

**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Tuesday 7 July 2020 in Council Offices, Ballyronan Road, Magherafelt  
and by virtual means**

**Members Present**

Councillor S McGuigan, Chair

Councillors Brown, Buchanan, Burton, Cuthbertson,  
Glasgow, Graham, N McAleer, S McAleer, McFlynn,  
B McGuigan, McNamee, Milne, Wilson

**Officers in  
Attendance**

Mr Cassells, Director of Environment and Property  
Mr Kelso, Director of Public Health and Infrastructure  
Mr McAdoo, Head of Environmental Services\*\*  
Mrs McClements, Head of Environmental Health\*\*  
Mr McNeill, Technical Services Manager\*\*  
Mr Scullion, Head of Property Services\*\*  
Mr Wilkinson, Head of Building Control\*\*  
Miss Thompson, Democratic Services Officer

\* Denotes members and members of the public present in remote attendance

\*\* Denotes Officers present by remote means

The meeting commenced at 7.00 pm

*The Chair, Councillor S McGuigan welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. Councillor McGuigan in introducing the meeting detailed the operational arrangements for transacting the business of the committee in the chamber and by virtual means, by referring to Annex A to this minute.*

**E131/20      Apologies**

Councillors O'Neill and Totten.

**E132/20      Declarations of Interest**

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

**E133/20      Chair's Business**

None.

## **Matters for Decision**

### **E134/20      DfI Roads Proposals to Mid Ulster District Council – Proposed Provision of a Disabled Persons' Parking Bay at Highfield Road, Magherafelt**

Members considered previously circulated report which sought agreement in relation to proposal from Department for Infrastructure Roads with regard to the proposed provision of a Disabled Persons' Parking Bay at Highfield Road, Magherafelt.

Proposed by Councillor Brown  
Seconded by Councillor McFlynn and

**Resolved**      That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to the proposed provision of a Disabled Persons' Parking Bay at Highfield Road, Magherafelt.

### **E135/20      Street Naming and Property Numbering**

Members considered previously circulated report regarding the naming of new residential housing developments within Mid Ulster.

Site off Mullan Road, Coagh

Councillor Wilson proposed that the development be named Mullan Lane.

Councillor Buchanan seconded Councillor Wilson's proposal.

Councillor N McAleer proposed that the development be named The Oaks.

Councillor McNamee seconded Councillor N McAleer's proposal.

Councillor Wilson withdrew his proposal.

**Resolved**      That it be recommended to Council to name development off Mullan Road, Coagh as The Oaks.

### **E136/20      Building Notices Fees**

The Head of Building Control presented previously circulated report which advised on the cancellation of Building Notice Applications and the associated fees applicable.

Proposed by Councillor Burton  
Seconded by Councillor Cuthbertson and

**Resolved**      That it be recommended to Council to refund the Building Notice fees in accordance with the relevant legislation where work has not commenced, subject to the deduction of a £50 administration fee from the returnable Building Notice fee.

## **E137/20      Service Level Agreement and Data Sharing Agreement between MUDC and DWI**

The Head of Environmental Health presented previously circulated report which sought approval to sign an updated Service Level Agreement and associated Data Sharing Agreement with the Drinking Water Inspectorate (DWI).

Proposed by Councillor Wilson  
Seconded by Councillor Burton and

**Resolved**      That it be recommended to Council to approve the signing of the updated Service Level Agreement and associated Data Sharing Agreement (as set out at appendix 1 and 2 of report) with the Drinking Water Inspectorate, for the purpose of undertaking, on behalf of the DWI, risk assessments and sampling of private water supplies under The Private Water Supplies Regulations (Northern Ireland) 2017.

## **E138/20      Guidance for Applicants on Pavement Café Licensing**

The Head of Environmental Health presented previously circulated report which set out the pavement café licence application process and sought agreement of the “Licensing of Pavement Cafés Act (NI) 2014 – MUDC Guidance for Applicants” document and its associated Equality Screening.

Councillor McNamee asked how Council byelaws would impact on pavement café licensing and also asked if there were any issues regarding the market held in Cookstown on a Saturday and that the rights for this market are held by a private landlord.

The Head of Environmental Health advised that there is an exemption under the byelaws if you have a pavement café licence however the premises has to hold an existing drinks licence. The officer advised that drink cannot be sold outside but can be consumed outside in the area covered by the pavement licence.

In respect of the market in Cookstown on a Saturday the Head of Environmental Health advised that there were ongoing discussions in that regard.

Councillor Wilson stated that he would also have some concerns regarding the Cookstown Saturday market and that there may need to be an Executive ruling on this matter.

Councillor Wilson advised he had received a number of complaints in relation to one of the rights of way from the main street in Cookstown to Union Street car park and that this has been closed for quite some time due to a premises currently making alterations to their property. The Councillor stated that whilst he recognised that the owner of the premises is entitled to make alterations to their property he felt that the situation needed to be monitored.

The Head of Environmental Health advised that the matter would be monitored and that officers could also have discussions with planning, if appropriate.

Councillor Buchanan asked if it was felt there will be a big uptake in pavement café licences.

The Head of Environmental Health advised that to date there have been a number of enquiries but no applications have been received in completed form. The officer highlighted the strict rules in relation to disability and rights of way etc.

Councillor Glasgow referred to the requirement for planning permission, where appropriate and asked if the planning department had been advised that they could receive a number of enquiries in relation to pavement cafés as no one would want to see an increased number of enforcement cases being instigated. Councillor Glasgow also referred to the need for street furniture to be removed within 20 minutes and asked what this means.

The Head of Environmental Health advised that the planning department have been involved with the pavement café process and are aware of the potential requirements. The officer advised that the legislation is set up for temporary tables and chairs outside of a premises and that such furniture needs to be able to be removed quickly, within the 20 minutes set out, in case of any emergency.

Councillor Burton stated that there will be some pavements which are narrower than others and asked if consideration will be given to those people with disabilities or those with visual impairments. The Councillor also surmised that pavement cafés will be more of a summer thing and that premises should not be allowed to use parasols in the long term.

The Head of Environmental Health advised that pavement cafés have been discussed with disability groups and that an equality screening report is included within the appendices to the report. The officer advised that within the guidance there has been consideration given to different forms of disability and to the design structure of the pavement café ie. The surroundings of the café and width restrictions etc. The Head of Environmental Health advised that there will be a 3 month review of the application process and that there is a consultation period in which disability groups can submit any issues which they may have.

Councillor B McGuigan referred to area required for a pavement café and felt that they are going to need quite a big space as guidance requires a minimum of 1.5 metres between the café perimeter and the roadside. The Councillor felt that very few footpaths will be able to accommodate this unless there is a large space outside of a business. The Councillor also referred to comments by the Minister for Infrastructure stating there should be more room within town centres for shopping and pavement cafés going forward and therefore this will need to be considered within the design of public realms etc so that such things can be accommodated in the future.

The Head of Environmental Health stated that the guidance on distances is through the disability forums and Department for Communities to ensure there is enough space in addition to the pavement café so that those with a disability, visual impairment or someone with a pram can move along the pavement safely.

Proposed by Councillor B McGuigan  
Seconded by Councillor S McAleer and

- Resolved** That it be recommended to Council –
- (I) To approve the draft MUDC “Licensing of Pavement Cafés Act (NI) 2014 – Guidance for Applicants” (as set out at appendix 1 to report).
  - (II) To agree the Equality and Good Relations Screening Report in relation to the pavement café guidance and associated forms.

#### **E139/20      Bus Shelter Update**

Members considered previously circulated report which provided update on current bus shelter status.

Councillor Cuthbertson stated he had raised an issue at last month’s meeting in relation to a request for a bus shelter in Moygashel and that Translink had stated that the application didn’t meet their requirements. The Councillor asked that an officer get back to him at a later date to advise on what Translink’s requirements are and over what period of time this is considered.

Proposed by Councillor Wilson  
Seconded by Councillor Cuthbertson and

- Resolved** That it be recommended to Council to approve the bus shelters listed under section 3.5 of report and remove from register those listed under section 3.8 of report.

#### **Matters for Information**

#### **E140/20      Minutes of Environment Committee held on 9 June 2020**

Members noted minutes of Environment Committee held on 9 June 2020.

Councillor McNamee referred to piece of waste ground adjacent to play park at Orritor Street in Cookstown. The Councillor advised of a recent incident in which a young person went to retrieve a ball from this waste ground and received substantial burns from what is believed to be some type of invasive species.

The Head of Property Services advised that the land in question is not council owned and stated that officers could not say for certain at this stage that it was Hogweed which had caused the burns but that this could be investigated further.

Councillor McNamee asked if officers were aware who owns the land as it had originally been in the ownership of legacy Council and had been put in as a buffer zone between the play park and neighbouring living accommodation. The Councillor also expressed some concern that Council playparks will be opening soon and at this location in particular there is only a small fence between the playpark and the waste ground and there was a danger for further similar incidents. Councillor McNamee stated that further investigation was required in identifying the invasive species at this location and that steps need to be taken to have it eradicated.

The Head of Property Services advised that officers had spoken with the property owner yesterday and that they were told there may well be invasive species on this land.

The Director of Environment and Property stated that officers would also pick up on the issue of the fence as well.

Councillor McNamee asked if the property owner could be identified.

The Chair, Councillor S McGuigan stated that the property owner could not be disclosed in open session of the meeting.

Councillor Cuthbertson referred to previous motion he had brought before the Council regarding invasive species and that Council, at that time, had rubbished the fact that there was any need for enforcement to be able to go after landowners to seek the removal of such invasive species. Councillor Cuthbertson stated that, since rejecting the motion, this is the first example of where that motion would have been useful as Council could have lobbied the Department to have powers to force landowners to deal with invasive species.

#### **E141/20      Environmental Services Improvement Plan for 2020/21**

Members noted previously circulated report which detailed the Environmental Services Improvement Plan for 2020/21.

#### **E142/20      Tullyvar Joint Committee Update**

Members noted previously circulated report which provided an update on the business of the Tullyvar Joint Committee.

#### **E143/20      Property Services Service Improvement Plan 2020/21**

Members noted previously circulated report which detailed the Property Services Service Improvement Plan for 2020/21.

#### **E144/20      Building Control Workload**

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

#### **E145/20      Entertainment Licences**

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

#### **E146/20      Dual Language Signage Requests**

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

Councillor Cuthbertson stated that, as per the report, a further 21 requests had been received for Dual Language Signage and referred to the fact that that this Council is

facing significant budget cuts across all departments in the future. The Councillor stated that Dual Language does not have a budget of its own as monies are taken from property services and building control budgets and that he felt the matter needed to be looked at again, in that, if everything else is having to take a hit Dual Language should have to take a hit as well.

Councillor McNamee stated that Dual Language was within Council policy and unless the policy changed things should continue as they are.

Councillor Cuthbertson stated that Council has a number of policies and a number of aspirations but if budgets are cut then everything under each department has to take its fair hit.

The Chair, Councillor S McGuigan stated the Councillors should wait to see where any significant cuts are being made and reflect on that.

The Director of Environment Property stated that budget cuts were discussed at a recent Policy and Resources Committee and it was agreed to defer the matter until September to enable further party discussions with the Chief Executive and Director of Finance over the summer period.

#### **E147/20      Building Control Service Improvement Plan 2020/2021**

Members noted previously circulated report which detailed the Building Control Service Improvement Plan for 2020/2021.

#### **E148/20      Mid Ulster is Growing from Home Project**

Members noted previously circulated report which provided update on the 'Mid Ulster is Growing from Home' project.

#### **E149/20      Technical Services COVID 19 Service Delivery Impact**

Members noted previously circulated report which provided an update on any service delivery impacts for Technical Services as a result of the COVID 19 pandemic.

Councillor N McAleer asked for an update in relation to Coalisland Public Realm scheme and if the scheme is behind schedule due to COVID 19. The Councillor also asked what the current costs are for the scheme in line with the original budget.

The Director of Public Health and Infrastructure advised that there was a report on the matter within Confidential Business section of meeting.

#### **E150/20      Technical Services Service Improvement Plan 2020/21**

Members noted previously circulated report which detailed the Technical Services Service Improvement Plan for 2020/21.

## **E151/20      Environmental Health Service Improvement Plan 2020/21**

Members noted previously circulated report which detailed the Environmental Health Service Improvement Plan for 2020/21.

## **E152/20      Noise Complaint Statistics for Mid Ulster District Council 2019/2020**

Members noted previously circulated report which outlined the number of noise complaints received by Mid Ulster Council in the 2019/2020 financial year.

*Live broadcast ended at 7.26 pm.*

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

Proposed by Councillor Brown  
Seconded by Councillor B 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 E153/20 to E156/20.

### **Matters for Decision**

E153/20      Contract for the collection, disposal and treatment of waste paint and oils from Recycling Centres

### **Matters for Information**

E154/20      Confidential Minutes of Environment Committee held on 9 June 2020

E155/20      Capital Projects Update

E156/20      Cookstown Recycling Centre Fire Damage Assessment and Reinstatement Works

## **E157/20      Duration of Meeting**

The meeting was called for 7.00 pm and ended at 7.31 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_



## **Annex A – Introductory Remarks from the Chairperson**

Good evening and welcome to the Council's [Policy & Resources/Environment/Development] Committee in the Chamber, [Dungannon/Magherafelt] and virtually.

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening please raise your hand in the normal way and keep raised until advised to lower it
- When invited to speak please introduce yourself by name to the meeting
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- If referring to a specific report please reference the report, page or slide being referred to
- Lastly, I remind the public and press that taking photographs of proceedings or using any means to enable anyone not present to see or hear proceedings, or making a simultaneous oral report of the proceedings are not permitted

Thank you and we will now move to the first item on the agenda.