councillors Burton, Clarke, Cuddy, Elattar, McEldowney, McAleer (7.05 pm), McNamee, Milne, Molloy, G Shiels (7.10 pm), J Shiels, Monteith

Officers in Attendance

Ms Campbell, Director of Leisure and Outdoor Recreation
Mr McCreesh, Director of Business and Communities
Mr Browne, Head of Tourism
Mr Hill, Head of Parks
Ms Linney, Head of Community Development
Mr McCance, Head of Culture and Arts
Ms Grogan, Committee Services Officer

Others in Attendance Agenda Item 4 - ICBAN

Meeting commenced at 7 pm.

In the absence of the Chair, Councillor Wilson, the Vice-Chair Councillor Doris took the Chair.

D045/18 Apologies

Councillors Forde, Mc Flynn, Wilson and Head of Economic Development.

D046/18 Declaration of Interest

Councillor Clarke declared an interest in BADA (Broughderg Area Development Association)

Councillor McEldowney declared an interest in Lough Neagh Partnership and Sports Representative Grants Allocation

Councillors Cuddy, Molloy and Monteith declared an interest in Dungannon Regeneration Partnership

D047/18 Chair's Business

None.

D048/18 Deputation – ICBAN

The Chair welcomed Mr Shane Campbell representative from ICBAN to the meeting.

Mr Campbell delivered his presentation outlining the proposed project, advising that the priorities of ICBAN included Policy, Funding and Technology. These priorities strive to;

- Ensure the best technological provisions for each area of the Central Border Region –‘Future Proofing’
- Monitor and encourage delivery on National Broadband Plan; and
- Change narrative in NI to Fibre to the Premise (FTTP) (from Fibre to the Cabinet, FTTC) and drive an investment solution.

Councillor McAleer entered the meeting at 7.05 pm.

Councillor G Shiels entered the meeting at 7.10 pm.

Mr Campbell outlined where ICBAN were now as detailed below:

UK Macro Factors:

- Government and Ofcom calling for greater accountability and more fibre investment
- 10mbps ‘Universal Service Obligation’
- BT owe £527m+ in capital deferral/clawback
- Direct fibre costs reducing
- £150m+ election agreement for ‘Ultrafast’ in NI

£150m+ Funding Opportunity:

- Narrative Change
 - ‘FTTC is exhausted in NI’ (OFCOM)
 - ‘FTTP is the way forward for NI’ (BT and Virgin Media)
 - ‘FTTP is the investment solution for rural areas’ (BT)
 - Current programme targeting 13,000 FTTP connections across NI
- £150 million funding for NI in DUP election agreement
- With match-funding this totals £270-£300 million
- To be targeted at rural areas as well as SMEs
- Don’t have financial funding challenges – but do have political challenges and institutional challenges
- Cross-Party consensus on need for investments

Next for the District & Northern Ireland:

- Spent £64m in public subsidies and £??m in BT investment
- But, 30% won’t access >10Mbps (‘Universal Service Obligation’)
- That is some 80,000 to 100,000 NI premises
- Opportunity for widespread deployment of direct fibre
- Reset Ambition: 100% availability of ‘ultrafast’ future-proofed broadband, to anyone who wants it in NI
- £270m-£300m spend needs political authority/ministerial oversight.

The Chair thanked Mr Campbell for his presentation and asked for members comments.

Councillor Clarke thanked Mr Campbell for his presentation and said that a lot of work is being done in the background. He referred to broadband speeds in the South which were aiming for 100% and that we were aiming for 30%. He enquired how many houses in the area could be serviced.

Councillor J Shiels said that it was stated by BT that £20 million was being made available for commercial investment for Northern Ireland, which would enable them to deploy "ultrafast broadband" services to a further 140000 homes and businesses by March 2019 and this would "predominantly" involve their 1Gbps capable Fibre-to-the-Premises (FTTP) network. He referred to the 30% of homes at the moment receiving broadband and enquired if the splitters were a way of mitigating this.

Councillor Molloy referred to his own community and advised that a press release was issued today by BT for community partners for fibre to the premises and felt if they are continuously pressured that they would eventually deliver. He said last month at the committee meeting he had enquired about the 5 main towns and where they were at with broadband and it was reported that BT were refusing to release the information and thanked Mr Campbell on all the beneficial work that he was doing.

Mr Campbell referred to Councillor Clarke's query and said that what can be delivered can mean what can be provided and hypothetically a family of 4 needs 10mbps and when it comes to numbers they can be quite subjective. He said that in Derrylin that speeds of 330 mbps can be delivered to 2 houses which could run 2 factories and that in terms of numbers and details, 24 mbps could be delivered. He said that up to 100% delivered in Europe and 30% in Northern Ireland and if came to fruition it could see an increase in rural areas gaining the same speeds as urban areas. He said that small connections for rural areas could be as little as a few hundred pounds compared to £20k for the provision of cabinets etc.

Mr Campbell referred to Councillor J Shiels query and advised that this would be for urban areas only.

Mr Campbell referred to Councillor Molloy's statement and said that community's broadband partnerships were happening with BT but would be curious to see what would be provided or would it be put on hold and unfortunately ICBAN could not provide that information.

Councillor McAleer advised that at the beginning of this year, representatives from Rural Broadband Action Group based in Aughadarragh were in attendance to seek help due to poor or non-existent broadband facilities. She said that 70 households, businesses and the local school were dealing directly with BT and were given an extortionate quote for the provision of broadband to the area and enquired how long and how can this be directed as the Aughadarragh community were on less than 1mbps of speed.

Mr Campbell advised that ICBAN were unaware when funding was going to be made available and was waiting very patiently on the outcome of the budget last week. He said that it was within the control of the Council to ask the Secretary of State and the Head of the Civil Service to see if anything could be provided as it was within their remit to overcome challenges within procurement. He said that ICBAN weren't in a position to advise but would like to see something productive happening.

Councillor Monteith raised concern regarding some of the information provided regarding BT and said that it was scandalous due to the lack of openness by them. He said that it was shocking how public money was being spent and massive

amounts of money was being pumped into a company which was not eligible. He said that it was outrageous and one of the biggest scandals regarding the misuse of public money being allocated to the private sector, with no auditing which went back a number of years and that there was now a feeling of reaping what you sow. He continued to say that this was a state sponsored monopoly with BT and that there was a lack of truth being provided by them and would be asking the question about technology regarding £100 and digital connectivity which was bigger than water and electricity and that the onus was on this Council to oversee that houses were built with fibre technology and correct internet connections similar to the South of Ireland.

Councillor Burton agreed with Councillor McAleer regarding representatives from Aughadarragh and said that there was not a Councillor which had not been approached to try and help the community, as it was so rural for everyday business dealings. She said that she also lives within a rural community and relies solely on a satellite as otherwise there would be no service and that these places needed addressing. She said that in the legacy Dungannon Council a BT representative which addressed the committee was very honest and advised that if BT were not going to make money then it would not even be considered. She said that to move it on we need to put a best case forward and enquired if there was any splitters in and around Caledon.

Mr Campbell advised that there were no splitters in Caledon but would appreciate the help from the Council and stated that if members required a more detailed presentation or further information that this could be provided to progress the matter. He said that this was a huge business which could have been better managed as there was no connection from the South to North of Ireland which could have been a possible solution if sourced.

He stated that BT's response has been if you pay for it you can get it and that they had an agreement with the Government for a commercial confidentiality clause to be written into their contract. He said that it may be worthwhile for all agencies in Northern Ireland coming together to draw up a policy.

Councillor Burton advised that there were a number of Councillors who didn't sit on the Development Committee and that it would be useful if a workshop was organised for all members to attend to get support.

Mr Campbell suggested that a letter could be constructed and sent to the Secretary of State and the Head of the Civil Service on progressing the matter.

Councillor Monteith suggested that the Planning Department be asked for their input.

The Director of Business and Communities advised that concerns have been discussed at Planning around housing developments and options were being considered.

Councillor Monteith advised that £100 was not a huge amount of money and felt that all new builds should be provided with fibre technology and correct internet connections and suggested writing to all housing association to inform them of the decision.

Councillor McAleer said that there would be a review of the planning policy this autumn and possibly the case that this would be raised at Planning.

Councillor Clarke said that planning would be the place to deal with it, with consultations and adoptions taking place.

The Director of Business and Communities suggest that an internal review be organised to include all members and not just the planning members.

Councillor G Shiels said that the planning bible was the community plan.

Councillors Burton and Clarke both agreed that costings would need to be investigated properly.

Councillor McAleer said that there was a lot of expense upfront to install an internet connection to new builds, as she was made aware of owners of new builds in Killeeshil having to fund these themselves.

Councillor Monteith asked that Officers engage with Housing Associations regarding collating a policy for the implementation of broadband in all new builds.

The Director of Business and Communities advised that he would take this on board and would bring back findings to a future meeting.

Matters for Decision

D049/18 Regional Minority Languages Bursary Programme 2018/19 and Irish Language Activity Funding Programme 2018/19

The Head of Culture and Arts drew attention to the previously circulated report to update Council on the proposed Regional and Minority Language Bursary Programme 2018/19 and Irish Language Activity Funding Programme 2018/19 and to seek approval from Council to publicly advertise both schemes.

Councillor Cuddy asked that officers investigate if other minority language courses were available.

Proposed by Councillor Monteith
Seconded by Councillor McNamee and

Resolved: That it be recommended to the Council that approval be granted to publicly advertising the both 2018/19 Regional and Minority Language Bursary Programme and to issue a call for expressions of interest for support under the Irish Language Activity Programme 2018/19.
Officers to investigate if other minority language courses are available.

D050/18 Economic Development Report

The Director of Business and Communities drew attention to the previously circulated report to provide Members with an update on key activities as detailed below:

- 1) Cookstown, Dungannon and Magherafelt Branded Jute Shopping Bag
- 2) Mid Ulster Regeneration Draft Action Plan
- 3) Dungannon Regeneration Partnership Proposal
- 4) Village Renewal Project
- 5) Coalisland Public Realm
- 6) Cookstown Town Centre Forum
- 7) Magherafelt Town Centre Forum
- 8) DAERA relocation to Ballykelly
- 9) Status of Fibre within 5 of Mid Ulster's Town Centres

Resolved: That it be recommended to the Council that approval be granted for Members:

1) Cookstown, Dungannon and Magherafelt Branded Jute Shopping Bag

To appoint “**Go Jute**” to print, supply and delivery branded jute shopping bags for Cookstown, Dungannon & Magherafelt respectively up to value of £43,360 (including expenses and excluding vat).

Proposed by Councillor McNamee
Seconded by Councillor Cuddy and

Resolved: Agreed

2) Mid Ulster Regeneration Draft Action Plan

Agree to the projects contained within Mid Ulster's Regeneration Action Plan 2018/19.

Proposed by Councillor Molloy
Councillor McNamee and

Resolved: Agreed

3) Dungannon Regeneration Partnership Proposal

Agree the proposal in principal, with the following conditions:

- The amount of Council funding to be determined by the existing economic development budget availability for 2018/19.
- The amount of funding the Department of Communities (DFC) will contribute towards the project.

The Director of Business and Communities confirmed that it will not be possible to meet the financial request entirely but by prioritising spend earmarked for Dungannon economic activity for the year ahead, a significant contribution to this ask can be achieved .

He also confirmed that any such contribution will not be taken from resources earmarked for activity in Cookstown or Magherafelt or indeed Coalisland or Maghera for that matter.

Councillor McNamee said that he would be content to go along with this proposal as long as it was not being taken out of the Cookstown budget.

Councillor Molloy suggested if this worked then it could be rolled out for other areas.

Proposed by Councillor Burton
Seconded by Councillor McAleer and

Resolved: Agreed

- 4) Village Renewal Project**
Note progress.
- 5) Coalisland Public Realm**
Note progress.
- 6) Cookstown Town Centre Forum**
Note minutes of Cookstown Town Centre Forum
- 7) Magherafelt Town Centre Forum**
Note minutes of Magherafelt Town Centre Forum
- 8) DAERA Relocation to Ballykelly**
Note correspondence.
- 9) Status of Fibre within 5 of Mid Ulster's Town Centres**
Note response from BT.

D051/18 Community Development Report

The Head of Community Development drew attention to the previously circulated report to:

- 1) Seek Committee approval for Good Relations and Community Festivals rolling grant award recommendations.
- 2) Agree the Peace IV Partnership recommendations and to approve the Peace IV Heritage tender award.
- 3) Update Members on the Development to a Mid Ulster Poverty Initiative.
- 4) Update on Community Development

Resolved: That it be recommended to the Council that approval be granted for Members:

- 1) Approve the grant award recommendations under the Community Local Festivals grants and Good Relations Grant as per Appendix 1 £4,688 and £200.

Proposed by Councillor McAleer
Seconded by Councillor Molloy and

Resolved: Agreed

- 2) Agree the Peace IV Partnership recommendations

Proposed by Councillor McNamee
Seconded by Councillor McAleer and

Resolved: Agreed

- 3) An update was provided regarding the paper reference to approve the Peace IV Heritage Programme tender award – a decision on this is still pending from SEUPB and this will come for agreement when received. SEUPB currently under pressure regarding the regional shared space projects.

Proposed by Councillor McNamee
Seconded by Councillor McAleer and

Resolved: Agreed

- 4) Note the Community Development Update report.

The Head of Community Development had received notice that the shared space connecting Pomeroy Project had been deferred to the Department as a recommendation for approval pending a number of clarifications being resolved. Members to be kept updated in due course re any further information.

D052/18 2017 Events Review

The Head of Tourism drew attention to the previously circulated report to review the Corporate Events delivered during 2017 and to make recommendations for improving the 2018 schedule.

The Head of Tourism highlighted issues, and the potential impact on events both internal and external of Council, with regard to the Road Closure Order, which comes into effect from 1st April. The Committee were informed that implications of the Road Closure Order and would be brought to the attention of those events that officers were aware of and specifically those events that will be taking place over the next number of months.

He recommended that Cookstown, Dungannon and Magherafelt Christmas events are held on the last weekend of November, taking into consideration the

recommendations and issues set out in the report and outlined by the Head of Tourism.

Councillor Molloy referred to Ballyronan Triathlon and through the media that it wouldn't be feasible for this event to take place due to the expense and billing of the PSNI.

The Head of Tourism said that he wasn't aware of the situation regarding the PSNI but that the licence fee would be £415 plus the cost of the traffic management company, which was very expensive due to the fact that there was only 4 companies specialising in this type of business. He said that this could be detrimental to 10k's and Lap of the Lough etc. as this was still an unknown territory, but would bring back more information when it was available.

Councillor Burton enquired if this would have a detrimental effect on the Clogher Valley Show.

The Head of Tourism advised that there would be some effect and were looking at arranging a meeting with representatives of the Clogher Valley Show and the PSNI to see if an alternative arrangement could be sourced.

The Director of Business and Communities advised that all efforts would be made to engage with people and keep them informed of what the process was. He said that the legislation was passed last September and a lot of grants secured by groups who were not aware of the situation and how this may affect them, but that Officers would make every effort to keep them informed.

Proposed by Councillor Molloy
Seconded by Councillor McNamee and

Resolved: That it be recommended to the Council that approval be granted for Officers to develop the scheduled list of strategic events for the year ahead.

That it be recommended to Council that the Cookstown, Dungannon and Magherafelt Christmas events are held on the last weekend of November, taking into consideration the recommendations and issues set out in the report and outlined by the Head of Tourism.

D053/18 Balmoral Show Stand 2018

The Head of Tourism drew attention to the previously circulated report to inform Council of Balmoral Show 2018 and sought approval for the purchase of stand and associated electrics and stand furniture.

Proposed by Councillor McNamee
Seconded by Councillor Burton and

Resolved: That it be recommended to the Council to approve the purchase stand and associated electrics and stand furniture – 7.5m x 3m in the Eikon Shopping Village at Balmoral Show at a cost of £3,000.

D054/18 Lough Neagh Partnership Core Funding 2018/19

The Head of Tourism drew attention to the previously circulated report to approve the annual contribution for year 2018/19 to the core running costs associated with Lough Neagh Partnership in the delivery of marketing tourism, recreational, environmental and heritage activities on Lough Neagh and the Lough Neagh shoreline on behalf of Mid Ulster District Council.

Proposed by Councillor McNamee
Seconded by Councillor Molloy and

Resolved: That it be recommended to the Council that approval be granted to:

- 1) Mid Ulster District Council funding Lough Neagh Partnership £22,000 as requested subject to funding being secured from all five Lough Neagh Council's.
- 2) Lough Neagh Partnership submitting quarterly update to Mid Ulster District Council.

D055/18 Seamus Heaney HomePlace and Tourism Ireland Campaign 2018

The Head of Tourism drew attention to the previously circulated report to seek approval for staff to work on and attend the launch of the Tourism Ireland (TI) Seamus Heaney HomePlace campaign for 2018. This event will launch a new campaign designed by Tourism Ireland showcasing Seamus Heaney HomePlace as one of their key themes in the GB marketplace for 2018.

Proposed by Councillor Molloy
Seconded by Councillor McEldowney and

Resolved: That it be recommended to the Council that approval be granted to:

- 1) Contribution of £3,500 towards film production and event delivery
- 2) Staff continuing to work on delivery of the event, Council Chair, Chief Executive and Seamus Heaney HomePlace Manager to attend.
Seamus Heaney HomePlace Manager to co-ordinate attendance with Heaney family.

Councillor Burton advised that representatives from Britain in Bloom were coming to Castlecaulfield next year and suggested that Officers look at ways to showcase the Seamus Heaney Centre and Mid Ulster through a visit to the centre for the Judges and other representatives.

D056/18 Leisure Facility Opening on Bank and Public Holidays

The Director of Leisure and Outdoor Recreation drew attention to the previously circulated report to agree Leisure Facilities Closures on Public Holidays in 2018/19.

Proposed by Councillor McEldowney
Seconded by Councillor Clarke and

Resolved: That it be recommended to the Council to approve that Leisure Facilities are closed as indicated within appendix 1 the report for year 2018/19 only.

D057/18 Leisure Services Pricing Policy 2018/19

The Director of Leisure and Outdoor Recreation drew attention to the previously circulated report to agree a new pricing policy for Council leisure facilities for the financial year 2018/19.

Councillor Doris proposed that Officers investigate ways to facilitate children with mental and physical disabilities i.e. free usage of Council leisure facilities.

Councillor Burton asked that consideration should also be given to helping people recovering from strokes.

Proposed by Councillor Doris
Seconded by Councillor Burton and

Resolved: That it be recommended to the Council to approve the proposals on the Leisure Pricing Policy for the financial year 2018/19.

Consideration be given to the free usage of Council leisure facilities for disabled children and a report be brought to a future committee meeting on this.

D058/18 Sports Representative Grants Allocations

The Director of Leisure and Outdoor Recreation drew attention to the previously circulated report to present to members the proposed Grant Allocations for the range of Sports Representative Grants.

Proposed by Councillor McAleer
Seconded by Councillor McNamee and

Resolved: That it be recommended to the Council that approval be granted for Sports Representatives Grant Allocations.

D059/18 Castlecaulfield Horticultural Society's Request to Rent Part of Castlecaulfield Pavilion with a View to Long Term Lease

The Director of Leisure and Outdoor Recreation drew attention to the previously circulated report to consider Castlecaulfield Horticultural Society's request to short-term rent part of Castlecaulfield Pavilion with a view to a long term lease.

Proposed by Councillor Cuddy
Seconded by Councillor Burton and

Resolved: That it be recommended to the Council that approval be granted for Officers to recommend to Policy and Resources Committee that the CHS proposals be considered by discussing with other user groups to ascertain if there are any other interested parties and that Land and Property Services be asked to value the market rent on the property. That Council rent parts of the property to Castlecaulfield Horticultural Society on a short-term rental basis in the meantime.

Consideration to be given to upgrading the facilities at Castlecaulfield Pavilion to include kitchen revamp, upgrading of toilets and general painting of premises where required.

Councillor Burton suggested going forward that there was a need to upgrade the Castlecaulfield Pavilion as it was essentially a hub which was used widely by everyone within the community. She said that the facilities needed upgrading to include a kitchen revamp, upgrading of the toilets and general painting of premises where required.

Councillor Cuddy agreed with Councillor Burton's sentiments and said that the Pavilion was very important to the Castlecaulfield community as it caters for so many things.

D060/18 Use of Meeting Rooms

The Director of Leisure and Outdoor Recreation drew attention to the previously circulated report to ask Council to consider allowing the use of meeting rooms in Council Leisure facilities by Health Trusts for meetings between Social Workers and their client for the purposes of child contact arrangements made under an order of a Court.

Councillor Doris enquired if there were any implications in the past at Greenvale Leisure Centre.

The Director of Leisure and Outdoor Recreation advised that this was under the remit of Pulse and that no issues were identified and that there was a lot of facilities based outside like play parks that could also be used for contact arrangements. The situation was managed by a Social Worker assigned to the family at all times and there was a reassurance for the Council that this was rigorously monitored. She said that advice had been taken from the Corporate Policy Officer and Health & Safety Officer and was assured that this would be manageable.

Councillor Monteith said that he would have no problem in principle, but that he felt it strange that the Belfast Trust did not use the same facilities for their contact visits as the Northern and Southern Trusts. He said that he would have concerns about barring orders which have been issued against someone and asked what would

happen if they decided to use the gym and said that this would need to be checked out as it could cause problems for leisure centre staff.

The Director of Leisure and Outdoor Recreation said that the staff would be unaware if there was an issue or not and that it would be up to the Social Worker to deal with the situation.

Councillor McAleer said that it was important that staff were safeguarded and felt that this needed explored further.

Councillor McEldowney said the Council were the overseers of Pulse and why were members not informed of the situation at Greenvale. She said that she could see why the Belfast Trust were using premises in Mid Ulster as children from Belfast could be placed elsewhere.

Councillor Monteith said that he was aware of at least 3 places in Dungannon which were contact centres and was at a loss why the Belfast Trust would not use the same premises as the Northern and Southern Trusts as they were completely under the control of the Social Services.

Councillor McAleer said that she would be worried about confidentiality.

Councillor Elattar also raised concern about child contact arrangements and members not being made aware and enquired how many visits took place.

The Director of Leisure and Outdoor Recreation advised she was aware of only one situation which happened every Saturday morning at Greenvale. When the issue was made apparent, no more bookings were taken pending future investigation of the issues.

Councillor Elattar said that the Social Worker has the responsibility of the child and if this was permitted, that very stringent guidelines for safeguarding would need to be in place.

Councillor Cuddy enquired if there was a monetary value for the booking of the rooms by Pulse as it was unlikely they were allocated free.

The Director of Leisure and Outdoor Recreation advised that normal room booking fees were applied by Pulse.

Councillor Molloy said that it was important that older and small children feel safe in their surroundings, with privacy being the key and that there was nowhere more public than a leisure centre.

In response to Councillor Monteith's query, the Director of Leisure and Outdoor Recreation advised that she was aware that there was a contact centre available in Magherafelt for such eventualities.

Councillor Doris advised that a leisure centre is more appealing for children but suggested that more information be brought to a future meeting before a decision can be made.

Proposed by Councillor Doris
Seconded by Councillor Burton and

Resolved: That it be recommended to the Council that further investigations be carried out with findings being brought back to a future Committee for consideration before a decision can be made.

**D061/18 Leisure and Outdoor Recreation Service Level Agreements
2018/19**

The Head of Leisure drew attention to the previously circulated report to agree proposals on Service Level Agreements (SLAs) for the financial year 2018/19 only.

Proposed by Councillor Molloy
Seconded by Councillor Cuddy

Resolved: That it be recommended to the Council to approve the proposals on Leisure and Outdoor Recreation SLAs for the 2018/19 financial year only.

D062/18 Walk NI Consortium 2018-19

The Head of Parks drew attention to the previously circulated report to commit to Walking NI Marketing Consortium Campaigns for 2018-19.

Councillor McAleer asked for an update on licensing agreement with Knockmany Forest and situation regarding the demolishing of the small house.

The Head of Parks to bring back all the relevant information to a future meeting.

Proposed by Councillor J Shiels
Seconded by Councillor McNamee and

Resolved: That it be recommended to the Council that approval be granted to participate as a Regional Partner with the Walking NI Marketing Consortium and contribute £3,445.00 to 2018-19 campaign.

Matters for Information

**D063/18 Development Committee Minutes of Meeting held on Thursday 15
February 2018**

Members noted Minutes of Development Committee held on Thursday 15 March 2018.

D064/18 Lough Neagh Partnership – Core Funding Progress Report

Members noted previously circulated report on Lough Neagh Partnership – Core Funding Progress Report.

D065/18 Lough Neagh Partnership HLF Landscape Programme

Members noted previously circulated report on Lough Neagh Partnership HLF Landscape Programme.

Local Government (NI) Act 2014 – Confidential Business

Councillor McNamee
Councillor Monteith and

Resolved: Items restricted 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 D066/18 to D067/17.

Matters for Decision

D066/15 Mid Ulster Swimming Lesson Programme at Cookstown,
Dungannon and Greenvale Leisure Centres

Matters for Information

D067/15 Confidential Minutes of Development Committee held on
Thursday 15 February 2018

D068/15 Duration of Meeting

The meeting was called for 7 pm and ended at 8.55 pm.

CHAIR

DATE

Committee: Development Committee

Date: 15 March 2018

Matters Resolved by Committee

The following provides those matters resolved by the above named Committee as decisions to be considered for approval at the next meeting of Mid Ulster District Council.

Minute Ref	Matters Resolved by Committee
D049/18	<p>Regional Minority Languages Bursary Programme 2018/19 and Irish Language Activity Funding Programme 2018/19</p> <p>Resolved: That it be recommended to the Council that approval be granted to publicly advertising both the 2018/19 Regional and Minority Language Bursary Programme and to issue a call for expressions of interest for support under the Irish Language Activity Programme 2018/19. Officers were also requested to investigate if other Regional and minority language courses are available.</p>
D050/18	<p>Economic Development Report</p> <p>Resolved: That it be recommended to the Council that approval be granted for Members:</p> <ol style="list-style-type: none">1) Cookstown, Dungannon and Magherafelt Branded Jute Shopping Bag To appoint “Go Jute” to print, supply and delivery branded jute shopping bags for Cookstown, Dungannon & Magherafelt respectively up to value of £43,360 (including expenses and excluding vat).2) Mid Ulster Regeneration Draft Action Plan

	<p>Agree to the projects contained within Mid Ulster's Regeneration Action Plan 2018/19.</p> <p>3) Dungannon Regeneration Partnership Proposal Agree the proposal in principal, with the following conditions:</p> <ul style="list-style-type: none"> • The amount of Council funding to be determined by the existing economic development budget availability for 2018/19. • The amount of funding the Department of Communities (DFC) will contribute towards the project. <p>4) Village Renewal Project Note progress.</p> <p>5) Coalisland Public Realm Note progress.</p> <p>6) Cookstown Town Centre Forum Note minutes of Cookstown Town Centre Forum</p> <p>7) Magherafelt Town Centre Forum Note minutes of Magherafelt Town Centre Forum</p> <p>8) DAERA Relocation to Ballykelly Note correspondence.</p> <p>9) Status of Fibre within 5 of Mid Ulster's Town Centres Note response from BT.</p>
D051/18	<p>Community Development Report</p> <p>Resolved: That it be recommended to the Council that approval be granted for Members:</p> <ol style="list-style-type: none"> 1) Approve the grant award recommendations under the Community Local Festivals grants and Good Relations Grant as per Appendix 1 £4,688 and £200. 2) Agree the Peace IV Partnership recommendations

	<p>3) Approve the Peace IV Heritage Programme tender award (pending report being complete through SEUPB sign off).</p> <p>4) Note the Community Development Update report.</p>
D052/18	<p>2017 Events Review</p> <p>The Head of Tourism highlighted issues, and the potential impact on events both internal and external of Council, with regard to the Road Closure Order, which comes into effect from 1st April. The Committee were informed that implications of the Road Closure Order will be brought to the attention of those events that officers were aware of and specifically those events that will be taking place over the next number of months.</p> <p>Resolved: That it be recommended to the Council that approval be granted for Officers to develop the scheduled list of strategic events for the year ahead.</p> <p>That it be recommended to Council that the Cookstown, Dungannon and Magherafelt Christmas events are held on the last weekend of November, taking into consideration the recommendations and issues set out in the report and outlined by the Head of Tourism.</p>
D053/18	<p>Balmoral Show Stand 2018</p> <p>Resolved: That it be recommended to the Council to approve the purchase stand and associated electrics and stand furniture – 7.5m x 3m in the Eikon Shopping Village at Balmoral Show at a cost of £3,000.</p>
D054/18	<p>Lough Neagh Partnership Core Funding 2018/19</p> <p>Resolved: That it be recommended to the Council that approval be granted to:</p> <ol style="list-style-type: none"> 1) Mid Ulster District Council funding Lough Neagh Partnership £22,000 as requested subject to funding being secured from all five Lough Neagh Council's. 2) Lough Neagh Partnership submitting quarterly update to Mid Ulster District Council.

D055/18	<p>Seamus Heaney HomePlace and Tourism Ireland Campaign 2018</p> <p>Resolved: That it be recommended to the Council that approval be granted to:</p> <ol style="list-style-type: none"> 1) Contribution of £3,500 towards film production and event delivery 2) Staff continuing to work on delivery of the event, Council Chair, Chief Executive and Seamus Heaney HomePlace Manager to attend. Seamus Heaney HomePlace Manager to co-ordinate attendance with Heaney family.
D056/18	<p>Leisure Facility Opening on Bank and Public Holidays</p> <p>Resolved: That it be recommended to the Council to approve that Leisure Facilities are closed as indicated within appendix 1 the report for year 2018/19 only.</p>
D057/18	<p>Leisure Services Pricing Policy 2018/19</p> <p>Resolved: That it be recommended to the Council to approve the proposals on the Leisure Pricing Policy for the financial year 2018/19.</p> <p>Consideration be given to the free usage of Council leisure facilities for disabled children and a report be brought to a future committee meeting on this.</p>
D058/18	<p>Sports Representative Grants Allocations</p> <p>Resolved: That it be recommended to the Council that approval be granted for Sports Representatives Grant Allocations.</p>
D059/18	<p>Castlecaulfield Horticultural Society's Request to Rent Part of Castlecaulfield Pavilion with a View to Long Term Lease</p> <p>Resolved: That it be recommended to the Council that approval be granted for Officers to recommending to Policy and Resources Committee that the CHS proposals be considered by discussing with other user groups to ascertain if there are any other interested parties and that Land and Property Services be asked to</p>

	<p>value the market rent on the property. That Council rent parts of the property to Castlecaulfield Horticultural Society on a short-term rental basis in the meantime.</p> <p>Consideration to be given to upgrading the facilities at Castlecaulfield Pavilion to include kitchen revamp, toilet provision and general painting of premises.</p>
D060/18	<p>Use of Meeting Rooms</p> <p>Resolved: That it be recommended to the Council that further investigations be carried out with findings being brought back to a future Committee for consideration before a decision can be made.</p>
D061/18	<p>Leisure and Outdoor Recreation Service Level Agreements 2018/19</p> <p>Resolved: That it be recommended to the Council to approve the proposals on Leisure and Outdoor Recreations SLAs for the 2018/19 financial year only.</p>
D062/18	<p>Walk NI Consortium 2018-19</p> <p>Resolved: That it be recommended to the Council that approval be granted to participate as a Regional Partner with the Walking NI Marketing Consortium and contribute £3,445.00 to 2018-19 campaign.</p>

Report on	Conferences & Seminar – March 2018
Reporting Officer	P Moffett, Head of Democratic Services
Contact Officer	E Forde, Member Support Officer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	Provide an update on seminars and conferences received. To seek approval for attendance and the payment of registration/ attendance fees and associated costs, as incurred.
2.0	Background
2.1	Costs associated will be set against 2017-18 member Conference and Seminar allocations.
3.0	Main Report
	The following seminar/ conference sessions are presented for consideration of representation from Mid Ulster Council.
3.1	Approval for Consideration of Attendance by Members
3.1.1	None
3.2	<u>Officer Approvals</u> There are occasions when it is beneficial to the organisation for Officers to attend conferences and seminars. Approval is sought for attendance as detailed in Appendix B to this report.
4.0	Other Considerations
4.1	<u>Financial & Human Resources Implications</u> Financial: Human:
4.2	<u>Equality and Good Relations Implications</u>

4.3	<u>Risk Management Implications</u>
5.0	Recommendation(s)
5.1	Approval for attendance at the conferences/ seminars by members and council officers as required.
6.0	Documents Attached & References
6.1	Appendix Officer Approvals

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fee (Yes/ No)
Royal Inst of Chartered Surveyors – RICS CPD Day	21/3/18	1	Belfast	yes
Fuel Poverty Coalition Conference – Protecting the Fuel Poor in a Changing Energy Environment	28/2/18	1	Clogher	No
Sports Safety Conference 2018	23/3/18	1	Belfast	No

Report on	Consideration of Requests for Civic Recognition – March 2018
Reporting Officer	P Moffett, Head of Democratic Services
Contact Officer	E Forde, Member Support Officer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To consider approval of request(s) for civic recognition from members, in line with council Receptions Policy.
2.0	Background
2.1	The Receptions Policy was reviewed and subsequently agreed at the December 2016 council meeting. All requests for civic recognition are to be now forwarded to Democratic Services to appear on a report for presentation to council for consideration and approval.
2.2	The policy confirms 3 categories of reception offered by the Council: (1) Civic Receptions (2) Chair and Deputy Chair Reception (3) Civic Awards
2.3	Appendix A to this report details those request(s) received for notification to and approval by council. The request(s) have been categorised in line with established conditions/ criteria required to be met to receive a Civic Reception, Chair & Deputy Chair Reception or Civic Award.
2.4	Following the July 2017 Council meeting a working group was formed to review the current receptions policy.
3.0	Main Report
3.1	Implementation of the Receptions Policy facilitates the Council in acknowledging the achievements of organisations and persons from the district, as put forward by members.
3.2	Civic Recognition requests received from members since the last meeting of council have been categorised, details of which are set out within appendix A to this report.
4.0	Other Considerations
4.1	<u>Financial & Human Resources Implications</u> Financial: Not Applicable

	Human: Not Applicable
4.2	<u>Equality and Good Relations Implications</u>
4.3	<u>Risk Management Implications</u>
5.0	Recommendation(s)
5.1	That consideration be given to approving request(s) for civic recognition.
6.0	Documents Attached & References
6.1	Appendix A Submitted Requests

March 2018 - Requests for Civic Recognition Submitted: For Approval

Category: Civic Reception

Proposed Recipient	Achievement	Submitted by	Condition/Criteria Met	Recipient Previously Acknowledged
Andrew Ryan	IABA All Ireland National Novice Finals 60kg weight	Cllr McGinley	<ul style="list-style-type: none"> Won a competition at an All Ireland level 	For: IABA Ulster Senior Novice Gold medal Date: 23 November 2017

Category: Civic Award

Proposed Recipient	Achievement	Submitted by	Condition/Criteria Met	Recipient Previously Acknowledged
Errigal Ciaran GAC Ladies Minors	GAA Ulster Ladies Minor Championship	Cllr McAleer	<ul style="list-style-type: none"> Won a competition at provincial level 	For: Ladies team Senior and Minor Tyrone Club Championship Date: 18 May 2016
Dungannon Swifts	Irish League Cup Final Champions 2018	Cllr O'Neill Cllr Molloy Cllr Aston	<ul style="list-style-type: none"> Won a competition at provincial level 	For: N/A Date: N/A
St Mary's College Clady	Ulster Schools Junior Camogie Championship – The Medallion Centre Junior Shiels	Cllr Kearney	<ul style="list-style-type: none"> Won a competition at provincial level 	For: N/A Date: N/A

Rainey Endowed School Girls Hockey	Belfast Senior Schools Cups	Cllr Wilson	<ul style="list-style-type: none"> Won a competition at provincial level 	For: N/A Date: N/A
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Chair's Reception

Proposed Recipient	Achievement	Submitted by	Condition/Criteria Met	Recipient Previously Acknowledged
N/A			<ul style="list-style-type: none"> 	

Other: Letter from Council Chair

Where it is deemed that conditions/criteria have not been met for a civic reception, civic award or chair & deputy chair reception a letter from the Council Chair is recommended. This may also be in instances where recipients have previously received a reception or award for the same or similar achievement.

Proposed Recipient	Achievement	Submitted by
N/A		

Report on	Planning Programme for Elected Members
Reporting Officer	P Moffett, Head of Democratic Services
Contact Officer	E Forde, Member Support Officer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To agree two nominees to engage in the NILGA Local Planning Programme for Elected Members.
2.0	Background
2.1	NILGA recently commissioned work to undertake a scoping and analysis to implement a Regional Programme for Elected Member Development. One of the findings and subsequent recommendations was the need for accredited training on Planning. The NILGA Local Planning Programme for Elected Members has been developed and will be delivered as a pilot commencing 27 April 2018 and run until November 2018.
2.2	The accredited pilot is a particularly good opportunity for Members involved in the Planning Committee to receive an endorsed accreditation which would be beneficial for the future, beyond May 2019 (it is assumed that members participating would, at least, be seeking continuity as a local government representative after the next Local Election).
2.3	Details of the programme were previously circulated to Party Leaders and Planning Committee Members. The programme was referenced at the Planning Committee meeting held on 6 March 2018.
3.0	Main Report
3.1	<u>Design</u> The delivery of this programme will be interactive, allowing councillors to learn from case studies, ask questions and undertake role-play in workshops. Detail is outlined in appendix 1
3.2	<u>Modules</u> The course is made up of 8 modules (i) Understanding plan making and the role of councillors; (ii) How Local Development planning is linked to community planning and regeneration initiatives; (iii) Understanding the Local Development Plan Process from draft stage to adoption;

	<ul style="list-style-type: none"> (iv) Understanding development management; the planning process and the role of Councillors; (v) Understanding planning conditions and planning agreements and the role of Planning Committee; (vi) Understanding the statutory appeal system and best practice; (vii) The statutory enforcement process and the role of the Planning Committee and other Councillors; (viii) Maladministration charges to the Ombudsmen and the judicial review of planning decisions; (ix) Optional study trip to Council in Scotland (Costs for this must be met by Council and would thus be deducted from nominees Conference & Training budget)
3.3	<p><u>Evaluation</u></p> <p>The impact and success of the training will be monitored at individual level through returned course evaluation forms and through improved understanding demonstrated in workshops. Councillors who successfully complete the entire course to a satisfactory standard will be credited by an endorsed award.</p>
3.4	<p><u>Costs</u></p> <p>Costs for the pilot programme be met by NILGA and the Local Government Training Group (LGTG) with the exception of travel. Note that the study trip to Scotland is optional.</p>
3.5	<p><u>Attendance</u></p> <p>Members seeking nomination are required to attend all of the modules across the nine months of the programme.</p>
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial: NILGA and Local Government Training Group (LGTG) will cover all costs with the exception of travel</p> <p>Human: not applicable</p>
4.2	<p><u>Equality and Good Relations Implications</u></p> <p>Not applicable</p>
4.3	<p><u>Risk Management Implications</u></p> <p>Contribute towards skills base and decision making at planning committee.</p>
5.0	Recommendation(s)
5.1	<p>That Council nominate two Elected Members to engage in the NILGA Local Planning Programme.</p>

6.0	Documents Attached & References
6.1	Appendix A - NILGA Local Planning Programme for Elected Members



NILGA Local Planning Programme for Elected Members

1st March 2018

Diana Fitzsimons MA MSc FRICS MRTPI

Module Design, Delivery and Evaluation:

The delivery of this programme will be interactive and interesting for Councillors, allowing them to learn from case studies, to ask questions regularly and to undertake role play in workshops.

Clear illustrated hand-outs in plain English will be given to participants throughout the course, with each hand-out containing links to further reading and the policy/legislation referred to. The hand-outs will be hardcopy or electronic.

Case studies will be accompanied by maps and other illustrative material.

Real life examples from the presenters' experiences in Northern Ireland and in other parts of the UK will be used throughout the presentations and discussions to keep the modules interesting and relevant to each Councillor's every day role in relation to planning.

The delivery will include:

- (a) short presentations using PowerPoint;
- (b) discussions;
- (c) case studies and benchmarking practice in other jurisdictions;
- (d) workshops with role play;
- (e) question/answer sessions;
- (f) mock appeal
- (g) hand-outs in paper and electronic form
- (h) summary notes of discussions at each session and suggestions for further training.
- (i) optional site visit as detailed below for week 9

Outcomes and Evaluation:

Modules 1 -3 will:

- Improve each Councillor's understanding of the plan making system;
- Enable them to participate effectively in making robust and defensible decisions about the future of their Council area;
- Increase their understanding about what their Council's priorities for statutory plan making could and should be;
- Help them to ensure that the Council doesn't breach any statutory requirements or fail to get the plan through to adoption in a timely manner;
- Improve each Councillor's understanding of the linkages, both statutory and practical, between community planning and the statutory local development planning being carried out by the Councils;
- Highlight the need to understand linkages with planning activities carried out by the Department for Infrastructure and by the Department for Communities at regional and local level;

- Explain the range of plans prepared in the Republic of Ireland at regional and local level and their relevance to Councils with a common boundary to RoI council areas;
- Enable Councillors and their Councils to demonstrate 'joined up' good governance and to deliver planning and related activities in an holistic way;
- Help to safeguard each Council's reputation as a responsible decision maker across a range of interrelated areas of local government.

Modules 3-8 will:

- Improve each Councillor's understanding of the development management system;
- Build their decision making capability in order to deliver the Council's planning objectives as set out in their policies, their emerging LDP and in regional guidance;
- Improve the Councillors' understanding of the enforcement process and when enforcement action is desirable
- Reduce the Council's vulnerability on appeal and minimise the possibility of award of costs at appeal;
- Reduce the Council's vulnerability in relation to maladministration of their planning powers;
- Help to safeguard each Council's reputation as a responsible decision maker.

The impact and success of the training will be monitored at individual level through returned course evaluation forms and through improved understanding demonstrated in workshops. Councillors who successfully complete the entire course to a satisfactory standard will be credited by an endorsed award.

Module 1 - Understanding plan making and the role of Councillors

Date: 27th April 2018 2.00 to 4.30 pm, Antrim Civic Centre

Delivered by: Emma Walker and Sharon Mossman

Content:

An outline of best practice in preparing and approving a Local Development Plan (LDP):

- Summary of the current plan background to decision taking in each Council area in the absence of up-to-date Local Development Plans (LDPs).
- How can Councillors help shape their Council area for the future benefit of the people who live and work there?
- How important are the various stages of the process and demonstrating an understanding of the responses to the statutory consultation exercises.
- How can Councillors work closely with planning officers by giving them clear direction from the outset, helping them to stick to the timetable.
- The importance of an up-to-date plan for the economic prosperity of the locality and for implementing the government's Programme for Government.
- What are the statutory requirements for preparing the LDP and what is the continuing role for the Department for Infrastructure?
- How important are: fulfilling the Council's Statement of Community Involvement; proper environmental assessment; and ensuring a clear evidence base for decisions?
- What are the relevance of current RoI plans at regional and local level to those Councils with a common boundary to RoI councils?
- What is the emerging LDP's relationship with the current plan; the NI Regional Strategy; with the plans being prepared by neighbouring councils; with ongoing regeneration schemes and approved applications; and with the Council's own Community Plan? This will be expanded upon in Module 2 below.

Questions and Answers

Local Development Plans – How can Committee members best get involved without breaching the Code of Conduct.

Workshop case studies:

(a) should there be expansion of a settlement into the Green Belt or not? This theme will be developed at a later stage in the proposed study visit

(b) how to ensure development of social/affordable housing in the area – what are the choices? This theme will be developed at a later stage in the proposed study visit.

Questions and Answers

Module 2 – How Local Development planning is linked to community planning and regeneration initiatives

Date: 25th May 2018 2.00-4.30 pm, Antrim Civic Centre

Delivered by: Gavin Rafferty and Kevin Murray

Content:

Community Planning

- What is it? Ironing out misconceptions
- Careful programming of community planning and local development planning within the Council
- The statutory and practical links between the two types of planning
- Avoiding the pitfalls of delay, contradiction or unmet community expectations
- How best to ensure synergies

Questions and Answers

Best practice case studies in community planning, working alongside local development planning in Scotland

Questions and Answers

Regeneration planning

- Ironing out misconceptions on what regeneration planning is all about
- What DfC regeneration plans are being implemented and thus not renegotiable
- Avoiding the pitfalls of delay and contradiction

Best practice case studies/workshop in regeneration planning working alongside local development planning in Scotland

Questions and Answers

The Controls - Making sure that the Local Development Plan is implementable within defined resources.

- Making sure the Council committees understand each other's roles
- Performance setting and monitoring by the Dept for Infrastructure
- Call in powers by DfI – case examples
- DfI power to enforce Joint Plans
- Meeting the requirements of Environmental Assessment and other EU law

Questions and Answers

Module 3 - Understanding the Local Development Plan Process from draft stage to adoption

Date: 29th June 2018 2.00 – 4.30 pm, Antrim Civic Centre

Delivered by: Brian Kelly and Roger Clews

Content:

What can go wrong with Local Development Plan making?

- Delay
- Political divide within Council on key issues causing stalemate
- Non compatibility with regional policy and guidance
- Call in by DfI Planning
- Breach of the Code of Conduct by a Councillor
- Judicial Review of the plan or an element of it

Examination of the LDP

Insight into the process of getting the draft plan safely through the two-stage public examination process.

- The need to demonstrate clearly how the statutory requirements have been fulfilled.
- The “soundness” test and how it has been applied in England by the Planning Inspectorate.
- Learnings from recent plan Examinations in N Ireland.

Questions and Answers

Workshop case studies:

(a) A Councillor not on Planning Committee wants to take an active part in an Inquiry topic session at Stage 2 as he/she opposes the proposed zoning of a particular site for housing.

(b) an example of an element of the draft LDP which may not be “sound” as arguably inconsistent with the evidence base (e.g. calculation of the amount of new housing required over the plan period).

Questions and Answers

Module 4 - Understanding development management: the planning process and the role of Councillors

Date: 27th July 2018 2.00 - 4.30 pm, Craigavon Civic Centre

Delivered by: Karen Blair and Sheila Murphy

Content:

The statutory development management process:

- Which applications come to Planning Committee for decision and which are delegated to Council officers or made by DoE Planning
- The importance of case law and regional policy/guidance in making robust planning decisions
- The need to abide by statutory requirements in dealing with planning applications – consultation with statutory agencies, community involvement, timescales etc
- The need for good reporting and clear advice by officers to the planning committee
- The pre-determination hearing and how Councillors should treat this.

Questions and Answers

Making timely, effective and defensible decisions:

- Understanding the need for timely decisions and the costs to the local economy of any unnecessary delays
- The planning committee's role in evaluating planning applications and planning conditions suggested by officers
- Propriety and leadership in decision making by Councillors
- The Committee meeting and best practice – a view from Scotland and England practice
- Whether site visits are required
- Constraints on matters which Councillors can take account of when making planning decisions
- Dealing with lobbying by applicants and objectors
- Avoiding unreasonable behaviour and potential award of costs

Questions and Answers

Case studies on best (and not so good) practice from Scotland and N Ireland e.g.

(a) application for demolition and replacement of an historic building in a local town

(b) application for a bar/restaurant on the edge of the defined town centre

(c) application for a mixed use affordable housing scheme on former industrial land

Questions and Answers

Module 5 - Understanding planning conditions and planning agreements and the role of Planning Committee

Date: 31st August 2018 2.00 – 4.30 pm, Antrim Civic Centre

Delivered by: Gary McGhee and Diana Fitzsimons

Content:

The legal and policy requirements for planning conditions:

- Types of planning condition
- The importance of clear wording
- Applications to remove or vary a condition in a planning permission
- Enforcement for breach of a condition
- Appeal against a planning condition

Questions and Answers

Case studies: e.g.

(a) should an agricultural occupancy condition be applied in granting planning permission for a rural dwelling?

(b) should a condition be applied for specific sight lines coming out of a vehicular access to a proposed business even if neighbours claim that they own the land required for the sight lines?

(c) an appeal against a condition restricting hours of opening of a motor cycle race track

(d) an appeal against a car parking condition for a commercial development which is viewed by the applicant as unreasonable.

Questions and Answers

Planning agreements:

- The law and any relevant guidance
- What are the practical issues in getting timely agreements prepared?
- Avoiding delays
- When can they be removed?

Case studies of recent planning agreements: e.g.

(a) financial contributions from developers of student accommodation in Belfast City Centre

(b) financial contributions to off -site road infrastructure for edge of centre retailing park

(c) Getting a planning agreement removed/amended at Belfast City Airport

Questions and Answers

Module 6 - Understanding the statutory appeal system and best practice

Date: 28th September 2018 2.00 – 4.30 pm, Antrim Civic Centre

Delivered by: Trevor Rue and Conor Hughes

Content:

The various types of appeals and the role of the Council officer and Councillor:

- Managing the process – Planning Committee best practice
- The role of the Planning Appeals Commission
- Presenting the Council's case on appeal – officers and Councillors
- Dealing with lobbying by appellants and third parties
- Decisions by the Planning Appeals Commission and their repercussions
- Avoiding Award of Costs by the PAC

Questions and Answers

Case examples from N Ireland: e.g.

- (a) hot food bar in small parade of shops;
- (b) demolition and new house in a Conservation Area;
- (c) out of town centre retail development;
- (d) infill dwelling in AONB part of the countryside

Questions and Answers

Mock Planning Appeal with role play by delegates

- Briefing material to be given to Councillors several weeks in advance
- Each Councillor to play a different role in the appeal
- Outcomes and behaviours to be evaluated by the group

Questions and Answers

Module 7 - The statutory enforcement process and the role of the Planning Committee and other Councillors

Date: 26th October 2018 2.00 – 4.30 pm, Antrim Civic Centre

Delivered by: Judith Winters and Maria O'Loan

Content:

The essentials of law and policy relating to enforcement:

- Understanding the legislation; regional policy and advice; and case law
- Making an appropriate response to unauthorised development in the context of Council resources and reputation
- When is enforcement out of time?
- What can go wrong in enforcement cases?
- Planning Committee procedures for enforcement decisions (and for drawing up the Council's own enforcement policy)
- Balancing the proper arguments for and against the enforcement case

Questions and Answers

Examples of cases from Scotland/England and N Ireland e.g.

- (a) Unauthorised car sales in former countryside barn;
- (b) Change of use of inner city dwelling to multiple occupation;
- (c) Non-compliance with a planning condition in major new mixed use development;
- (d) unauthorised extension to village dwelling

Questions and Answers

Module 8 – Maladministration charges to the Ombudsmen and the judicial review of planning decisions

Date: 30th November 2018 2.00 – 4.30pm, Craigavon Civic Centre

Delivered by: Faye Dunwoody and Richard Harwood

Content:

The different types of challenges by individuals or groups and possible outcomes:

- To the Courts for a Judicial Review
- To Local Government Ombudsman
- To Public Services Ombudsman

Questions and Answers

How Councillors and Councils can avoid maladministration charges related to planning:

- Examples of breaches of the Code of Conduct and Guidance in planning decisions
- Cases relating to either “actual” or “apparent” bias
- Cases relating to breach of protocol
- Pre-determination of the outcome of a planning application by Committee members
- Need to take time to consider all the information pertinent to a decision
- Duty to give reasons for a decision especially if the Planning Committee makes a decision contrary to the case officer’s recommendation
- These cases will relate to N Ireland and other parts of the UK

Questions and Answers

Outcomes and possible penalties – case studies from NI and elsewhere in the UK

- Quashing of the planning decision
- suspension or disqualification from office of the Councillor
- a prison sentence
- surcharging of Councillors if wilful misconduct found

Questions and Answers

Module 9 – Optional Study Trip to a Council in Scotland

Delivered by: Diana Fitzsimons

Date: 7th September 2018

The aim of this optional module is to demonstrate best practice in decision making by a Council and its Planning Committee. Stirling would make an ideal Council for course delegates to share experiences with and the proposal is a visit to a planning committee meeting and possible site visits to help our Councillors understand the projects which the Committee will be debating.

My reasons for choosing Scotland are:

- The Scottish planning system is the one upon which the new N Ireland system has been modelled
- Stirling is a medium sized town with a rural hinterland and with issues relating to: for example pressure to expand, deprived communities, conservation, transportation, retailing, social housing, employment and tourism
- The Council is regarded as implementing best practice in terms of governance and decision taking
- I have good connections with several private practices in Scotland and through them with the Council which will facilitate the study visit.
- I have arranged many study trips in the past including most recently a study trip for international delegates to Dublin in 2017. I organised a study visit to Edinburgh in 2007 for about 20 N Ireland stakeholders in connection with the proposed regeneration of the former shipbuilding area of Belfast Harbour – renamed Titanic Quarter.

Proposed draft format for study visit:

7.00	Flight from Belfast to Edinburgh and coach to Stirling
9.30	Arrival and introductions
10.00	Presentation on plan making and development control issues in Stirling Questions and answers
10.45	Presentation on the committee structure in the Council and the issues to be debated and decided upon at the afternoon Planning Committee meeting Questions and answers
11.30	Facilitated discussion between NI Councillors and host Councillors on matters such as: <ul style="list-style-type: none">• Councillors' leadership role in relation to interpreting public opinion• Lobbying and each Councillor's electorate

- Code of Conduct
- Material considerations in planning decision making
- Community planning and links to local development plan making
- Setting the Planning Committee agenda

12.30	Lunch
2.00	Attendance at Planning Committee with full briefing materials received in advance. The meeting will demonstrate how representations from the applicant or objectors are listened to; how conflicts of interest are dealt with; how officers present their recommendations and are questioned by Councillors; and how the Committee debates and reaches a decision.
4.00	Coffee and closing discussion with Committee members and officers
5.00	Site visits to projects (if required)
7.30	Return coach to Edinburgh Airport and flight to Belfast

Pool of those who may deliver the programme:

- (1) Diana Fitzsimons, Planning Consultant and Visiting Professor Ulster University
- (2) Richard Harwood QC Barrister Essex Chambers
- (4) Emma Walker, Associate Director Turley
- (5) Sheila Murphy, Associate Director Turley
- (6) Brian Kelly, Director Turley
- (7) Gary McGhee, Partner Carson McDowell Solicitors
- (8) Faye Dunwoody, Solicitor Carson McDowell Solicitors
- (9) Les Ross, Director Les Ross Associates
- (10) Judith Winters, Principal Planner Antrim and Newtownabbey Council
- (11) Tom Stokes, Director TSA Planning
- (12) Karen Blair, Partner Cleaver Fulton and Rankin Solicitors
- (13) Conor Hughes, Planning Manager Lisburn and Castlereagh Borough Council
- (14) Trevor Rue, Principal Commissioner Planning Appeals Commission
- (15) Anita Conway, Director of Development Radius Housing
- (16) Roger Clews, Principal Inspector, English Planning Inspectorate
- (17) Gavin Rafferty, Senior Lecturer in the Built Environment, UU
- (18) Sharon Mossman, Principal Planner at Antrim and Newtownabbey Council
- (19) Kevin Murray, Partner of Kevin Murray Associates, Glasgow
- (20) Dr Stephen McKay, Senior Lecturer in Planning, QUB
- (21) Maria O'Loan, Partner Tughan Solicitors

Full CVs will be produced in advance of programme delivery.

Disclaimer

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We do not, however, make any representation that the information will be accurate, current, complete, uninterrupted or error free or that any information or other material accessible from or related to NILGA is free of viruses or other harmful components.

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Report on	Revisions to the Protocol for the Operation of the Planning Committee
Reporting Officer	Dr Chris Boomer
Contact Officer	Dr Chris Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To agree amendments to the Protocol for the Operation of the Planning Committee in order to reduce the time spent at the Planning Committee.
1.2	The Protocol forms part of council Standing Orders. As such, any amendment to same must be undertaken in line with Standing Order 30.2 where it refers, that once proposed and seconded the matter stand adjourned without discussion until the next ordinary meeting of council
2.0	Background
2.1	Revisions to the Protocol for the operation of the Planning Committee were brought to the Planning Committee meeting on 7 th November 2017 where it was agreed that a decision would be held to give Members more time to consider.
2.2	A workshop had been held on 29 th March 2017 to review the operation of the planning Committee. At that meeting members voiced concerns that meetings were running to late primarily as a result of repetition and over-rehearsal of the arguments of some matters.
2.3	This was symptomatic of time spent on matters which were subsequently deferred, agents utilising the ability to speak to the committee prior and post deferral and the time allowed for non- planning committee members to speak. It was also recognised that members should be empowered to ask questions of applicants and other speakers as well as officers in order to assist in making sound decisions. Accordingly, the Planning Manager was asked to examine how the Protocol could be amended to assist in speeding up the Committee.
2.4	The matter was returned to the Planning Committee on 6 th March where it was agreed that in addition to the changes highlighted, greater discretion would also be given to the Planning Committee as to when an agreement would be given for a site meeting.
2.5	It was agreed the amendments should be brought forward to Council for decision

3.0	Main Report
3.1	<p>In order to assist the Planning Committee expedite its business in a more timely manner the Planning Manager advises that the Protocol be revised to :</p> <ul style="list-style-type: none"> (i) Empower member to ask questions of speakers but also advise members not engage in open conversation with speakers. (ii) Encourage members to only normally only speak once on any application in order to ensure committee business is dealt with in a speedy manner and to empower the Chair to curtail members where points are being made repeatedly (iii) Advise applicants seeking deferral of an application, to make such requests in writing prior to the Committee so the Planning Manager may review these and where appropriate ask the Committee to defer prior to further discussion. (iv) Limit speakers to one opportunity to speak to the Committee, and advise that they will not normally be given the opportunity to speak for a second time if the application is deferred and returned to Committee for final decision. (v) Reduce the time given to members to speak to 3 minutes in line with other speakers. (vi) Facilitate the Planning manager to ask for decision on applications to be deferred where it is brought to his attention that there are errors or omissions in the case officer's report or where there is a matter worthy of further consideration.
3.2	<p>The alterations are detailed in red in the revised protocol (appendix one) and were discussed at a training session on the code of conduct and protocol on 9th October 2017 and no concerns were raised. However, members did suggest additional measures could be taken to prevent meetings running so late, for example, starting meetings earlier, having a second date in the month for spill over or more contentious items, use of pre determination hearings and special meetings. It was recognised at the meeting that in order to change the time it would be necessary to relook at the councils standing orders and more consideration would be needed as to the implications of additional changes.</p>
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial: N/A</p> <p>Human: N/A</p>

4.2	<u>Equality and Good Relations Implications</u> <u>N/A</u>
4.3	<u>Risk Management Implications</u> <u>N/A</u>
5.0	Recommendation(s)
5.1	That the Council consider and adopt the changes recommended within the amended Protocol attached as Appendix One. That the matter once proposed and seconded stand adjourned without discussion until the next ordinary meeting of the Council.
6.0	Documents Attached & References
6.1	Appendix 1 - Revised Protocol for the Operation for the Planning Committee

PROTOCOL FOR
THE OPERATION
OF
MID ULSTER
DISTRICT COUNCIL
PLANNING
COMMITTEE

Last updated by Mid Ulster District Council in **October 2017**

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PURPOSE OF THE PROTOCOL

1. A protocol for the operation of Planning Committees was drafted by the Department of Environment in January 2015. Mid Ulster District Council (MUDC) has reviewed this document and has amended it to suit the needs of MUDC in the following way.
2. The purpose of the protocol for MUDC Planning Committee is to ensure that planning decisions are consistently taken, and are seen to be taken, in a fair and equitable manner. The protocol offers guidance for Councillors', applicants, agents and the general public
3. The protocol is not intended to change or alter the Standing Orders which apply to all Committee's or the Councillors' Code of Conduct.

REMIT OF THE PLANNING COMMITTEE

Development management

4. One of the main functions of the planning committee is to consider applications made to the Council which are either major in scale, complex or controversial as set out in the adopted Scheme of Delegation, and decide whether or not they should be approved. In order to ensure that decisions are taken at the appropriate level, the decisions of the planning committee are taken under full delegated authority and the decisions of the committee will therefore not normally go to the full council for ratification.

Development Plan

5. The local development plans for the Mid Ulster district currently comprise the Cookstown Area Plan, the Dungannon and South Tyrone Area Plan and the Magherafelt Area Plan. These will remain the statutory development plans until replaced by the Mid Ulster Local Development Plan (LPD). The Department of Environment planning policies will also be retained as set out in the Planning Policy Statements and Strategic Planning Policy Statement, until such times as new policies are brought forward and adopted in the LDP.
6. Section 8 of the Planning Act (NI) 2011 requires MUDC to prepare a LDP which will comprise a plan strategy and a local policies plan. The strategy will set out the objectives of MUDC in relation to the development land in the district, and the strategic policies for the implementation of those objectives. After the plan strategy has been

adopted, a local policies plan will be prepared. This will set out the policy agreed by MUDC in relation to what type and scale of development is appropriate and where it should be located.

7. The local development will form the basis for public and private investment decisions, providing a degree of certainty as to how land will be developed. In law, planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise. Therefore, where land is zoned for a particular use, the MUDC Planning Committee should ensure it is reserved for that use: for example, an application for housing in an area zoned for housing should be approved unless the design and layout fails in terms of the environmental, open space and access standards, or its design and layout has a detrimental impact on the character of the area or neighbouring amenity.
8. The MUDC Planning Committee will approve the local development plan before it is passed by resolution of the full council. The Planning Committee will also ensure that the local development plan is monitored annually, particularly in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the plan strategy or the zonings, designations and policies as contained in the local policies plan.

SIZE OF COMMITTEE

9. The MUDC Planning Committee consists of 16 elected members.

The Planning Manager and/or the Head of Development Management or Head of Development Plan and Enforcement will attend planning committee meetings as appropriate.

FREQUENCY OF MEETINGS

10. The Planning Committee will meet at least once every calendar month. Additional meetings will be at the discretion of the Chair of the Committee with the consent of the Committee members. Dates for Planning Committee meetings are published on the Council's website.

SCHEMES OF DELEGATION

11. There are two Schemes of Delegation. One relating to planning applications which is prepared under Section 31 of the Planning Act (Northern Ireland) 2011. The other scheme deals with planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations and is prepared under Section 7 (4) (b) of the Local Government Act 2014. The purpose of the Schemes of Delegation is to set out those decisions which shall be made by the Planning Committee and those which are the responsibility of the Planning Manager. The Planning Manager is responsible for determining the vast majority of applications, however these tend to be applications that are smaller in scale, local in character and uncontroversial. Whereas the Planning Committee resolves those applications which are either major in scale, subject to dispute or could give rise to a conflict of interest. The MUDC Schemes of Delegation for the Planning function are available to view at www.midulstercouncil.org . The Scheme of Delegation will be reviewed on a regular basis, normally annually.

ENFORCEMENT

12. The planning Committee will determine when an enforcement notice should be served and other enforcement decisions as laid down in the Scheme of Delegation. In addition to those cases presented to the Planning Committee for decision, a monthly report from officers on the enforcement performance (number of cases opened, cases closed, notices issued and convictions obtained) will be provided to members.
13. Enforcement matters will be discussed in the closed section of the Planning Committee meeting (i.e. In Committee) to ensure MUDC complies with the provisions of the Data Protection Act and to ensure that future legal proceedings are not prejudiced.
14. An enforcement strategy, detailing how enforcement action will be dealt with, was agreed by the Planning Committee on 19th January 2016. This is available on the Council website.

REFERRAL OF DELEGATED APPLICATIONS TO THE PLANNING COMMITTEE

15. The Scheme of Delegation agreed by MUDC includes the provision for members (including those not on the Planning Committee) to request, where they consider it appropriate, that an application which would normally fall within the Scheme of Delegation, to be referred to the Planning Committee for determination. In addition, the Planning Manager can also refer any matter which he considers suitable for determination by the Planning Committee. Members of the public cannot directly request that an application be referred to the Planning Committee. Any referral request **must** be made in writing.

FORMAT OF PLANNING COMMITTEE MEETINGS

16. MUDC will operate its Planning Committee in line with its approved standing orders. In doing so, the following procedural arrangements will apply:
- the planning office will prepare a weekly list, which will be circulated to all members, of all valid applications that have been received;
 - all planning committee members will be sent the agenda at least 5 days in advance of the meeting with a report on each application to be decided;
 - if necessary, officers will prepare an addendum on the day of the meeting to report any updates since the agenda was issued; and
 - the Chair of the Planning Committee will hold a briefing session with planning officers on each application to be considered in advance of the planning committee meeting.
 - all committee items will be bookmarked and reports presented with visual aids to show the site and the proposal.
17. The meeting will be presided over by the Chair of the Planning Committee. Following the approval of the minutes of the previous meeting and apologies, Councillors' will be given the opportunity to declare any interests they have on the agenda items, which should be recorded in the minutes of the meeting. Where a member has declared an interest in an application they cannot vote on that item and must either leave the meeting or sit in the public gallery for that item. However, they may make representations as per

the normal speaking rights applicable to all councilors.

Consideration of Planning Applications

18. The planning officer's report, which makes a recommendation on whether the application should be approved, approved with conditions or refused will be considered. Plans and photographs may be shown as appropriate.
19. In considering the report, members also have the opportunity to listen to speakers, ask questions of the officer **and speakers**, discuss and debate the case before taking a vote on whether or not to agree with the officer's recommendation. **Members however should not engage in open conversation with speakers. They should normally only speak once on any application in order to ensure committee business is dealt with in a speedy manner. The Chair retains the discretion to curtail members where points are being made repeatedly.** The Chair has a casting vote. Where the majority of members vote against an opinion to approve and in the absence of any other proposals, such as the deferral of the application, the application will be deemed to have been refused. The Planning Manager, based on the Committee's decision, will furnish the detailed reasons for refusal.
20. Members can add conditions to a permission but they cannot amend the application itself (for example, by allowing a one-bedroom flat if the application is for a two-bedroom flat). Any additional conditions should be proposed and seconded before being voted on by members. As conditions can be tested at appeal and they should, therefore, be (i) necessary, (ii) relevant to planning and the development under consideration, (iii) enforceable, (iv) precise, and (v) reasonable in all other respects. Therefore, where alterations to conditions are proposed, the Committee will seek the advice of the Planning Manager. **Where new conditions are proposed by the Committee, the precise wording of the conditions can be left to the discretion of the Planning Manager.**
21. Members cannot take part in a debate or vote on an item unless they have been present for the entire item, including the officer's introduction and update.
22. Separate arrangement will be used to discuss special domestic or personal circumstances. Normally this will be held In Committee with members of the public and press excluded. An opportunity will be given for the applicant and objectors to present their case, but each separately. Once this has been done each party will be asked to

leave in order for the Committee to discuss and determine the application.

PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS

23. The following procedures will apply to MUDC Planning Committee meetings:

- planning committee meetings will be open to the public;
- Requests to speak must be received by the council (in writing or by email) no later than 12.00pm two working days prior to the meeting. The request should state whether they wish to speak in support or in opposition to a planning application. Any written information that the speaker wishes to circulate to members of the committee **must** also be provided at this time. Any written information received after this time **will not** be circulated;
- Where a speaker wishes to request that an application be deferred for consideration of additional information, then, at the time of the request they should set out their reasons for making such a request. The Planning Manager should review these requests prior to the meeting and, where the case warrants a deferral, the Planning Manager should ask the Committee to defer the item, noting any action to be taken.
- Where a speaker has availed of the opportunity to speak to the Committee, they will not normally be given the opportunity to speak for a second time if the application is deferred and returned to Committee for final decision.
- The order of speakers is a matter for the Chair, however, this will normally require objectors speaking before the applicant or their agent in order to allow the applicant the opportunity to respond to any issues raised. Thus, if members wish to speak, they should do so before the applicant/agent;
- All parties speaking at Planning Committee may be asked questions by members or the Planning Manager;
- The Planning Committee will be provided with copies of the information supplied by those who will be speaking at the Committee;
- other elected members may attend and speak about an application but only planning committee members can vote;
- elected members and members of the public (including agents / representatives etc.) may speak for up to 3 minutes;
- Where more than one person wishes to speak on behalf of or against a development, they will be encouraged to elect a spokesperson and, in any

event, required to share the 3 minutes speaking time.

- documentation not received in advance of the meeting will not be permitted to be circulated to members by speakers;
- Planning officers can address any issues raised and the planning committee can question officers;
- Any exception to normal speaking rights and procedures will be a matter for the Chair.

DECISIONS CONTRARY TO OFFICER RECOMMENDATION

24. The Planning Committee will reach its own decision on applications put before it. Officers offer advice and make a recommendation. Planning officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Planning Committee or its members. This is acceptable where planning issues are finely balanced as there should always be scope for members to express a different view from officers. The Planning Committee can accept or place a different interpretation on, or give different weight to, the various arguments and material planning considerations.

Overturning recommendation to approve

25. If a member does not agree with the officer recommendation to approve an application, they can propose reasons for refusal, which must be seconded by another member and then voted on. Any decision by the Planning Committee **must be based on proper planning reasons**. The Planning Manager (or their deputy) will be given the opportunity to explain the implications of the Planning Committee's decision. The reasons for any decisions which are made contrary to the planning officer's recommendation will be formally recorded in the minutes and a copy placed on the planning application file / electronic record.
26. As the refusal of a planning application that officers have recommended for approval may be overturned on appeal (to the Planning Appeals Commission), with the potential for costs awarded against MUDC, the Chair will seek the views of officers (including the council's solicitor) before going to the vote in terms of reasons for refusal that are contrary to officer recommendation. Officers will summarise what are considered to be

the main reasons for refusal referred to by members during the debate and advise on what would be reasonable and what would not be reasonable reasons for refusal. Where appropriate the Planning Manager may also comment on whether a refusal on the proposed grounds is defensible, particularly at planning appeal.

27. The Planning Manager, in liaison with the Council Solicitor, will present the Committee's decision at planning appeal or in the courts or in any other forum.

Overturning recommendation to refuse

28. MUDC Planning Committee may decide to approve an application against the officer's recommendation to refuse, aware that while there is no right of third party appeal, there is the possibility that the decision could be subject to judicial review. However, before making such a decision, the advice of the Planning Manager should be sought. Where an approval is granted contrary to officer advice, the Planning Manager and Council Solicitor will present the Council's decision is defended in the courts or any other forum.
29. The minutes should, in so far as is possible, accurately reflect the discussions and decisions taken during the meeting(s) as these could be used as evidence should any complaints be made about how decisions are taken. Members can take their own notes on controversial applications.

DECISIONS CONTRARY TO LOCAL DEVELOPMENT PLAN

30. In general, planning decisions will be taken in accordance with the local development plan (in so far as it is material to the application) unless material considerations indicate otherwise. If a Planning Committee member proposes, seconds or supports a decision contrary to the local development plan they will have to clearly identify and understand the planning reasons for doing so, and demonstrate how these reasons justify overruling the development plan. The reasons for any decisions which are made contrary to the development plan will be formally recorded in the minutes and a copy placed on the planning application file / electronic record. Before making such decisions the advice of the Planning Manager shall be sought.

DEFERRALS

31. The Planning Committee can decide to defer consideration of an application to the next meeting for further information, further negotiations, or for a site visit. Before deferring an application the advice of the Planning Manager shall be sought and the purpose of the deferral clearly set out. Deferrals will inevitably have an adverse effect on processing times and therefore will be restricted to one deferral only. **The Planning Manager may also ask the Committee to defer an application where it has been brought to his attention that there are errors or omissions in the case officer's report or where there is a matter worthy of further consideration.**
32. Where an office meeting is to be held all councillors' will normally be informed and may make representations on behalf of objectors or applicants. However, where a member of the planning committee chooses to make representations then they will be required to declare a conflict of interest and will not be able to vote on the application at the next planning committee meeting at which the application is to be determined.

SITE VISITS

33. On occasions, members of the Planning Committee may need to visit a site to help them make a decision on a planning application (e.g. where the impact or effect of the proposed development is difficult to visualise from the plans or photographs, or the application is particularly contentious). These visits will be undertaken on an exceptional basis **where appropriate**. Where required, they may be identified by officers in consultation with the Chair or they may be asked for by Planning Committee members.
34. The Planning Committee clerk will contact the applicant / agent to arrange access to the site. Invitations will then be sent to members of the Planning Committee. Site visits will not be used as an opportunity to lobby Councillors' or to seek to influence the outcome of a proposal prior to the Planning Committee meeting. Members will not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land, or they may not have the information provided by the planning officer and, in some circumstances (e.g. where a Councillor is seen with applicant or objector) it might lead to allegations of bias. Only Planning Committee members, officers, and local Councillors' should be permitted to attend the site visit. Where possible, the full planning committee should attend site visits, unless there are good reasons (e.g. a member is already very familiar with the site). The clerk to the planning committee will record the date of the visit, attendees and any other relevant information.

35. Planning officers will prepare a written report on the site visit which will then be considered at the next Planning Committee meeting at which the application is to be determined.

PRE-DETERMINATION HEARINGS

36. Regulation 7 of the Planning (Development Management) Regulations (NI) 2015 sets out a mandatory requirement for pre-determination hearings for those major developments which have been subject to notification (i.e. referred to the Department of Environment for call-in consideration, but that have been returned to a council for determination). In such cases MUDC Planning Committee will hold a hearing prior to the application being determined.

In addition, the Planning Committee may also hold pre-determination hearings, at its discretion, when considered necessary, to take on board local community views, as well as those in support of the development.

37. In the main MUDC will only hold pre-determination hearings where there is a mandatory requirement as the speaking rights at planning committee are adequate to deal with nearly all cases. An exception may be made for major developments having taken into account:

- the relevance of the objections in planning terms;
- the extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation; and
- the number of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.

38. The hearing will take place after the expiry of the period for making representations on the application but before the council decides the application. The Planning Committee will decide whether to have a hearing on the same day as the related planning application is determined by the Planning Committee or to hold a separate hearing.

In holding a hearing the Planning Committee procedures will be the same as for the normal planning committee meetings (e.g. number of individuals to speak on

either side, time available to speakers etc.). The planning officer will produce a report detailing the processing of the application to date and the planning issues to be considered. If the hearing is to be held on the same day as the application is to be determined, the report to members will also contain a recommendation.

TRAINING

39. Councillors' sitting on planning committees are required to attend relevant training on planning matters before they can sit on the Planning Committee.

LEGAL ADVISER

40. The MUDC Planning Committee has access to its own in-house legal advice on planning matters.

Report on	Consultations notified to Mid Ulster District Council
Reporting Officer	Philip Moffett, Head of Democratic Services
Contact Officer	Ann McAleer, Corporate Policy and Equality Officer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To update members on the consultations notified to Mid Ulster District Council for comment.
2.0	Background
2.1	Council is a consultee for many government departments, statutory agencies and other bodies, and as such receives consultation documentation inviting commentary on a wide range of issues which may be pertinent to council services and/or the District.
3.0	Main Report
3.1	Documentation relating to the aforementioned consultations can be accessed via the links provided in the table provided in Appendix A.
4.0	Other Considerations
4.1	<u>Financial & Human Resources Implications</u> Financial: N/A Human: N/A
4.2	<u>Equality and Good Relations Implications</u> Not Applicable
4.3	<u>Risk Management Implications</u> Not Applicable
5.0	Recommendation(s)
5.1	Members review and note consultations notified to Mid Ulster District Council.
6.0	Documents Attached & References
	Appendix A: Details of Current Consultations

Appendix A: Details of Current Consultations

Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
HSE NI	Proposals to Implement the 4th List of Indicative Occupational Exposure Limit Values (Commission Directive (EU) 2017/164)	This Consultative Documents sets out the Executive's proposals for establishing Workplace Exposure Limits (WELs) for the substances listed in the Directive, in order to implement it in Northern Ireland. WELs are set to help employers meet their legal responsibilities under the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003 (S.R. 2003 No. 34) (as amended) which require employers to prevent, or if this is not reasonably practicable, to adequately control, their employees' exposure to hazardous substances.	11 May 2018	
	Link to Consultation	https://www.hseni.gov.uk/publications/eh402005-workplace-exposure-limits		
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
DEARA	Proposals to Amend the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2010	A number of minor amendments have also been proposed to clarify/reflect policy, operational and technical changes since the regulations came into operation in December 2010. 9. A similar review is taking place in England, Scotland and Wales.	22 April 2018	
	Link to Consultation	https://consultations.nidirect.gov.uk/daera-animal-health-welfare-policy-division/tse-consultation		

	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (if an extension is not granted by the consulting body)?		Yes	
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Northern Ireland Fire & Rescue Service	Consultation on Northern Ireland Fire & Rescue Service draft CCTV Policy	Northern Ireland Fire & Rescue Service (NIFRS) has drafted a CCTV Policy. This sets out how NIFRS will comply with the Data Protection Act in respect of the use of CCTV (closed circuit television) surveillance systems operated, managed or used by the Service.	21 May 2018	
	Link to Consultation	https://www.nifrs.org/consultation/		
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department for Infrastructure	Use of a Mobile Phone While Driving – Review of Existing Offence and Associated Penalties	It is already an offence to drive a vehicle while ‘using’ a hand-held mobile phone or similar device, punishable by a fixed penalty fine of £60 & 3 penalty points. The purpose of this consultation paper is to consider whether the current penalty continues to represent an active deterrent. The paper includes proposals to increase the current level of fixed penalty fine and penalty points.	15 May 2018	
	Link to Consultation	https://www.infrastructure-ni.gov.uk/consultations/use-mobile-phone-while-driving-review-existing-offence-and-associated-penalties		

Report on	Correspondence to Council – March 2018
Reporting Officer	P Moffett, Head of Democratic Services
Contact Officer	P Moffett, Head of Democratic Services

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	Provide an update on correspondence received for attention of Council.
2.0	Background
2.1	This paper refers to correspondence to be brought to the attention of Council. Items are referred to in 3.0 below.
3.0	Main Report
3.1	<p>Correspondence from Dept of Environment, Agriculture & Rural Affairs – Services Relocating to Ballykelly</p> <p>The Permanent Secretary of the Department has written to the council to confirm the functions and timeframes for their relocation to Ballykelly in March and April 2018. Appendix A</p>
3.2	<p>Correspondence from Foreign & Commonwealth Office – Heads of Government Meeting 2018</p> <p>The Minister of State, Foreign & Commonwealth Office has written to the council giving notification of the forthcoming Commonwealth Heads of Government meeting 2018, starting with 2 weeks of Commonwealth Games in Australia, encouraging the council to be the community together at a Commonwealth Big Lunch. Appendix B</p>
3.3	<p>Correspondence from Fermanagh & Omagh District Council – Support for Motion on Gambling</p> <p>The Chief Executive of Fermanagh & Omagh DC has written to the council seeking support for a motion approved by that Council on Gambling. Appendix C.</p>
3.4	<p>Correspondence from Mr D Sterling, Head of NI Civil Service – Rates Support Grant Motion</p>

3.5	<p>The Head of the NI Civil service has responded to the Chair, Cllr Ashton on the motion carried at the January 2018 meeting of Council on the continuing need for and retention of the current Rates Support Grant. Appendix D.</p> <p>Correspondence from Chair of SOLACE(NI) - Arts Council Meeting Request with SOLACE NI</p>
3.6	<p>The Chair of SOLACE NI has written to give notification of a letter they have received from the Arts Council requesting support from them to meet the Head of the NI Civil Service regarding support for the Arts. Appendix E.</p> <p>Correspondence from Permanent Secretary, Dept of Justice – Appointment of Independent Members to NIPB</p> <p>Notification is given that, in preparation for a Minister for Justice taking up post, the Department intends to launch an appointment competition to establish a pool of candidates from which they can make the final selection of members. The current terms of appointment for three will expire in June 2018. The terms of appointment of the other 6 independent Policing Board members will expire in June 2019. Appendix F</p>
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial: not applicable</p> <p>Human: Not applicable</p>
4.2	<p><u>Equality and Good Relations Implications</u></p> <p>Not applicable</p>
4.3	<p><u>Risk Management Implications</u></p> <p>Not applicable</p>
5.0	Recommendation(s)
5.1	That Council notes and consider, as necessary, the correspondence received.
6.0	Documents Attached & References
	<p>Appendix A: Dept for Agriculture, Environment & Rural Affairs - Relocation of Services</p> <p>Appendix B: Minister of State for the Commonwealth & UN - Commonwealth Meeting</p> <p>Appendix C: Fermanagh & Omagh District Council - Motion on Gambling</p> <p>Appendix D: Executive Office - Mid Ulster DC Motion on Rates Support Grant</p> <p>Appendix E: SOLACE(NI) – Arts Council Meeting Request</p> <p>Appendix F: NI Policing Board – Appointment of Independent Members</p>

**From the Permanent Secretary
Noel Lavery**



Department of
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and janet.white@daera-ni.gov.uk

Appendix A

**FROM: Noel Lavery
15 February 2018**

TO: DAERA Stakeholders

(via e-mail)

DAERA RELOCATION TO BALLYKELLY – ENGAGEMENT WITH KEY STAKEHOLDERS

As you may be aware, the Department of Agriculture, Environment and Rural Affairs (DAERA) relocation programme set out a series of four projects that aimed to relocate posts to various different rural areas:

- the headquarters of Fisheries Division relocated to Downpatrick in June 2015;
- the headquarters of Forest Service relocated to Fermanagh in September 2015; and
- (although now part of the new Department for Infrastructure), the headquarters of Rivers Agency relocated to Loughry College in Cookstown in October 2016.

The final project in the programme is the relocation of, initially, over 300 DAERA posts to Ballykelly. This move was designed to help stimulate the local economy through increased local spending, provision of high quality and high value public sector jobs and jobs associated with the construction of, and the ongoing servicing of new buildings.

We plan to undertake this relocation in stages and the initial move will see approximately 240 posts relocate to Ballykelly in March and April 2018. For your information, I have attached at Annex A, a list of the key functional areas moving in this first phase. At this stage, we plan to relocate at least 80 more posts by 2021 and we will continue to update the contact details on our DAERA website to reflect the changes.

Relocation has provided the Department with an ideal opportunity to modernise its communication channels. Our new accommodation in Ballykelly has been fitted with high

If you have a hearing difficulty you can contact
the Department via Text Relay. Dial 18001 + number.



standard facilities which will improve the efficiency of the interactions between us and all our business partners.

For many of you, the movement of these posts to Ballykelly will not affect your business interactions, as the email addresses of your contacts will remain unchanged. We will, however, have to issue staff in Ballykelly with new direct line telephone numbers and Branches have been instructed to ensure that their contacts are informed of the new numbers, as and when, they are allocated. Be assured, however, that you will still be able to use the current telephone numbers during the cross over period.

Please note that postal address of the new building in Ballykelly is:

Ballykelly House
111 Ballykelly Road
Drummond
Ballykelly
Limavady
BT49 9H

If you have any specific queries on how the relocation of these posts to Ballykelly will affect you in your interactions with the Department, please do not hesitate to contact any member of staff you currently work with and they will be more than happy to provide you with further information. Alternatively, further information on relocation can be obtained by addressing your questions to the Ballykelly Relocation Team at BallykellyRelocation@daera-ni.gov.uk.



NOEL LAVERY
Permanent Secretary

If you have a hearing difficulty you can contact the Department via Text Relay. Dial 18001 + number.



LIST OF DAERA FUNCTIONS MOVING TO BALLYKELLY

FOOD & FARMING

EU Area Based Schemes - Operational Policy Branch
Science Advisory and Research Policy branches
AFBI Sponsor Branch

VETERINARY SERVICE & ANIMAL HEALTH

Office of the Chief Veterinary Officer for Northern Ireland including Deputy Chief
Veterinary Officers and Director of Animal Health and Welfare Policy
Animal Disease Control and Trade Policy Branch
Animal Health Strategy, TSEs and Production Diseases
EU Transition and Legislation Branch
Contingency Planning for Epizootic Diseases
Veterinary Information and Communications
Standards & Compliance Branch
IRM and Cross Compliance Branch
Export Certification and Import Controls Branch

CENTRAL SERVICE & RURAL AFFAIRS

Permanent Secretary's Office (split across DAERA's three headquarters buildings)
Office of the Group Head Corporate Services and Rural Affairs Group
Corporate Services Director's Office
Rural Affairs Corporate Services – Finance and Policy teams
Equality, Diversity and Public Appointments Branch
European Services & Brexit Transition Branch
Finance Director's Office
Finance Division – providing a range of financial work
Internal Communications Team

ENVIRONMENT, MARINE & FISHERIES

Carrier Bag Levy Team
Northern Conservation Team

Please note if you are unable to reach your usual contact, the DAERA Helpline numbers can be found at:

<https://www.daera-ni.gov.uk/contacts/daera-helpline-numbers>

Received
20 FEB 2018
Chief Executive



Foreign & Commonwealth Office

King Charles Street
London
SW1A 2AH

Minister of State

Anthony Tohill
Mid Ulster District Council
Cookstown Office
Burn Road
Cookstown
BT80 8DT

09 February 2018

Dear Anthony Tohill,

Commonwealth Heads of Government Meeting 2018

As Minister for the Commonwealth, I wanted to inform you about preparations for April's Commonwealth Heads of Government Meeting and detail some of the ways in which you and your local areas can engage with this national event.

April promises to be an exciting celebration of the modern Commonwealth. It will start with two weeks of Commonwealth Games on Australia's Gold Coast, followed by summit week here in the UK and celebrations marking Her Majesty's 92nd birthday on Saturday 21 April. We will be welcoming national leaders, business people, civil society representatives and, perhaps most importantly, young people from every corner of the Commonwealth to our country for the summit.

This will be one of the largest gatherings of national leaders that the UK has ever hosted. However, the Commonwealth is much more than a collection of Member States. We believe the Commonwealth's greatest strength lies in the many organisations and people who work together across our borders. These connections are often organised by the more than 80 organisations which are officially accredited to the Commonwealth and the vibrant diaspora communities that exist across it, not least in your local communities.

I understand that some of your local authorities hold a flag flying ceremony on Commonwealth Day, which this year takes place on 12 March, to celebrate the Commonwealth. This is a great initiative and way in which to build a national sense of celebration and I would encourage you to do the same this year, as it will add to the national momentum as we look towards hosting the Commonwealth Heads of Government Meeting.

We are delighted to be partnering with the Eden Project - founders of the *Big Lunch* initiative - who this month will launch the **Commonwealth Big Lunches**. Our aim is to bring together millions of people from across the Commonwealth to share food and celebrate their Commonwealth connections. The lunch will be held on Commonwealth Day on 12 March until

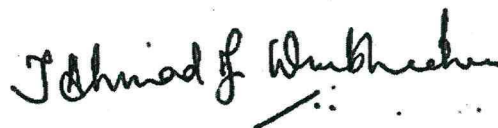
22 April 2018. Our aim is to see lunches held across the Commonwealth, especially all areas of the UK. We would encourage you to bring your community together at a Commonwealth Big Lunch to celebrate our diversity and all that we have in common. Please do advise my office of your plans.

I hope you will join us in celebrating the Commonwealth and working with diaspora communities, through hosting a Commonwealth Big Lunch; supporting the summit via our website, www.chogm2018.org.uk and by using our Twitter handle, [@commonwealth2018](https://twitter.com/commonwealth2018), and Facebook details, [commonwealth2018](https://www.facebook.com/commonwealth2018), to share your Commonwealth story. This is a great way for Local Governments to involve their communities in the celebrations leading up to the summit and will also be an opportunity to promote the role of Local Governments and diaspora communities within the UK. Enclosed are some guidelines which have more information on how to support us and how we can help you promote your public Commonwealth events.

The Department for Education has worked with the British Council and the Commonwealth Secretariat to create an education pack designed to further pupils' understanding of the Commonwealth, including its structure, principles and the great people from its history. I would be most grateful if you could highlight this resource to schools in your areas. This pack can be downloaded online from <https://www.gov.uk/government/news/department-for-education-launches-commonwealth-education-pack>.

Furthermore we are working with cultural institutions across the UK to promote their Commonwealth connections. Many museums and galleries contain objects from across the Commonwealth and run talks, tours or family activities based around these collections; we are keen to promote these on our website and can provide 'proud to support' branding if that would be of interest. Do please encourage your local cultural institutions to get in touch with us so we can promote their work. If you know of a local museum or gallery with Commonwealth activity do ask them to email us at getinvolved@chogm2018.org.uk with the details.

April will be a moment for the UK to demonstrate its openness and the strength of its partnerships with some of our oldest and close friends. I look forward to being informed of your plans to ensure April is a truly extraordinary occasion.



LORD (TARIQ) AHMAD OF WIMBLEDON
Minister of State for the Commonwealth and the UN
Prime Minister's Special Representative for Preventing Sexual Violence in Conflict

Guidelines for support: Social media and campaigns

◆ The Commonwealth Heads of Government Meeting

The Commonwealth is an organisation with deep roots and profound strengths. The Commonwealth's uniqueness lies in its human networks. These people-to-people links define the organisation and we need to recognise and nurture them.

From 16-20 April 2018, the UK will host the Commonwealth Heads of Government Meeting in London and Windsor. With the theme of '**Towards a Common Future**', leaders will work to address common challenges, and focus on delivering:

- **A more prosperous future:** boosting intra-Commonwealth trade and investment and maximising the opportunities offered by the 'Commonwealth Advantage'
- **A more secure future:** increasing cooperation across security challenges including global terrorism, organised crime and cyber attacks
- **A more sustainable future:** building the resilience of small and vulnerable states to deal with the effects of climate change and other global crises
- **A fairer future:** promoting democracy, fundamental freedoms and good governance across the Commonwealth

We want a Commonwealth with a strong and vibrant future built on deep partnerships that embrace its unique and diverse membership.

◆ Campaigns calendar and key dates



We want to engage with the 2.4 billion citizens across the Commonwealth and make them part of our public engagement programme. We are putting together an exciting agenda of public activity that will run until the end of summit week in April:

- November: we launched our social media channels and started the #ourCommonwealth campaign on Twitter and Facebook
- From Commonwealth Day on 12 March until the end of summit week (22 April), people will be hosting Commonwealth Big Lunches across the Commonwealth
- April: we will be celebrating the Games and cheering Commonwealth athletes before supporting the summit

In January, we will launch our Get Involved page on the summit website where you can find more local events and activities taking place in the UK and across the Commonwealth until the end of summit week.

◆ How to promote our social media channels

By promoting our activity, you can help us expand our reach and contribute to the success of the summit.

Please share, like and follow our website, Facebook and Twitter accounts.

Website: <http://www.chogm2018.org.uk>

Facebook page: <http://www.facebook.com/Commonwealth2018>

Twitter handle: [@Commonwealth18](https://twitter.com/Commonwealth18)

We would like you to support our social media channels and engage with our campaigns by:

- tweeting or liking our posts
- sharing our content on your social media channels

Please use the hashtag #ourCommonwealth in any online posts you may publish.

Some drafted posts or tweets suggestions below, but please feel free to adapt them to your organisation style or to write your own posts:

- with the link to our Facebook page

"Towards a common future. The UK will focus on prosperity, security, fairness & sustainability at #CHOGM2018. Join the conversation on #ourCommonwealth <https://www.facebook.com/Commonwealth2018>".

"52 member countries. 2.4 billion citizens. Towards a common future. Join the conversation. <http://bit.ly/ourCommonwealth> #ourCommonwealth"

- with the link to our website

"Learn about #OurCommonwealth www.chogm2018.org.uk"

"London will host the next #Commonwealth Heads of Government Meeting (CHOGM) in April 2018. Find out more: www.chogm2018.org.uk"

CHOGM London 2018 @Commonwealth18 · Nov 1
London will host the next #Commonwealth Heads of Government Meeting (CHOGM) in April 2018. Find out more: [chogm2018.org.uk](http://www.chogm2018.org.uk)



UK in India
6 November at 08:45 · €
Young leaders across #ourCommonwealth are working towards a common future. Have your say & join the conversation <http://bit.ly/ourCommonwealth>



We would like you to ask your contacts to share with us **their Commonwealth stories**: do they have a unique link to the Commonwealth? Do they have a positive Commonwealth-linked story to tell? We are looking to feature stories from individuals, diaspora groups, teams, businesses and partnerships on our social media channels as part of our #ourCommonwealth campaign.

If you are aware of anyone who would like to share these, please email: CommonwealthSummitMedia@cabinetoffice.gov.uk



• How to get involved with our campaigns

• The Commonwealth Big Lunches

The Commonwealth Big Lunches, in partnership with the Eden Project, will take place across the 52 Commonwealth countries. Launched on Commonwealth Day (12 March), we will encourage people to host lunches until the end of the summit week (22 April). People are invited to come together to share Commonwealth food with their sports clubs, community groups, schools, youth organisations, businesses, friends and families.

The lunch is an opportunity for your organisation to get together with its contacts, partners and network to discuss policies, causes or issues that matter to you.

We would like to ask you to host a lunch and encourage your contacts, stakeholders and network to also host one. The lunch is scalable: for example this could be a party in a garden, a street gathering, business meeting, roundtable, school lunch or something larger which looks to bring different communities together, from a couple of people to hundreds.

If your lunch is open to the public, please email getinvolved@chogm2018.org.uk and we will advertise it on our website. When hosting a lunch, we would ask you to encourage people to attend a lunch and to share pictures with us on social media using the hashtag #CommonwealthBigLunch.

In January we will launch a digital lunch pack with fun and educational Commonwealth facts, guidance and recipes from Commonwealth chefs. You can register your interest to pre-order a free pack and find more information by visiting www.commonwealthbiglunches.com – but we would suggest you start planning now.

• Commonwealth Day

The 52 countries of the Commonwealth will come together to celebrate Commonwealth Day on 12 March 2018. This will mark the final run-up to the summit. Local communities celebrate Commonwealth day through a number of different means such as events in schools. This could be an appropriate moment for you to host a Commonwealth Big Lunch.

• Our newsletter

We share a monthly newsletter with our partners and stakeholders. It contains updates from the Commonwealth Summit Unit, upcoming events and milestones, ways to get involved in the summit and information about our social media channels.

If you are aware of any partner organisation, stakeholder or group who would be interested in receiving the newsletter, please email alishah.shariff@cabinetoffice.gov.uk

• We want to support what you do

We would like to ask you to theme events or activities organised by your organisation or network with a Commonwealth link.

Please share any event or activity with a Commonwealth link taking place near you. Whether a Commonwealth Big Lunch, a Commonwealth-themed exhibition, community event, performance, or any activity with an interesting Commonwealth connection - we will help spread the word.

We will provide our 'proud to support' logo to organisers. If this is open to the public, we can promote this activity online on our social media channels and on our 'how to get involved' page on the summit website. This page, launching in January, will gather information about activities



and events with a Commonwealth link taking place across the Commonwealth. We want to involve people all over the UK and the Commonwealth; featuring your activity would help showcase the work of your organisation or partners, and help you to reach new audiences.

◆ Key contacts

If you are running or aware of any Commonwealth-themed activity happening near you, please email getinvolved@chogm2018.org.uk

If you have any queries regarding the #OurCommonwealth campaign, please email CommonwealthSummitMedia@cabinetoffice.gov.uk

If you are aware of any organisation who would be interested in receiving our newsletter please email alishah.shariff@cabinetoffice.gov.uk

For any other information, please contact the emails below:

Tricia Croasdell – Director of Communications tricia.croasdell2@cabinetoffice.gov.uk

- Digital and website

Steve Vaughan – Head of Digital steve.vaughan@cabinetoffice.gov.uk

- Commonwealth Big Lunches, Commonwealth Day and public engagement

Mel Rouse – Head of Campaigns mel.rouse@cabinetoffice.gov.uk

- Press and media

Yvette Hodgson – Head of Media yvette.hodgson@cabinetoffice.gov.uk



Your Ref Democratic Services

Our Ref

Date 19 February 2018

Email democraticservices@fermanaghomagham.com



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Brendan Hegarty
Chief Executive

Mr Anthony Tohill
Mid Ulster Council
Dungannon Office
Circular Road
Dungannon BT71 6DT

Appendix C

Dear ~~Mr Tohill~~, *Anthony*

RE: Motion on Gambling

At a recent meeting of Fermanagh and Omagh District Council, Members unanimously approved the following Motion: -

“Fermanagh and Omagh District Council, notes the damage gambling can do to both individuals and families;

1. Requests that Fermanagh and Omagh District Council writes to all the registered Political Party Leaders in the North and South of Ireland as well as registered Political Party Leaders in England, Scotland and Wales asking for their support and commitment in banning all Gambling adverts from Television, Print Media and Social Media.

2. Requests that Fermanagh and Omagh District Council invites the 10 other Councils to support this motion by also writing to all the Party Leaders asking that gambling adverts are banned from Television, Print Media and Social Media.”

In discussing this motion, Members commented on: -

- the devastating impact gambling addiction can have on a person's mental health which in some cases has contributed to the high levels of suicide;
- the general impact of gambling addiction particularly on young people; and
- the ripple effect of such an addiction on a person's family and professional life.

The Council has asked that I write to you to seek your support for this Motion by taking the action requested as outlined above at point 2.

I hope you will look favourably on the Council's request and we look forward to receiving your response in due course.

Yours sincerely

Brendan Hegarty
Chief Executive

David Sterling
Head of the Civil Service
Room FD.34, Stormont Castle
Stormont Estate, Belfast
BT4 3TT, Northern Ireland
Tel: 028 9037 8133
E-mail: hocs@executiveoffice-ni.gov.uk

Councillor Kim Ashton
Chair of Mid Ulster District Council

Our ref: COR31/2018

By email

Kim.ashton@midulstercouncil.org

23 February 2018

Dear Councillor Ashton

Thank you for your letter of 28th January 2018, on behalf of Mid Ulster District Council and that council's resolution to support a motion on the continuing need for and retention of the Rates Support Grant. I note you have also written to my Permanent Secretary colleagues in the Department of Finance and Department for Communities, and I am responding on their behalf.

The overall level of Rates Support Grant that will be available in the next financial year, 2018/19, can only be considered in the context of the wider budgetary position affecting not only the Department for Communities but the wider Northern Ireland budget and funding positions.

I am aware that councils have been advised of the possibility of a range of grant reduction levels that may apply to the next financial year, including the amount of the Rates Support Grant. Once final budget allocations have been made for the Northern Ireland Departments for 2018/19, the allocation of funds to each Department will then be considered by each Department to reflect priorities and statutory obligations.

Yours sincerely



DAVID STERLING
Head of the Northern Ireland Civil Service



To All Chief Executives

21st February 2018

By Email

RE: ARTS COUNCIL MEETING REQUEST WITH SOLACE NI

Dear Chief Executive,

The February SOLACE NI meeting considered a letter from the Arts Council of Northern Ireland (see attached) which sought support from SOLACE NI in meeting with the Head of the Northern Ireland Civil Service to:-

1. Update him on successful collaborative programmes carried out with Local Authorities and the achievements of the Challenge Fund; and
2. To probe the possibility of NICS providing additional support to aid further development in this area.

After consideration, the meeting decided that I as Chair should write to you all to suggest that you may wish to take the matter to a relevant committee within your own Council for consideration.

I hope this is of some assistance.

Yours sincerely

Dr. Theresa Donaldson
Chair SOLACE NI

Paul McMinn
Interim Policy Officer, Solace NI
paul.mcminn@lisburncastlereagh.gov.uk
Tel: 028 9244 7202

Solace NI
Lagan Valley Island
The Island
Lisburn, BT27 4RL

Theresa Donaldson
Chairperson, Solace NI
theresa.donaldson@lisburncastlereagh.gov.uk
Tel: 028 9244 7207

FROM THE PERMANENT SECRETARY
Nick Perry CB

Appendix F

Rm B5.10, Castle Buildings
Stormont Estate
BELFAST BT4 3SG
Tel: 028 9052 2992
email: nick.perry@justice-ni.x.gsi.gov.uk

28 February 2018

APPOINTMENT OF INDEPENDENT MEMBERS TO THE NORTHERN IRELAND POLICING BOARD

Under Part III of Schedule 1 to the Police (Northern Ireland) Act 2000, the Minister of Justice is responsible for the appointment of nine independent members to the Northern Ireland Policing Board (the Board). The current terms of appointment of three such members will expire in June this year, the other six in June next year.

In preparation for a Minister taking up post, I intend to launch an appointment competition on 12 April so as to establish a pool of suitable candidates from which a future Minister may make a final selection for the appointment of new members. In line with the approach departments are taking in respect of similar public appointments processes, I am commencing this competition now with a view to putting an incoming Minister in a position to make appointments as future vacancies arise.

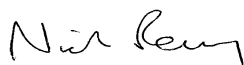
Paragraph 8(2) of Schedule 1 requires consultation with the First Minister and deputy First Minister, district councils, and such other bodies as are considered appropriate before making any appointment of independent members to the Board. In the absence of any Executive Ministers, I am inviting comments from The Executive Office: a view from Ministers would be welcome as soon as circumstances permit.

This competition will be administered in accordance with the Code of Practice for Ministerial Public Appointments in Northern Ireland, published by the Commissioner for Public Appointments NI. In seeking to appoint nine independent members to the Board, I am committed to the principles of public appointments based on merit, with independent assessment, openness and transparency of process.

Should you have any queries or views regarding any aspect of the reconstitution process please let me know or, alternatively, contact Ruth Zubin, the competition co-ordinator, by e-mail at ruth.zubin@justice-ni.x.gsi.gov.uk.

I should be grateful if responses could be provided by Friday 23 March 2018.

Yours sincerely



N P PERRY

Report on	Boundary Commission - 2018 Review of Parliamentary Constituencies
Reporting Officer	P Moffett, Head of Democratic Services
Contact Officer	P Moffett, Head of Democratic Services

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To provide members with correspondence received from the Boundary Commission for Northern Ireland.
2.0	Background
2.1	A review is being undertaken of the parliamentary constituencies across the UK following the publication of parliamentary electorate statistics in December 2015. Boundary Commissions across the UK are required to submit their final reports throughout 2018, with the Northern Ireland Boundary Commission being to submit its final report to the Secretary of State during September 2018.
3.0	Main Report
3.1	<p>The Commission has been consulting on proposals as part of the review, as detailed.</p> <ul style="list-style-type: none"> Initial Consultation on proposals took place over 12 weeks in September 2016 ending on 28 November 2016. The council at its November 2016 meeting resolved to make a submission. This is attached as appendix 1. Secondary consultation inviting further comment during a 4-week period took place from 5 September 2017 to October 2017. The council resolved that it respond making the same points. The response to the initial consultation was re-submitted Final consultation is now taking place on the Commission's final proposals and will run from 30 January 2018 to 26 March 2018 <p>Response from Boundary Commission</p> <p>3.2 The Council at its February 2018 meeting agreed to write to the Commission seeking the basis for and information used leading to significant amendment of the parliamentary boundaries, initially consulted on in 2016. The response is attached as appendix 2. For reference purposes the below provides links to relevant documents relating to the Commission's initial and revised proposals</p> <p>Web link to Boundary Commission Consultation Page/On-line Hub</p> <p>https://www.boundarycommission.org.uk/2018-review</p>

	<p><i>Web link to Revised Proposals Report September 2016</i></p> <p>https://www.boundarycommission.org.uk/sites/boundarycommission.org.uk/files/media-files/Provisional%20Proposals%20Report%20-%20September%202016.pdf</p> <p><i>Web link to Revised Proposals Report January 2018</i></p> <p>https://www.boundarycommission.org.uk/sites/boundarycommission.org.uk/files/media-files/Boundary%20Commission%20Revised%20Proposals%20Report.pdf</p>
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial: not applicable</p> <p>Human: not applicable</p>
4.2	<p><u>Equality and Good Relations Implications</u></p> <p>Not applicable</p>
4.3	<p><u>Risk Management Implications</u></p> <p>Not applicable</p>
5.0	Recommendation(s)
5.1	That receive and note the correspondence from the Secretary to the Boundary Commission.
6.0	Documents Attached & References
	<p>Appendix 1 - Mid Ulster Council response to Boundary Commission proposals</p> <p>Appendix 2 - Correspondence from the Secretary to the Boundary Commission</p>

24 November 2016



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mr Eamonn McConville
Secretary to the Boundary Commission for Northern Ireland
The Bungalow
Stormont House
Stormont Estate
BELFAST BT4 3SH

Dear Mr McConville

Response to Boundary Commission Provisional Proposals Report

I refer to the Boundary Commission's Provisional Proposals identified to inform the 2018 Review of Parliamentary Constituencies. In making reference to the Commission's Report the council makes the following commentary as a corporate response in so far as the proposals affect its district.

This response is not intended to offer an alternative to the proposals presented by the Commission but rather identifies issues which the Council consider to be a potential barrier to seamlessly deliver its services to all residents across the district.

The council notes that the provisional proposals if implemented would see its 40 Electoral Wards being positioned across 4 parliamentary constituencies rather than 2 under current arrangements. This is further reinforced by the council now sharing the 4 parliamentary constituencies with 4 councils (Fermanagh & Omagh, Armagh, Banbridge & Craigavon, Derry & Strabane and Causeway Coast and Glens) under the proposals, rather than with 1 other council (Fermanagh and Omagh) as it is at present. On considering the proposals the council observes that:

- They appear to be counter to the principle of coterminosity which have developed in recent years in response to the need to deliver services in a joined up manner across government for the benefit of all residents. They have the potential to dilute the principle of coterminosity.
- The proposals will bond areas and communities which traditionally have not had a natural affiliation nor connection.
- Mid Ulster Local Government District is a boundary which is synonymous with local communities and broadly co-terminus with the existing Mid Ulster and Fermanagh & South Tyrone parliamentary constituencies.

Cookstown Office
Burn Road
Cookstown
BT80 8DT

Dungannon Office
Circular Road
Dungannon
BT71 6DT

Magherafelt Office
Ballyronan Road
Magherafelt
BT45 6EN

Telephone 03000 132 132
info@midulstercouncil.org
www.midulstercouncil.org

- The names of the existing parliamentary constituencies where the council's 40 Electoral Wards are positioned (Mid Ulster and Fermanagh & South Tyrone) resonate with local communities as they have been established from county names and have a geographical basis. Proposed boundaries and the naming convention for same do not give recognition to the newly established local government administrative boundaries which communities are becoming accustomed to.
- The council relies upon its close liaison and working relationships with its NI Assembly and Westminster Parliamentary representatives to progress matters to the benefit of its residents. The proposals offer an opportunity for the Council to work with a greater number of elected representatives but they would represent a smaller proportion of the council's area lessening impact and stake within the district.
- Proposals have potential to stretch and thinly spread NI Assembly and Westminster Parliamentary representatives, and that of council officials, to progress matters of mutual benefit due to their requirement to work with a greater number of local government districts and other bodies. This is demonstrated with the council's electoral wards being positioned across 4 parliamentary constituencies rather than 2 as is at present. For example, under proposals:
 - 5 wards would fall under Fermanagh & South Tyrone
 - 15 wards would fall under Glenshane
 - 11 wards would fall under North Tyrone
 - 9 wards would fall under Upper Bann & Blackwater
- Dungannon, under the proposals, would be split across two parliamentary constituencies. Council however requests that in instances where towns and villages are split across more than one constituency that they be placed in their entirety within one constituency, the Dungannon situation being one such example.

In summary, the changing of established constituencies where a broad level of coterminosity has been experienced allowing council elected representatives to strategically work with their NI Assembly and Westminster Parliamentary representatives will make it difficult for the council to continue to co-ordinate its activity of delivering strategic gains for the residents of the district.

The Council is supportive of the work of the Commission and requests that its views be considered as part of its deliberations.

Yours sincerely



Anthony Tohill
Chief Executive



Appendix 2

Boundary Commission for
Northern Ireland
The Bungalow
Stormont House
Stormont Estate
Belfast
BT4 3SH

Councillor Kim Ashton
Chair
Mid Ulster District Council
Burn Road
Cookstown
BT80 8DT

12 March 2018

Dear Councillor Ashton

2018 REVIEW OF PARLIAMENTARY CONSTITUENCIES

Thank you for your letter of 5 March 2018 seeking clarification on the basis and information used to develop the Boundary Commission's Revised Proposals.

The rationale for the latest proposals is set out in the Commission's Revised Proposals Report which was sent to Mid Ulster Council and which can also be viewed on the Boundary Commission's website at <https://www.boundarycommission.org.uk/2018-review>. The website also includes all responses to the previous two consultation stages which the Commission considered and took into account in producing the Revised Proposals.

Should you or the Council have specific questions or points of clarification please do not hesitate to contact me directly. Please note that the consultation ends on 26 March 2018.

Yours sincerely

Eamonn McConville
Secretary to the Boundary Commission

