

Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 3 May 2018 in the Council Offices, Burn Road, Cookstown

Members Present

Councillor Molloy, Chair

Councillors Ashton, Bateson, Buchanan, Cuddy, Doris, Forde, Gildernew, S McGuigan, McKinney, McPeake, M Quinn, Totten

Officers in Attendance

Mr A Tohill, Chief Executive
Mrs Canavan, Director of Organisational Development
Mr Kelso, Director of Public Health & Infrastructure (7.08 pm)
Mrs Kerr, Head of Finance
Ms Mezza, Head of Marketing and Communications
Mr Moffett, Head of Democratic Services
Mrs McNally, Council Solicitor
Mr JJ Tohill, Director of Finance
Mrs Grogan, Democratic Services Officer

The meeting commenced at 7 pm.

PR094/18 Apologies

Councillors Elattar, Kearney and McLean

PR095/18 Declaration of Interest

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

PR096/18 Chair's Business

The Chair, Councillor Molloy said that this would be the last meeting before the AGM and wanted to thank his party for nominating him to Chair the Policy and Resources Committee. He said that he wanted to also thank the Deputy Chair, Councillor Buchanan along with officers and support staff for all their assistance throughout his term.

Matters for Decision

PR097/18 Council and Committee Meeting Schedule 2018-2019

The Chair, Councillor Molloy drew attention to the previously circulated report to seek approval for the Council and Committee Meeting schedule for the period 2018-19.

Proposed by Councillor Buchanan
Seconded by Councillor Doris and

Resolved: That it be recommended it the Council to approve the Meeting Schedule for the period July 2018 to April 2019.

PR098/18 Request to Illuminate Council Property – May 2018

The Head of Democratic Services drew attention to the previously circulated report and asked members to consider a request from NF (Neurofibromatosis) to light up Council buildings to mark World Neurofibromatosis Awareness Day on Thursday 17th May. The request had been submitted to illuminate the Burnavon Arts & Cultural Centre and Ranfurly House Arts & Visitor Centre.

Proposed by Councillor S McGuigan
Seconded by Councillor Cuddy and

Resolved: That it be recommended to the Council that approval be given to the request to light up the Burnavon and Ranfurly Arts & Visitor Centres on Thursday 17th May to mark World Neurofibromatosis Day.

PR099/18 Retention and Disposal Schedule Planning Section Update

The Head of Democratic Services drew attention to the previously circulated report to seek approval for proposed amendments in respect of the Planning Service's section within Council's overall Retention and Disposal Schedule.

Proposed by Councillor S McGuigan
Seconded by Councillor McPeake and

Resolved: That it be recommended to the Council to approve the amendments to the planning section of the Retention and Disposal Schedule, the amendments when formally agreed by PRONI, will be laid before the relevant Minister and NI Assembly.

PR100/18 Policy on Room Hire – Proposed Amendment

The Head of Democratic Services drew attention to the previously circulated report to ask for consideration for an amendment to the Council's Policy on Room Hire, with specific reference to the categories of hirers who should be levied a hire charge for hiring Council facilities.

The Director of Public Health and Infrastructure entered the meeting at 7.08 pm.

Councillor Ashton said that it was her understanding that elected members shouldn't be charged a fee for the use of Council rooms and it was always the case in Dungannon Council that the Leisure Centre Staff would lock up the Offices when members vacated that buildings even after 10 pm. She enquired if any elected member has been charged.

The Head of Democratic Services advised that this issue had arisen when an elected member booked a room and the Policy and was applied with regard to hire charges.

The Chief Executive advised that in line with the Policy charges had been requested from one service area to another within the Council and this should not be the case if it is for progressing Council business and to date no-one has been charged.

Councillor Cuddy advised that his party had used facilities and had been charged and had no problem with it and asked if what was being presented was going to be the policy going forward.

Councillor Molloy said what was being presented was that facilities could be used by elected members dealing with Council business without being charged.

Proposed by Councillor McPeake
Seconded by Councillor Doris and

Resolved: That it be recommended to the Council to adopt the amendment to the policy to not charge elected members for hiring a room in a council facility, when a room in one of the civic offices is sought but not available.

PR101/18 GDPR Policy Changes

The Head of Marketing and Communications drew attention to the previously circulated report to outline changes to 2 policies to reflect the requirements of the General Data Protection Regulation (GDPR).

Councillor S McGuigan referred to the GDPR training which took place before this meeting tonight and said that he was confused as the meeting raised more questions than answers and that challenges needed addressed as the month prior it was indicated that 8 out of the 11 Councils were reimbursing members and that this should be taken into consideration for this Council.

Proposed by Councillor S McGuigan

That consideration needed to be given to reimbursement of payment to elected members and clarification on issues before a decision can be made.

The Chief Executive advised that a report could be brought to this committee on concerns raised.

Proposed by Councillor S McGuigan
Seconded by Councillor Bateson and

Resolved: That it be recommended to the Council to accept the GDPR additions to each policy and a report be brought back to committee on the payment of the Data Protection Registration fees for members.

PR102/18 Marketing & Communications Service Improvement Plan 2018-2019

The Head of Marketing and Communications drew attention to the previously circulated report to ask members to consider the draft Service Improvement Plan for the Marketing & Communications Service for the 2018-2019 year.

Proposed by Councillor Gildernew
Seconded by Councillor Doris and

Resolved: That it be recommended to the Council to accept the 2018-2019 Service Improvement Plan for Marketing & Communications.

PR103/18 External Signage – Arts & Cultural Facilities

The Head of Marketing and Communications drew attention to the previously circulated report to asked members to consider draft designs for new external signage at the Council's three arts and culture venues: The Burnavon, Ranfurly House & Hill of The O'Neill and Seamus Heaney HomePlace.

Councillor Ashton advised that her party would be proposing not to proceed with the recommendation and enquired if the Heaney family agreed to the proposal at the HomePlace.

Proposed by Councillor Ashton
Seconded by Councillor Forde

Not to accept the Officer recommendation

Proposed by Councillor S McGuigan
Seconded by Councillor Gildernew

To accept the Officer recommendation.

The Head of Marketing and Communications advised that the Head of Culture and Arts and the Manager of Seamus Heaney HomePlace had been consulted and no concerns had been raised.

In response to a query the Head of Marketing and Communications advised that there was presently no existing external signage at the 3 buildings which identified them as Mid Ulster District Council facilities.

The Chair put the two proposals to the vote:

Councillor Ashton's proposal not to accept the recommendation:

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| For | 5 |
| Against | 8 |

Councillor S McGuigan's proposal to accept the recommendation:

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| For | 8 |
| Against | 5 |

Councillor S McGuigan's proposal was carried to accept the Officer recommendation.

In response to Councillor McKinney's query about planning permission, the Chief Executive advised that this would likely fall within permitted development which wouldn't require planning permission.

Resolved: That it be recommended to the Council to accept the Arts & Cultural facility external designs.

PR104/18 Earls Project – Purchase of Lands at Killymerron Park, Dungannon

The Council Solicitor drew attention to the previously circulated report to:

- 1) Update members on the terms of transfer of lands at Killymerron Park, Dungannon
- 2) Seek members' approval to progress the purchase of Lands at Killymerron Park, Dungannon

Councillor Cuddy stated that it was a very good facility, which was widely used by all communities and would be happy to propose for the lands to be transferred, as it was a good news story.

Councillor Ashton said that during the time of Dungannon Council, there was resistance from the NIHE regarding the MUGA at Killymerron Park and that it was her understanding that the lands were only to be leased and not purchased.

The Council Solicitor said that she wasn't aware of discussions during the Dungannon term, but that it was her understanding that this would have been eventually an outright purchase and in the terms of size, location and boundaries, the red line was as per the conveyance that she took through Council in December 2016 and was essentially the lands on which the MUGA is located.

Councillor Gildernew advised that it would be helpful to have a map in the future so that members could have the opportunity to identify the area before the meeting.

The Council Solicitor advised that the transfer of this site, with the red line already identified, had gone through Council in July 2015 and then subsequently in December 2016. This report did not seek to amend any red lines or boundaries but was really to regularise the anomalies identified, mainly in relation to the identity of the transferor and the purchase price.

Proposed by Councillor Cuddy
Seconded by Councillor Gildernew and

Resolved: That it be recommended to the Council to note the amended terms in Table 1 and to approve that the Council progresses the purchase of Lands at Killymerron Park, Dungannon through to completion.

PR105/18 Service Improvement Plan 2018-2019 for Legal Services

The Council Solicitor drew attention to the previously circulated report to seek members' approval in respect of the Service Improvement Plan 2018-19 for Legal Services.

Proposed by Councillor Buchanan
Seconded by Councillor S McGuigan and

Resolved: That it be recommended to the Council to approve the Service Improvement Plan for Legal Services.

PR106/18 Organisational Development Service Plan 2018-2019

The Director of Organisational Development drew attention to the previously circulated report to seek members' approval of the Service Plan for Organisational Development Department 2018-2019.

In response to Councillor Cuddy, the Director of Organisational Development advised that the performance update from last year was included in the plan.

Councillor Ashton referred to the new data protection and enquired if there was adequate resources to cope with the workload within departments to deal with suppliers, customers and the community.

The Chief Executive said that there was a reliance on the main existing resources for GDPR but that this was welcomed by departments and service management i.e asset registers etc. He said that the ICT Manager would be leading up the efforts of the Council and an action plan would be developed with the Council Solicitor being on hand to provide expertise on staff training. He said that moving forward it was anticipated that the Council would be ready to be GDPR compliant by 25 May 2018 and although there would be an added pressure on staff resources, it was something that all departments are aware of coming into existence.

Proposed by Councillor S McGuigan
Seconded by Councillor McKinney and

Resolved: That it be recommended to the Council to approve the Organisational Development Service Plan for 2018-2019.

PR107/18 ICT Service Plan for 2018-2019

The Director of Finance drew attention to the previously circulated report to seek members' approval of the Service Plan for ICT Department for the 2018-2019.

Proposed by Councillor M Quinn
Seconded by Councillor S McGuigan and

Resolved: That it be recommended to the Council to approve the ICT Service Plan for 2018-2019.

PR108/18 Mid Ulster Bonfires - Resources

The Director of Public Health & Infrastructure drew attention to the previously circulated report to update members' on the Bonfire Management Programme and to seek financial resource for its implementation.

Councillor Forde enquired why the clean-up costs totalled within the region of £18,000 last year and this year £50,000 was being sought.

The Director of Public Health & Infrastructure said that the relevant Officer was of the opinion that a more structured approach to resourcing should be made and proposed that a suitable provision of £50,000 be sought for such eventualities in respect of cleaning up the sites.

In response to Councillor Buchanan, the Director of Public Health & Infrastructure advised that the £50,000 would be one year only, but that going forward a budget allocation would be brought in for management programmes.

Proposed by Councillor McPeake
Seconded by Councillor Gildernew

To accept the Officer recommendation to put an allocation aside as there was a requirement for resourcing and outworking policy.

Councillor Cuddy said that he sits on the Bonfire Working Group but was not aware of this figure being presented tonight and said that it was sad to see this money being put aside for this, as this was like an invitation to bonfire builders into doing this. He said that it would be more productive to look at supporting small groups and if we continue in the direction we are going, then there may be a requirement for more funding being needed. He said that he was disappointed to see nothing positive coming out of the Bonfire Working Group as people only wanted to celebrate their culture and felt that the Council should be bringing communities together and this was not the case.

Proposed by Councillor Ashton
Seconded by Councillor Forde

Not to accept the Officer recommendation.

Councillor Ashton said that her party would not be supporting the proposal and was concerned to see the cost rising from £18,000 to £50,000 and enquired whether it was the intention of the Council to go around every site to do a clean-up.

The Director of Public Health & Infrastructure advised that the costs included £25,000 for Site Management Costs and £25,000 for Contingency in case the situation arises where there was a risk to property or life and this had to be taken on board in the event of such possibilities.

In response to Councillor Ashton's query on suggested £10,000 for clear up of bonfires, the Director of Public Health & Infrastructure advised that this was a matter for the Council to provide clarity on.

Councillor Gildernew said that he was disappointed in his Unionist colleagues and said that previously in the Dungannon Council where concern was raised about bonfires being a risk, it was agreed that a beacon be used. He said that Sinn Féin were not here to ruin anybody's celebrations and that he would be the last to deny anyone their right to a bonfire, but that there was an issue of public safety here and that there was a need for the Council to be sensible and do the proper thing due to the safety aspect of things.

Councillor S McGuigan said it looked as if people were trying to make a negative out of a positive as this was funding being put away for such eventualities and that we are here to try to make things safer for the public on Council owned property and to say that £50,000 funding would be for the worst-case scenario.

Councillor Cuddy said that he understood where Councillor Gildernew and Councillor S McGuigan were coming from but stated that there were no issues in the past regarding the 6 bonfires in the area. He said that the forms for the Bonfire permits were huge and difficult to complete and now asking for £50,000 to remove debris of a site is a lot to ask and that elected Unionists in the area would need to find a favourable solution to try and move forward before bigger and uglier bonfires are created. He said that only two bonfires really give rise for concern, with the remaining four being trouble-free and this could result in local people becoming irate and it would be more practical to work together with the community in controlling the bonfires.

Councillor McKinney enquired if it was an Officer or the Chief Executive who issued their authority to do this. He said that there needs to be clarity if only one area or all areas are included and felt that this was too short of a timeframe to expect something to be sorted so quick. He said no-one likes heavy-handedness and that Sinn Féin are coming in about heavy-handedness.

The Director of Public Health & Infrastructure advised that a report is being presented to the Environment Committee setting out a Draft Policy for Guidance and advice for Bonfire Building and whatever comes onto Council Property, with a 12 week consultation and trial process over next number of months. He said that this was an opportunity for the Council to reflect on any issues raised and create a balanced approach.

The Chair said that there was an opportunity for the community to apply for community grants for festivals etc and that there was a process in place for this and was confident that Officers would be there to help communities in filling in the forms.

Councillor S McGuigan agreed that there was assistance for people filling in an application form and doesn't want this to stop.

Councillor Cuddy said that people weren't requesting any funding from groups as their only wish was to build a bonfire to celebrate their culture without filling out any forms. He said that it was unfair to push policies and constitutions onto these people as this was an ongoing event every year and felt that Mid Ulster District Council shouldn't be getting involved in these issues as this could result in bad press for the Council and more expensive as the summer goes on.

Councillor Gildernew said that bonfires sometimes encourages others from outside the area to come onto Council property and that we should be coming together as a Council to show leadership and a favourable way forward.

Councillor McPeake said that what the Council were asking for was to protect their property and if a community group were doing this, it wouldn't be permitted. He said that we have heard about liability around data protection and that was nothing compared to this, as it would only take a short timeframe to cause a disaster. He said that all bonfires were included and not just the 12th July bonfires and that the issue of hate crimes about tweets and effigies should not be tolerated and good relations demonstrated.

Councillor Cuddy said that he would like information brought to the next meeting on previous year costings for each of the six bonfires in the Mid Ulster area.

The Chair put the two proposals to the vote.

Councillor McPeake's proposal to accept the Officer recommendation:

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| For | 8 |
| Against | 5 |

Councillor Ashton's proposal to reject the Officer recommendation:

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| For | 5 |
| Against | 8 |

Councillor McPeake's proposal was carried.

Proposed by Councillor McPeake
Seconded by Councillor S McPeake

Resolved: That it be recommended to the Council to agree to the allocation of £50,000 for the Mid Ulster Bonfire Management Programme.

Matters for Information

PR109/18 Minutes of Policy and Resources Committee held on Thursday 12 April 2018

Members noted minutes of Policy and Resources Committee held on Thursday 12 April 2018.

PR110/18 Non-Domestic Property Revaluation 2020

Members noted previously circulated report on Non-Domestic Property Revaluation 2020.

PR111/18 Member Services

No issues.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor S McGuigan
Seconded by Councillor Gildernew 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 PR112/18 to PR119/18.

Matters for Decision

PR112/18 Staffing Matters for Decision
PR113/18 Staffing Matters for Decision – NJCLGS Pay Award
PR114/18 Overtime Policy for Mid Ulster District Council
PR115/18 Gortgonis Update Report

Matters for Information

PR116/18 Confidential Minutes of Policy and Resources Committee held on Thursday 12 April 2018
PR117/18 Staffing Matters for Information
PR118/18 Contracts and DAC
PR119/18 Financial Report Timetable

PR120/18 Duration of Meeting

Meeting was called for 7pm and ended at 8.15 pm.

CHAIR _____

DATE _____