

**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Tuesday 11 February 2020 in Council Offices, Ballyronan Road,  
Magherafelt**

<b>Members Present</b>	Councillor Buchanan, Chair  Councillors Burton, Cuthbertson, Graham, N McAleer, S McAleer, McFlynn, B McGuigan, S McGuigan, McNamee, Milne, O'Neill, Totten, Wilson
<b>Officers in Attendance</b>	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, Democratic Services Officer
<b>Others in Attendance</b>	<b>Agenda Item 27 – Application for the Renewal of a Mobile Street Trading Licence</b> Mr Carton (applicant)

The meeting commenced at 7.02 pm

The Chair, Councillor Buchanan welcomed Councillor N McAleer to his first meeting of the Environment Committee.

**E026/20      Apologies**

Councillor Glasgow.

**E027/20      Declarations of Interest**

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

Councillor McFlynn declared an interest in Agenda Item 20 – Projects funded by Northern Healthy Lifestyle Partnership.

**E028/20      Chair's Business**

Councillor Cuthbertson stated he had been advised of a broken window at the rear of Gardiner's Hall and that there was some anti social behaviour taking place in this area.

The Director of Public Health and Infrastructure stated that the Councillor's comments were noted.

## **Matters for Decision**

### **E029/20      DfI Roads Proposals to Mid Ulster District Council – No Waiting At Any Time – Ballyreagh Industrial Estate, Cookstown**

Members considered previously circulated report which sought agreement in relation to proposal from Department for Infrastructure Roads with regard to proposed No Waiting At Any Time at Ballyreagh Industrial Estate, Cookstown.

Proposed by Councillor McNamee  
Seconded by Councillor S McGuigan and

**Resolved**      That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed No Waiting At Any Time at Ballyreagh Industrial Estate, Cookstown.

### **E030/20      DfI Roads Proposals to Mid Ulster District Council – No Waiting At Any Time – Tamnamore Close, Dungannon**

Members considered previously circulated report which sought agreement in relation to proposal from Department for Infrastructure Roads with regard to proposed No Waiting At Any Time at Tamnamore Close, Dungannon.

Proposed by Councillor McNamee  
Seconded by Councillor S McGuigan and

**Resolved**      That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed No Waiting At Any Time at Tamnamore Close, Dungannon.

### **E031/20      Street Naming and Property Numbering**

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

Site off Killymeal Road, Dungannon

Proposed by Councillor Cuthbertson  
Seconded by Councillor Graham and

**Resolved**      That it be recommended to Council to name development off Killymeal Road, Dungannon (Street 1) as Sycamore View and (Street 2) as Sycamore Heights.

### **E032/20      Dual Language Signage Survey – Ferny Ridge, Castlecaulfield**

The Head of Building Control presented previously circulated report which provided the result of survey undertaken on all applicable residents of Ferny Ridge, Castlecaulfield in response to Dual Language Signage Nameplate requests.

Councillor McNamee stated that this item should not be on the agenda as the result of the survey did not meet the criteria required for erection of signage. The

Councillor stated that this was the second time a report like this had been brought to Committee for decision.

The Head of Building Control stated that, going forward, if the results of a survey did not meet with criteria then a report would not be brought for decision if that was the desire of the Committee.

Members were in agreement.

- Resolved** That it be recommended to Council –
- (I) To note the result of the survey for the application of Dual Language Nameplates in Irish for Ferny Ridge, Castlecaulfield and not approve the erection of signage in Irish as 51% of the respondents were not in favour.
  - (II) That if the results of a survey does not meet with criteria then a report would not be brought for decision.

### **E033/20 Property Certificates**

The Head of Building Control presented previously circulated report on the fees in relation to the submission of Property Certificates to Mid Ulster District Council.

Proposed by Councillor B McGuigan  
Seconded by Councillor McNamee and

- Resolved** That it be recommended to Council –
- (I) To agree the increase in fees for Property Certificate Applications as detailed below and as negotiated with The Law Society –

Nature of Search	Current Fee	Revised Fee from 1 <sup>st</sup> April 2020
Standard 10 year search	£60	£70
Search back to 1973	£85	£95
Specified 10 year search	£60	£70
Follow-up 10 year search	£25	£30

- (II) To agree to the introduction of a £10 administration charge on Property Certificate applications submitted in paper form commencing on 1 April 2021.

### **E034/20 Consultation on the Regulation of Gambling in Northern Ireland**

The Head of Environmental Health presented previously circulated report which outlined Members about the Department for Communities' Consultation on the 'Regulation of Gambling in Northern Ireland' and agree a Mid Ulster District Council response to same.

Councillor McNamee stated that he believed there was already some prohibition in relation to the use of credit cards and that whilst Council should do what it can with regard to gambling and its regulation there were unfortunately bigger players dictating the industry.

Councillor Wilson stated that he accepted that everyone would have different views in relation to gambling but that he would have concerns with regard to online gambling and felt that there should be a limit on how much can be put into a machine at one time. The Councillor further stated that he felt that bookmakers themselves had a moral responsibility to have a limit in place on how much can be gambled at one time. Councillor Wilson stated that he felt the response was balanced and proposed that the response be submitted.

Councillor Cuthbertson stated he shared the views of Councillor Wilson and referred to previous consultation in relation to fixed odds gambling and asked if this was covered in this consultation.

The Head of Environmental Health stated that legislation was updated in England in 2005 but had not been updated in Northern Ireland since the 1980's.

Councillor Cuthbertson stated he clearly remembered discussion in relation to consultation on fixed odds gambling previously and asked that some commentary on this should be included in the response being put forward now.

The Head of Environmental Health stated there may already be some limits in place with regards to fixed odds gambling but that she would check and add in further points to the response if that was the desire of the Committee.

Councillor Wilson requested that further comments be added in respect of duty of care for online gambling and having more robust support in place.

Councillor McFlynn seconded Councillor Wilson's proposal.

Councillor Burton asked who monitors a limit on online gambling as there needed to be some protection for those who are vulnerable.

The Head of Environmental Health stated that there were no online gambling sites which originated from Northern Ireland and advised that the Gambling Commission will regulate sites originating from England and that sites originating from overseas will be regulated through the Independent Commission.

**Resolved** That it be recommended to Council to agree the draft Mid Ulster District Council response to the Department for Communities' consultation on the 'Regulation of Gambling in Northern Ireland' as set out at appendix 3 of report and that the response be submitted with the Department under delegated authority from the Council with further commentary to be added in respect of duty of care in relation to online gambling, having robust support in place and having limits in place on the amount that can be gambled at one time.

## **E035/20      Public Analyst Scientific Services**

The Head of Environmental Health presented previously circulated report which provided the list of Public Analysts working on behalf of Public Analyst Scientific Services Limited, the company currently appointed by Mid Ulster District Council to provide Public Analyst services to Council.

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

- Resolved**      That it be recommended to Council that Mid Ulster District Council appoints the below additional person as a public Analyst to the Council under Article 27 (1) of the Food Safety (Northern Ireland) Order 1991 with immediate effect –
- Donna Hanks BSc, MChemA, MRSC employed by Public Analyst Scientific Services Limited

## **Matters for Information**

### **E036/20      Minutes of Environment Committee held on 14 January 2020**

Members noted minutes of Environment Committee held on 14 January 2020.

Councillor McNamee referred to previous discussion in relation to cemetery management and asked if Council had contacted families in relation to the change to the timeframe for erecting a headstone from 6 to 12 months. The Councillor stated that he had discussed the matter with undertakers and it was advised that there were cast iron crosses which can be bought which are more permanent. Councillor McNamee also referred to the ongoing surveys being carried out on headstones and asked for an update on this.

The Head of Property Services advised that the proposed amendments to Council policy in relation to cemetery management were still at consultation stage and, once adopted, officers would be in contact with families to advise of the amended timeframe for erection of a headstone. In respect of memorial safety surveys the officer advised that this process is ongoing but to date less than 3% have been deemed unstable, it was advised that an update report would be brought to the next Environment Committee.

In response to question from Councillor B McGuigan the Head of Property Services advised that old historic cemeteries were also being surveyed and this detail would be included in the update.

Councillor S McGuigan asked what happened when there was no family member to contact in respect of an unstable memorial.

The Head of Property Services stated that when there was no family member or deed holder for the memorial Council would have to make a decision as to how to make the memorial safe again.

The Director of Environment and Property stated that there have been issues with memorial safety for years and reminded Members that people had been killed in the past by falling headstones. The Director advised that the ultimate liability lies with Council.

Councillor Milne asked that when someone is buried if a contract is signed between Council and the family which requires the family to keep a memorial up to standard.

The Director of Environment and Property advised that this is covered by the Cemetery Rules.

Councillor Wilson asked if there was an update in relation to the waste compactor in Cookstown.

The Director of Environment and Property stated that there were some ongoing issues in relation to the waste compactor and it was hoped these would be resolved in the near future and before the end of the financial year.

Councillor O'Neill referred to Coalisland Recycling Centre and that there were concerns regarding the gates to the site being closed and users not being able to access skips. The Councillor stated that there was a fear in the community that the site is going to close and asked that a report be brought back to Committee regarding the plans for the site.

The Director of Environment and Property advised that Council does not own the site at Coalisland Recycling Centre and that negotiations were ongoing regarding the lease of the site with the current owner. The Director advised that the green skips at the site had been locked due to health and safety reasons and that this was not restricted to the Coalisland site but included a couple of other centres as well. The Director stated that the requested report would be brought back to Committee.

Councillor Cuthbertson advised he had been contacted in relation to disposal of grass cuttings at the Coalisland centre and that this was more difficult than previous years as the cuttings had to be lifted into the skip.

The Director of Environment and Property stated that this matter would be addressed in the future report.

### **E037/20      Bin Ovation App Update**

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

Councillor McFlynn stated that some refuse collections have moved to different days and asked if the Bin Ovation app had been updated to reflect this.

The Head of Environmental Services stated that the Bin Ovation app is linked to the Council website which is updated regularly.

#### **E038/20      Food Waste Recycling Communications Funding**

Members noted previously circulated report which provided update on extra funding received for Food Waste Recycling Communications.

#### **E039/20      Northern Ireland Local Authority Collected Municipal Waste Management (LACMW) Report for July – September 2019**

Members noted previously circulated report which provided update on Council's performance in relation to recycling and landfill diversion targets as outlined in the NIEA Northern Ireland Local Authority Waste Management Statistics Report for Quarter 2 of 2019/20, July to September 2019.

#### **E040/20      Building Control Workload**

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

Councillor Wilson stated that there appeared to be some confusion in relation to the future of the Building Control office in Cookstown and asked for some clarification on this as architects had been in contact with him on the matter.

The Chair, Councillor Buchanan and Councillor McNamee stated they had also received similar phonecalls in relation to the Building Control office in Cookstown.

The Director of Public Health and Infrastructure stated there was an ongoing review in relation to Building Control staffing complement across council offices and that a report would be brought to Committee on the matter in due course. In the meantime, if Members continue to receive phonecalls on this issue these should be directed to the Director of Public Health and Infrastructure or Head of Building Control.

#### **E041/20      Entertainment Licences**

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

#### **E042/20      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.

#### **E043/20      Dual Language Signage Surveys**

Members noted 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. Where more than 51% of occupiers that respond indicate that they are in favour of the erection of Dual Language Signage, nameplates will be erected. Where less than 51% of occupiers that responded indicate that they were not in favour of the erection of a Dual Language street nameplate, then the Dual Language nameplate will not be approved or erected.

## **E044/20      Entertainment Licensing - During Performance Inspections**

Members noted previously circulated report which advised of During Performance Inspections carried out on Entertainment Licensed Venues over the Christmas and New Year period.

## **E045/20      Projects funded by Northern Healthy Lifestyle Partnership**

Members noted previously circulated report which provided update on current gardening/wellbeing projects that received funding from the Northern Healthy Lifestyle Partnership (NHLP).

## **E046/20      Bus shelter collaborative workshop**

Members noted previously circulated report which provided update on the current bus shelter status following the recent bus shelter collaborative workshop held on 14 January 2020.

In response to question from Councillor B McGuigan the Head of Technical Services advised that the planned meetings would involve Officers and statutory authorities (DfI Roads and Translink). The officer advised that Members would be provided with a regular update through the Committee.

The Director of Public Health and Infrastructure advised that the meeting had been productive but if it is felt that not enough progress is being made then a further member/officer meeting will be called in six months.

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

Proposed by Councillor S McGuigan  
Seconded by Councillor McNamee 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 E047/20 to E061/20

### **Matters for Decision**

E047/20	ESPO Framework for Purchase of Refuse/Recycling Products
E048/20	Tender for collection, processing and recycling of hard plastics
E049/20	Dog Trading - Data Sharing Agreement
E050/20	Application for Temporary Street Trading Licence
E051/20	Application for the Grant of a New Amusement Permit at 12 Union Road, Magherafelt
E052/20	Application for the Renewal of a Mobile Street Trading Licence
E053/20	Age Friendly Framework
E054/20	Protect Life 2 2019-24



- E055/20 Villages Programme Capital Project – IST Appointment (Group 6)
- E056/20 Villages Programme Capital Project – IST Appointment (Group 7)
- E057/20 Cookstown Gateway Revitalisation project- A29 Roundabout IST Appointment

**Matters for Information**

- E058/20 Confidential Minutes of Environment Committee held on 14 January 2020
- E059/20 Off Street Car Parking: Quarter 3 2019/2020
- E060/20 Capital Projects Update
- E061/20 Mid Ulster Travellers Working Group Update

**E062/20 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 8.33 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_