

A

Minutes of Meeting of Mid Ulster District Council held on Thursday 26 March 2015 in the Council Offices, Circular Road, Dungannon

Members Present:	Councillor Mallaghan, Chair (Presiding Councillor) Councillors Ashton, Bateson, Bell, Buchanan, Burton, Clarke, Cuddy, Cuthbertson, Dillon, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, McPeake, Molloy, Monteith, Mullen, Mulligan, C O'Neill, J O'Neill, M Quinn, T Quinn, Reid, Robinson, G Shiels, J Shiels, Totten and Wilson
Officers in Attendance:	Mr A Tohill, Chief Executive Mrs Canavan, Lead HR Officer Mrs Campbell, Director of Policy and Development (MDC) Mr Cassells, Director of Technical Services and Leisure Services (MDC) Mr Kelso, Director of Environment Health and Building Control (CDC) Mrs Kerr, Director of Finance (D&STBC) Mr McCreesh, Acting Chief Executive (CDC) Mrs Mezza, Head of Marketing Communications Mr Moffett, Change Management Officer Mr O'Hagan, Head of ICT Mr JJ Tohill, Lead Finance Officer Mrs Smith, Council Business Manager (D&STBC)

The meeting commenced at 7 pm.

C41/15 Chair's Comments

The Chair, Councillor Mallaghan stated that this was the last meeting of the Mid Ulster Shadow Council and this week would see the winding up the legacy councils which would see the end of over four decades of local government as we have known it. He wished outgoing councillor well for the future.

The Chair spoke of his 10 months in office, the visits to Government Ministers to lobby on behalf of Mid Ulster, the number who attended the community planning consultations, consultation visits to schools and events attended. The chair expressed disappointment in relation to the decision regarding the Desertcreat Community Safety College and stated that if the Council was in agreement would write again to the First and Deputy First Ministers.

The Chair thanked the Chief Executive and his team for their work in making things happen, leaving members of staff for their years of service, Councillors on the way that business was conducted, Sinn Féin party and group leader for all their support and his wife and children for their support throughout the ten months. He wished the

incoming Chair, Councillor Linda Dillon and Deputy Chair, Councillor Kim Ashton well as they lead the Council for the next year.

Councillors McPeake, Wilson and Kearney spoke in relation to the work carried out by the Chair and Deputy Chair during the last 10 months and wished the incoming Chair and Deputy Chair well for the next 12 months.

Councillor Wilson asked if the Chair would send a letter of congratulations to Maud Kells, a resident of Cookstown, who devoted her life to missionary work in the Congo, and who had received the Belfast Telegraph Women of the Year Award.

Councillor Burton concurred with Councillor Wilson's remarks.

Councillor Reid the outgoing Deputy Chair, thanked his party for having confidence in him, spoke of the importance of working together to get the best for the ratepayers of the area and thanked his family for their support. Councillor Reid also congratulated all those appointed to positions of responsibility and wished them well in their role.

C42/15 Apologies

Councillor McAleer

C43/15 Declarations of Interest

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

C44/15 Notice of Motions

The Chair, Councillor Mallaghan, stated that there was an administrative error and this item will be taken before confidential business.

C45/15 Receive and consider minutes of matters transacted in "Open Business" at Council meeting held on Thursday 26 February 2015

Proposed by Councillor S McGuigan
Seconded by Councillor McPeake and

Resolved That the Minutes of the Meeting of the Council held on Thursday 26 February 2015 (C20/15 – C31/15 and C40/15), transacted in "Open Business" having been printed and circulated were considered and signed as accurate and correct.

C46/15 Receive and consider minutes of Annual Meeting of the Council held on Thursday 12 March 2015

Proposed by Councillor Buchanan
Seconded by Councillor B McGuigan and

Resolved That the Minutes of the Annual Meeting of the Council held on Thursday 12 March 2015 (AC1/15 – AC13/15), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C47/15 **Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee meeting held on Monday 2 March 2015**

Proposed by Councillor Gildernew
Seconded by Councillor J Shiels and

Resolved That the Minutes and recommendations of the Planning Committee meeting held on Monday 2 March 2015 (P16/15 – P24/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

C48/15 **Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Tuesday 3 March 2015**

Proposed by Councillor Molloy
Seconded by Councillor McFlynn and

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Tuesday 3 March 2015, (PR34/15 – PR52/15 and PR55/15), transacted in “Open Business”, having been printed and circulated were considered and adopted.

C49/15 **Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee meeting held on Wednesday 4 March 2015**

Proposed by Councillor Buchanan
Seconded by Councillor Cuddy and

Resolved That the Minutes and recommendations of the Environment Committee meeting held on Wednesday 4 March 2015, (E24/15 – E32/15 and E34/15 - E35/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

C50/15 **Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 5 March 2015**

Proposed by Councillor T Quinn
Seconded by Councillor Burton and

Resolved That the Minutes and recommendations of the Development Committee meeting held on Thursday 5 March 2015, (D32/15 – D45/15

and D51/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

C51/15 Members’ Scheme of Allowance and Responsibility Allowance

The Lead Finance Officer presented a report on members’ scheme of allowance and responsibility allowance and requested member to consider and adopt the recommended amounts of Special Responsibility Allowances and Chair/Deputy Chair Allowances to be paid to qualifying Members in 2015/16 as set out below.

In outlining the background the officer stated that the Policy & Resources Committee received and considered a paper with respect to Members Allowances at their meeting on 3 March. The paper made particular reference to the payment of Special Responsibility Allowances, subject to departmental guidance issued under the cover of Circular LG 05/2015. Chair and Deputy Chair Allowances are subject to Departmental Guidance issued under cover of Circular LG 04/2015.

The maximum total amount of SRA payable by Mid Ulster District Council to qualifying Members has been notified as £70,000. The maximum amount payable to any single Member has been notified as £14,000 (being 20% of the total) and only 50% of the Members may receive an SRA.

In considering the potential allocation of SRA and Chair/Deputy Allowances, the relevant legislation has been considered, ie:

- Sections 31, 32 and 33 of the Local Government Finance Act (Northern Ireland) 2011;
- Regulation 5 of the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012;
- Other relevant statutory authorities, including Section 79 of the Local Government (Northern Ireland) Act 2014 which relates to the General Power of Competence

In drawing attention to the key issues the Lead Finance Officer stated that members should have regard to the following:

1. The overall limit for SRA is £70,000
2. Each individual Member receiving SRA can receive no more than £14,000
3. Each Member receiving SRA may only receive one SRA
4. The Shadow Council made provision for the Presiding and Deputy Presiding Councillors to each have a receipted expenditure allowance in the amount of £7,000 and £2,000 respectively
5. There is likely to be an expectation that the Chair and Deputy Chair of Mid Ulster District Council will have a receipted expenditure allowance
6. Discussion with the Department has confirmed that sections 31, 32 and 33 of the Local Government Finance Act (Northern Ireland) 2011 does not empower the Chair/Deputy Chair to make donations. However, donations may be paid under other statutory authorities, such as the power to provide leisure and recreation facilities (donations to sporting organisations) or the General Power of Competence (where there is no specific authority available)

7. The Council may wish to also consider allocating a budget towards Civic and Chair/Deputy Chair receptions at this time.

The Officer also advised that it had been clarified with the Department that this was acceptable and recommended the following:

Chair/Deputy Chair Allowances

Description		Total £
Chair Allowance (Taxable)		14,000
Deputy Chair Allowance (Taxable)		7,500
Receipted expenditure allowance:		
• Chair	9,000	
• Deputy Chair	3,000	12,000
Receptions		
• Chair	6,000	
• Deputy Chair	2,000	8,000
Total		41,500

Special Responsibility Allowance (Taxable)

Position of Responsibility	Number	SRA £	Total SRA £
Committee Chair	5	7,000	35,000
Committee Deputy Chair	5	2,000	10,000
MUDC rep. on Partnership Panel	1	2,000	2,000
Housing Council	1	1,500	1,500
Total	12		48,500

Civic Receptions budget to be established in the amount of £40,000 in the first instance.

The Lead Finance Officer advised that a paper will be prepared and submitted to the Policy and Resources Committee recommending detailed eligibility criteria and guidance in relation to all receptions, i.e. Civic, Chair and Deputy Chair.

The Lead Finance Officer stated that the proposed allocations are within the Council's 2015/16 budgetary provision and comply with relevant guidance issued by the Department.

Proposed by Councillor McPeake
Seconded by Councillor McNamee and

Resolved That the Council adopts the officers' recommendations as set out above.

C52/15 Standing Orders for transaction of business

The Chief Executive presented a report on the Standing Orders for the transaction of Mid Ulster District Council business.

In outlining the background the Chief Executive stated that the Council resolved to use the Model Standing Orders presented as part of the DoE Consultation on same at its first meeting on Thursday 5 June 2014, subject to the outcome of the consultation.

Council has therefore been using the Model Standing Orders for the transaction of business at council and committee meetings throughout the transitional period awaiting the outcome of the consultation.

In highlighting the key issues the Chief Executive stated that the Council made a submission to the consultation in August 2014 with a view to commentary being reflected in the final Standing Orders to be laid before the NI Assembly for adoption and onward provision by DoE for use, taking effect from 1 April 2015.

The DoE laid the draft Local Government (Standing Orders) Regulations (Northern Ireland) 2015 before the NI Assembly on 24 February 2015 but were not passed.

The purpose of the draft Regulations was to specify provisions in relation to the following matters that a council must incorporate in the standing orders for the regulation of its business:

- decisions that must be taken by a qualified majority, in addition to those decisions already specified in the Local Government Act (Northern Ireland) 2014 (the 2014 Act)
- the administrative process for the reconsideration of a decision provided for in section 41 of the 2014 Act (Call-In);
- the process for appointing councillors to a committee in the circumstances where a council appoints more than one committee; and
- the time period for a political party's nominating officer to select a position of responsibility and nominate a member of his or her party to hold the position and for the member to accept the nomination.

A motion to approve the draft Regulations was debated by the Assembly this but was not approved as a Petition of Concern was tabled which meant it would have required cross-community support. The NI Assembly was only mandated to pass or reject them but it could not amend them.

In the absence of final Standing Orders from DoE, the Model Standing Orders followed by Mid Ulster District Council throughout the transitional period, have been amended to reflect the response made to the consultation with the addition of other procedural elements to enhance the transaction of business.

The Standing Orders have also been amended to include a specific section on Committees and the Protocol on the Operation of Planning Committees.

The Chief Executive advised that in considering the Standing Orders, as presented, the Council can only propose and second their adoption. Discussion on their content must be adjourned until the next available meeting of the Council at which they will be placed on the agenda. It was recommended that the Council resolves to use the Standing Orders as presented.

Proposed by Councillor Clarke
Seconded by Councillor McLean and

Resolved That discussion on the Standing Orders as circulated stands adjourned until the next monthly meeting of Council.

C53/14 Harmonised Fees and Charges – Leisure Facilities

Mrs Campbell presented a report seeking approval for the introduction of harmonised Fees and Charges for the Commercial Hire of Mid Ulster District Council (MUDC) Leisure Facilities and approach regarding discounted rates for Member use of Leisure and Parks Facilities.

Cookstown District Council Fees and Charges for Commercial Hire of Leisure Facilities

Cookstown Leisure Centre

Meeting/Exercise Room Hire Fees and Charges per hour		
	Existing	Proposed
Commercial Rate before 6pm	£13.80	£9.60
Commercial Rate after 6pm	£23.65	£9.60
Non-Commercial before 6pm	£6.40	£6.40
Non-Commercial after 6pm	£6.40	£6.40
Main Hall (Special Events) Fees and Charges per hour		
	Existing	Proposed
Commercial Rate before 6pm	£57.75	By negotiation
Commercial Rate after 6pm	£74.40	By negotiation
Non-Commercial before 6pm	£44.10	By negotiation
Non-Commercial after 6pm	£57.75	By negotiation
Sperrin Room Fees and Charges per hour		
	Existing	Proposed
Non –Commercial	£12.80	£12.80
Commercial before 6pm	£25.20	£19.20
Commercial after 6pm	£37.80	£19.20

Room Hire

Cookstown Leisure Centre has commercial bookings by Jo-Jingles, Class Act Drama, Pilates and Tai Chi. Existing room per hour costs are increased by 63.5% for commercial hire. No other leisure facility has these types of bookings.

Main Hall Hire

Leisure Services has had no commercial bookings for large events in recent years as the Burnavon Theatre now caters for all such events in the Cookstown area. Existing Leisure Centre Main Hall per hour costs are increased by 34% for commercial hire.

Dungannon and South Tyrone Borough Council Fees and Charges for Commercial Hire of Leisure Facilities

Meeting/Exercise Room Hire Fees and Charges per hour			
		Existing	Proposed
Non-Commercial		£15.00	£15.00
Commercial Hire		£30.00	£22.50
Major events eg Concerts start at £1,750. This is based on			
20 no.	sessions	£35.00	Duration of event and setup and set down
4 no. Staff	6 hours	£15.00	Event only plus car park
1 no. Manager	6 hours	£20.00	Event only
1 no. Receptionist	6 hours	£15.00	Event only
4 no. Staff	8 hours	£15.00	Set up and set down

Room Hire

There are no existing commercial bookings. Existing room per hour costs are increased by 100% for commercial hire.

Main Hall Hire

There are existing commercial bookings for concerts or commercial sporting events. This is not based on a percentage of normal hire but on a basic cost of £1,750.

Magherafelt District Council Fees and Charges for Commercial Hire of Leisure Facilities Commercial Hire Fees and Charges

Conference Room Hire Fees and Charges per hour		
	Existing	Proposed
Non-Commercial	£14.40	£14.40
Commercial	£20.80	£21.60

Room Hire

Meadowbank Sports Pavilion has commercial bookings by Slimming World. Existing per hour costs are increased by 46% for commercial hire. Maghera RC has no existing commercial bookings.

Main Hall Hire

Meadowbank Sports Arena has had one previous Commercial Booking which was Boxing Promotion. The Fees and Charges for this were negotiated by officers with the promoter.

Definition of Commercial Hire

It is proposed that Commercial Hire is defined as the hire of facilities by commercial organisations who intend to use the space to make a profit. It does not include constituted voluntary or community organisations such as sports clubs who are hiring facilities for sports development or health and well-being purposes even though they may be charging.

Proposed Commercial Hire Charge

Room Hire

It is proposed that commercial organisations who are hiring a room to make profit are charged 50% on top of the normal hire charge for the facility.

Main Hall Hire

For large event promotions in Main Halls e.g. Concerts it is proposed that fees and charges are negotiated with the promoters on an individual basis and agreed with council in advance. Consideration will be given to the type of event, duration, numbers of staff involved and any special requirements.

Discounted Member Use of Leisure and Parks Facilities

It is proposed that members will not have a discount on the full facility list for using Leisure and Parks Facilities.

It was recommended that:

- The application of this rate may result in a change in income. It is proposed that the reductions/increases are incrementalised over three years were there is a large reduction/increase and it was important that the public is informed of all changes to existing Commercial Hire Fees in advance of 31st March 2015.
- For room hire it is proposed that commercial organisations who are hiring a room to make profit are charged 50% on top of the normal hire charge for the facility. It is also proposed that the reductions/increases are incrementalised over three years were there is a large reduction/increase.
- For large event promotions in Main Halls e.g. Concerts it is proposed that fees and charges are negotiated with the promoters on an individual basis and agreed with council in advance. Consideration will be given to the type of event, duration of, numbers of staff involved and any special requirements.
- members will not have a discount on the full facility list for using Leisure and Parks Facilities.

Proposed by Councillor Dillon

Seconded by Councillor S McGuigan and

Resolved That the recommendations in relation to Harmonised Fees and Charges for the Commercial Hire of Mid Ulster District Council Leisure Facilities are adopted.

C54/15 Representation to External Bodies

A document was circulated listing a number of organisations which legacy councils had member representation on and following officer investigation and consideration of outcome by party representatives and recommendations in relation to organisations to support, numbers to be nominated and how positions to be filled were recommended as undernoted:

Name of Organisation	Representation Recommended Yes/ No	Mid Ulster Council Positions
Agewell Partnership (All)	5	2SF, 1DUP, 1UUP, 1SDLP
Arts/Cultural Forum (DSTBC)	To be agreed	
Blackwater Regional Partnership Board (DSTBC)	To be agreed	
Burnavon Arts & Cultural Centre Sub Committee (CDC)	5	2SF, 1DUP, 1UUP, 1SDLP
Caledon Regeneration Partnership (DSTBC)	To be agreed	
Coalisland and District Development Association (DSTBC)	2	By Party Agreement
Coalisland & Dungannon Neighbourhood Renewal Partnership (DSTBC)	12	Dungannon & Torrent DEAs
Community Organisations of South Tyrone & Areas (DSTBC)	5	2SF, 1DUP, 1UUP, 1SDLP
Cookstown & District Town Twinning Committee (CDC)	To be agreed	
Cookstown & Dungannon Citizens Advice Bureau (CDC & DSTBC)	5	2SF, 1DUP, 1UUP, 1SDLP
Cookstown Town Centre Forum (CDC)	7	Cookstown DEA
Cookstown, Dungannon & Magherafelt Community Transport (CDC & DSTBC)	3	By Party Agreement
Drainage Council	1	D'hondt
Dungannon Disability	To be agreed	None if this is the Arts

Name of Organisation	Representation Recommended Yes/ No	Mid Ulster Council Positions
Stakeholder Forum (DSTBC)		Stakeholder Forum
Dungannon Enterprise Centre	2	By Party Agreement
Dungannon Regeneration Partnership (DSTBC)	6	Dungannon DEA
Flavour of Tyrone (DSTBC)	5	2SF, 1DUP, 1UUP, 1SDLP
Flooding Forum (DSTBC)	0	Agreed
Historical/Heritage Forum, Dungannon (DSTBC)	0	Agreed
ICBAN (All)	4	D'hondt
Local Disability Forum, Dungannon	0	Agreed to involve via informal meetings
Local Government Forum: Northern Commissioning Group, HSCB	4	D'hondt
Local Government Partnership on Travellers (DSTBC & MDC)	0	Agreed
Lough Neagh Partnership Board (All)	5	2SF, 1DUP, 1UUP, 1SDLP
Magherafelt Advice Services	5	2SF, 1DUP, 1UUP, 1SDLP
Magherafelt and District Road Safety Committee (MDC)	0	Agreed
Magherafelt Arts Trust (MDC)	0	Agreed
Magherafelt Town Centre Forum (MDC)	6	Magherafelt DEA
National Association of Councillors NI (All)	8	D'hondt
NI Amenity Council (DSTBC & CDC)	3	By Party Agreement
NI Local Government Association (All)	8	D'hondt
Pomeroy Development Projects (CDC)	0	Agreed
Pulse Contract Liaison Committee (MDC)	5	2SF, 1DUP, 1UUP, 1SDLP

Name of Organisation	Representation Recommended Yes/ No	Mid Ulster Council Positions
RDP Local Action Group (ALL)	12	As previously agreed.
The Honourable The Irish Society: Advisory Committee	2	By Party Agreement
Seamus Heaney Centre Project Board	2	Chair & Deputy Chair
Shopmobility Cookstown Board (DSTBC & CDC)	5	2SF, 1DUP, 1UUP, 1SDLP
Somme Association (Somme Advisory Council) (All)	2	By Party Agreement
South Tyrone Hospital Community Forum (DSTBC)	2	By Party Agreement
Southern Child Care Partnership Trust Early Years Forum (DSTBC)	2	By Party Agreement
Southern Strategic Health Improvement Partnership (Investing for Health) (DSTBC)	0	Agreed
TIPSA (CDC & MDC)	2	By Party Agreement
Tullyvar Joint Committee (DSTBC)	5	2SF, 1DUP, 1UUP, 1SDLP from Environment Committee
Tyrone & Sperrins Destination Joint Working Group (All)	5	2SF, 1DUP, 1UUP, 1SDLP
William Carleton Summer School (DSTBC)	2	By Party Agreement
Workspace Draperstown	2	By Party Agreement

The Chair stated that it was recommended that places on five of the organisations be filled using d'Hondt; Drainage Council -1; ICBAN – 4; Local Government Commissioning Group HSCB - 4; National Association of Councillors NI – 8; NI Local Government Association – 8; a total of 25 positions.

The Chair invited nominating officers, in order of d'Hondt, to choose the group that their party wished to serve on and this resulted in:

Drainage Council (1) – 1SF

ICBAN (4) – 3SF; 1UUP

Local Government Commission Group HSCB (4) – 2SDLP; 1SF; 1UUP

National Association of Councillors (8) – 2DUP; 1SDLP; 4SF; 1UUP

NI Local Government Association (8) – 3DUP; 1 SDLP; 3SF; 1UUP;

During above selection the Chair reminded members that the NI Local Government Association had requested that a proportional system be used to make nominations to the organisation.

It was noted that this was not mandatory.

The Chair referred to further recommendations in papers circulated following which it was

Proposed by Councillor McGinley
Seconded by Councillor Wilson and

Resolved That recommendations in paper circulated regarding organisations, numbers and method of filling positions are agreed.

C55/15 Conference and Seminar Attendance Policy

The Chief Executive presented a report and draft policy and recommended the adoption of the policy for the attendance of members and officers of Council at conferences and seminars.

In outlining the background the Chief Executive stated that central to the delivery of the suite of local government services to be provided by Mid Ulster District Council is the building and retention of knowledge and capacity amongst those with responsibility for recommending, deliberating and making decisions on how services should be delivered. It is recognised that benefits can be gained from the attendance and participation of members and officers at conferences and seminars.

Predecessor councils have arrangements in place for handling and processing the attendance of members and officers at conferences and seminars. Arrangements are now also required to be initiated for Mid Ulster Council. The draft policy was circulated and set out proposed arrangements for Mid Ulster Council to become applicable for members and officers.

Attendance and participation at conferences and seminars is also considered essential to meet the continued development needs of members and officers of the Council. This policy has been developed to facilitate the administration of invitations received by Council.

Explaining the key issues the Chief Executive stated that the policy has been drafted with the overall aim of confirming the process for administering the attendance of members and officers at conferences and seminars through Council. In this context it sets out:

- (i) the process for dealing with invitations received for conferences and seminars;
- (ii) confirms representation from Council at conferences and seminars;
- (iii) confirms entitlements, financial thresholds and requirements;
- (iv) sets the arrangements for record keeping; and

(v) the management of finances set aside for conferences and seminars.

The draft policy also details the process for administering invitations for conferences and seminars, making reference to; (i) consideration; (ii) attendance; (iii) and follow up and record maintenance. Key points include:

- invitations will be considered by the relevant committee
- full council will consider invitations subject to timescales
- numbers attending shall be determined by the committee or council meeting considering the business
- members will be allocated up to £750 per annum
- allocations will include the whole cost such as travel and subsistence
- unused allocations shall not be transferred or rolled over
- all conference and seminar delegates should, if requested, be prepared to provide a written report on the event

The policy has been developed for the use of Mid Ulster Council for application with effect from 1 April 2015.

Councillor Wilson proposed the adoption of the policy.

Councillor McLean seconded the proposal but felt need for amendment referring to section in policy with regard to conference and seminar delegates, if requested, being prepared to provide a written report on the event and asked who would stipulate when a report would be required. The member stated that there should be no ambiguity and policy should be amended to reflect this and suggested the report on party basis be prepared.

The Chief Executive outlined options in relation to preparation of report by attendees and stated that he would be guided by members.

Councillor McPeake stated that while he was not against the requirement for a report there needs to be some form of common sense accountability and suggested that further research be carried out and brought back to Council.

In response to a question from Councillor Cuddy the Lead Finance Officer stated that the £750 would be exclusive of VAT.

Proposed by Councillor Wilson
Seconded by Councillor McLean and

Resolved That the policy is adopted and that further research be undertaken with regard to the need for written report following conference/seminar.

C56/15 Conferences and Seminars

The Change Management Officer referred to details of the undernoted conference and sought approval for the attendance of members and officers, the payment of attendance fees and associated costs as incurred.

C56.1/15 Growing an Enterprise Economy, *The Transition to Local Government*, Tuesday 28 April 2015, Craigavon Civic Centre, fee £150 + VAT plus mileage.

Proposed by Councillor McGinley
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 and that anyone wishing to attend to contact officers.

C56.2/15 Invitations to Annual Somme Association Pilgrimages

The Change Management Officer referred to details of the undernoted invitations received from the Somme Association inviting the Council to be represented at the following and asked that the Council gives consideration to:

- (a) Sending representation as invited to do so; and
- (b) Subject to agreeing representation the number of representatives to attend

2015 Somme Pilgrimage for the 99th Anniversary, 28 June to 2 July 2015, estimated cost £580.00 per person

2015 Gallipoli Pilgrimage, 4 to 10 October 2015, estimated cost £1,350 per person

The officer to help inform a decision on Mid Ulster District Council representation outlined the representation in the current 4 year term of predecessor Councils:

The officer also stated that had received correspondence today from the Local Somme Branch and from The Friends of Somme Branch in Dungannon inviting Council to be represented at the events.

Proposed by Councillor Wilson
Seconded by Councillor G Shiels and

Resolved That Councillor Mulligan attend the Somme Pilgrimage and that the payment of attendance fees and associated costs as incurred be approved.

Councillor McLean suggested that those who will be nominated to represent Council on the Somme Association may be interested in attending.

The Chair stated that this can be considered when names come forward.

C57/15 Interim arrangement for Flags, Emblems and Corporate Branding

The Chief Executive stated that following discussion and decision at the last meeting of the Council an admissible 'call in' had been received under sections 41 1(a) and 1(b) of the Local Government Act 2014 in relation to the issue. Legal opinion had been received under 41 1(b) and had been circulated to all members in advance of

the meeting. It was noted that the 'call in' did not have merit. He continued that while the Model Standing Orders suggested that the decision could be implemented following receipt of the legal opinion, the advices he received noted that this would be contrary to the 2014 Act and that the decision would still need to be reconsidered and decided upon by a simple majority. As the Model Standing Orders were silent on the matter, he advised that a 'call in' under 41 1(a) also needed to be reconsidered and decided upon by a simple majority. To assist with considerations the financial impacts were included for Members. It was noted that the costs of using multiple languages on branding during the interim period was negligible.

Councillor S McGuigan stated that he had brought the original proposal and having listened to the comments that the Chief Executive made he and his party thought the matter around the call in was a waste of time and money as those making the call in would have been aware of the outcome in other Council areas. He stated that in relation to flags there should be neutrality or equality which would mean no flags or two flags and no flags flown would be a compromise situation. He further stated that it was intended that flags would have been discussed last month but on the request of the DUP to have talks discussion was postponed and expressed concern that there was no effort to have talks on the issue.

Councillor S McGuigan proposed
That in the interim that the Council adopts:

- * No emblems
- * Top right design proposal provided by McCaddan (logo with Irish followed by English)
- * Stationery, vehicles and exterior signage use bilingual
- * Staff uniforms – council crest only
- * No flags to be flown

Councillor Cuthbertson stated that he was disappointed that a Department in the Council proceeded before tonight to use branding on correspondence going out but recognised that officer had dealt with this issue very quickly. He stated that Councillors in the room are talking about neutrality but only a matter of weeks ago a party in this room had held a political rally on council premises in Dungannon and asked what sort of neutrality was that. The member further stated that the cross community Parliament Building Assembly Committee at Stormont have voted for Stormont to be lit red for remembrance day, orange on the 12 July, green for St Patrick's day and pink for International Women's day and stated that if party leaders in Stormont can recognise that remembrance day is for all communities proposal going against Party Leaders.

Councillor Cuthbertson proposed that the union flag is flown on designed days.

Councillor Wilson seconded the proposal and also added that the poppy should be sold and that given the situation with regard to regional and minority languages that should use trilingual.

Councillor McGinley seconded Councillor B McGuigan's proposal and asked how much did the call in cost and was there any associated costs.

The Chief Executive stated that he did not have costs of the call in to hand but can report to Council when received. In relation to associated costs the Chief Executive stated that steps had been taken to prepare and issue a residents magazine to all households and due to the call in that had to be cancelled with a cancellation fee of just under £1,500.

Councillor McLean concurred with his colleague Councillor Cuthbertson and stated that what Sinn Féin putting forward coming from different aspect than Unionists. Two flags or none not an option as the Union Jack is the flag of this province as part of the United Kingdom. In response to Councillor McGuigan the member stated that in relation to the delay in discussing the flag issue he had received phone call from party headquarters that was going to be discussion at that level and that was out of my hands. Councillor McLean stated that should only have one language. He asked that the two issues be taken separately.

Councillor Kearney stated that the SDLP would deliver in keeping with its policy of no flags and no emblems and would be supporting the proposal so that there can be a neutral space for all.

Councillor McNamee stated that the policy in Cookstown in place since 1997 was that there was no flag flown and no emblems and that created a neutral environment for staff and member of the public and had worked well. He stated that he had no problem recommending that as way forward.

Councillor Monteith stated that he supported Councillor McGuigan's proposal as the flag of the community that he represents is the flag of Ireland and in the absence of that being an option there should be no flag. The member further stated that the majority of the Mid Ulster population describes themselves as Irish and would welcome a no flag policy.

Councillor Buchanan stated that signs in Irish would not be neutral to the Unionist community.

Councillor McLean making reference to the cost stated that if the shoe had of been on the other foot he would have no doubt that the same tool as available to Unionists would have been used. He also stated that it was hypocritical of Sinn Féin to ask about costs in light of what the party had added into budgetary figure when striking rates.

The Chair, Councillor Mallaghan, stated that Unionists would have known that call in would not stand up and the members had the right to question costs.

Councillor Cuddy stated that the flag and the poppy was important to the community that he represents and that it would be worthwhile to have the union flag flown on designated days. He further stated that 40 per cent of the population of this area are getting nothing and that there is a need for a balance as the Unionist community do not feel that they are part of this new Council. The member stated that the SDLP talk about neutrality but still include the Irish Language.

Councillor Dillon accepted what was being said in terms of percentages and asked what days of the year would the Irish Tricolour be flown and said that the Irish Language is not comparable to an emblem.

Councillor Reid stated that Northern Ireland is part of the United Kingdom and until such times as that changes the only flag that should be flown on designated days is the Union Jack. He further stated that doing away with the poppy also does not allow for the sale of the daffodil to raise money to fight cancer and that that was a total disgrace.

Councillor Bell stated that there is a growing appetite across the six counties for the Irish Language and Councillors needed to show leadership and stop bickering and fighting over flags and emblems as there were more serious issues to be dealt with.

The Chair, Councillor Mallaghan, stated that he would take the two issues separately ie proposal in relation to emblems and use of regional and minority language in corporate branding and proposal in relation to flags.

Councillor McGuigan's proposal in relation to emblems and use of regional and minority language in corporate branding was put to the meeting 24 (twenty four) members voted in favour and 15 (fifteen) members voted against.

The Chair declared the proposal carried.

Councillor McGuigan's proposal in relation to flags was put to the meeting 24 (twenty four) members voted in favour and 15 (fifteen) members voted against.

The Chair declared the proposal carried.

C58/15 Consultation on Reconstitution of NI Policing Board

The Change Manager submitted a report updating members on the response submitted by the Council and the outcome of the Department of Justice consultation on the reconstitution of the Northern Ireland Policing Board.

In outlining the background the Chief Executive stated that the Department of Justice undertook a consultation on the reconstitution of the NI Policing Board on proposals for the appointment of Independent Members to the Board on a cyclical rolling basis independently of political members being appointed, and remuneration rates for Board Members.

The Council agreed that a response be made following discussion at its January meeting the Department should not commence and use a rolling appointments model to appoint independent members to the NI Policing Board on a continuous cycle independently of political members. The response indicated that it was the council view that the proposed model would make it more difficult to ensure the overall makeup of the Board was representative of the entire community at all times. The response indicated that legislation should be brought forward to extend the tenure of the current Board until after 2016 NI Assembly elections from which MLAs will be appointed.

The Chief Executive advised that the consultation is now closed and the Minister has confirmed that:

- (a) A rolling appointment model will be introduced; and
- (b) Remuneration rates will be: Chair £50k, Vice-Chair £30k, Member £15k

Councillor McPeake noted that the proposal of the Justice Minister is contrary to what the Council put forward, believed that there was quite a number of similar responses to that of the Council and was disappointed that the Minister had not taken any of the points on board which goes to show that the Justice Minister is not listening.

C59/15 Delegation of Council authority in respect of Licensing Matters

The Chief Executive asked that Council authority is granted to the Environment Committee when it sits in April to determine any licensing matters.

The Chief Executive further advised that a paper on the scheme of delegation will come to the Policy and Resources Committee.

Proposed by Councillor S McGuigan
Seconded by Councillor Gildernew and

Resolved That Council authority is provided to the April meeting of the Environment Committee to determine any licensing matters.

C60/15 Sealing of Documents

C60.1/15 Agency agreement for off street parking

The Chief Executive advised that this issue was fully discussed at the Environment Committee with document coming to the Council for sealing.

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

Resolved That the seal of the Council is affixed to the Agency agreement for off street parking.

C60.2/15 Assignment of Legacy Councils' VAT and Landfill Tax Claims to Mid Ulster Council

Councillor Wilson left the meeting at 8.03 pm.

The Lead Finance Officer submitted a report requesting that the Council execute and seal the deed of assignment (one from each of Cookstown, Dungannon and Magherafelt District Councils).

In outlining the background the officer stated that the three predecessor councils have all lodged claims with HMRC in respect of either over-declared output VAT, Landfill Tax or both.

These claims will not be settled until after 1 April 2015. As such there could be a possibility that HMRC would seek, should the claims ultimately be successful, to resist payment on the grounds that the new Council had no legal right to the claim.

As many of the current claims were lodged collectively (notably a leisure and recreation services claim which is worth in the region of £50 million to the existing twenty six district councils plus interest and in the region of £2.5 million to the Mid Ulster cluster), advice was taken from senior Counsel and DLA Piper LLP, both of whom advocated a formal assignment of the claims to the new councils. A fee of approximately £250 is due to DLA Piper LLP for legal advice received

The Officer further stated that the Council should be aware that:

1. There is no guarantee that any of the current claims will succeed
2. There is no guarantee that the assignments will be effective but legal advice suggests that they will be
3. The assignments also include claims yet to be lodged (if any) by the legacy councils or in respect of matters under the control of the legacy councils if lodged post 1 April 2015

The officer recommended that the Council executes under seal the deeds of assignment from each of the three legacy councils in respect of VAT and Landfill Tax claims.

Proposed by Councillor Gildernew
Seconded by Councillor McGinley and

Resolved That the recommendation is adopted and that the seal of the Council is affixed to the documents 'Assignment of Legacy Councils' VAT and Landfill Tax Claims to Mid Ulster District Council'.

C60.3/15 Assignment of legacy Councils' potential Rate Support Grant claims to Mid Ulster District Council

The Lead Finance Officer presented a report requesting that the Council execute and seal the deed of assignment (one from each of Cookstown, Dungannon and Magherafelt District Councils).

In outlining the background the officer stated that the three predecessor councils have all received Rate Support Grant (RSG) from the Department of the Environment.

Mid Ulster District Council is currently taking legal advice in relation to the legality of the Department's calculation of the RSG. If the legal advice confirms that the Department has acted illegally Council may consider the possibility of future legal

action against the Department to recover amounts of RSG that would have been paid had the Department used a more appropriate method of calculation.

Figures provided by the Department previously suggest that, if a legal claim could be made successfully, the legacy councils might be able to sustain a claim in the amount of circa £900,000 in respect of 2014/15. Since releasing the 2014/15 information the Department has been reluctant to engage in further discussion about the matter, other than to state categorically that their method of calculation is correct.

Council will be aware that the twenty six district councils commissioned advice collectively in relation to the assignment of VAT and Landfill Tax claims from the legacy councils to the new councils. Although the RSG is only a potential claim at this stage it would appear from the legal advice that similar deed of assignment is the best method of attempting to protect the new Council's right to exercise a claim for underpaid RSG, should it ultimately choose to do so.

The Lead Finance Officer further advised that the Council should be aware that:

1. Legal advice is still awaited in relation to the legality of the Department's calculation methodology
2. There is no guarantee that the advice, when received, will indicate that the legacy councils have legitimate enforceable claims against the Department
3. There is no guarantee that any of the current claims, if made, will succeed
4. There is no guarantee that the assignments will be effective but legal advice suggests that they will be
5. Importantly the assignments also include claims yet to be lodged (if any) by the legacy councils or in respect of matters under the control of the legacy councils if lodged post 1 April 2015

A fee of approximately £500 is due to DLA Piper LLP for legal advice received

The Lead Finance Officer recommended that the Council executes under seal the deeds of assignment from each of the three legacy councils in respect of potential Rate Support Grant claims.

Proposed by Councillor Clarke
Seconded by Councillor McGinley and

Resolved That the recommendation is accepted and that the seal of the Council is affixed to the documents 'Assignment of legacy Councils' potential Rate Support Grant claims to Mid Ulster District Council'.

C60.4/15 Assignment of Cookstown District Council's Service User Number (SUN) to Mid Ulster District Council

Councillor Gillespie left the meeting at 8.08 pm

The Lead Finance Officer submitted a report recommending that the Council execute and seal the attached deed of assignment to facilitate the transfer of Cookstown District Council's Service User Number to Mid Ulster District Council.

The Officer advised that Cookstown District Council collects membership income from Mid Ulster Sports Arena via direct debit.

In order for Mid Ulster District Council to continue to collect the direct debits it requires a Service User Number (SUN). The quickest way for the Council to secure a SUN is for Cookstown District Council to transfer its SUN to Mid Ulster District Council

Transferring the SUN is a legitimate way of Mid Ulster District Council acquiring a SUN.

The Lead Finance Officer recommended that the Council executes under seal the deed of assignment which will facilitate the transfer of Cookstown District Council's Service User Number (SUN) to Mid Ulster District Council

Proposed by Councillor McLean
Seconded by Councillor McGinley and

Resolved That the Council adopts the recommendation and that the seal of the Council is affixed to the Deed of Assignment – Assignment of Cookstown District Council's Service User Number (SUN) to Mid Ulster District Council.

Councillor Wilson returned to the meeting at 8.10 pm

Councillor M Quinn left the meeting at 8.10 pm.

C60.5/15 Completion of indemnity to enable Mid Ulster Council to utilise the BACS Service

The Lead Finance Officer submitted a report recommending that the Council consider and adopt the indemnity which was circulated and pass the requisite resolution to indemnify the relevant financial institutions to enable Mid Ulster District Council to utilise the BACS Service to collect direct debits

In outlining the background the Officer stated that Cookstown District Council collects membership income from Mid Ulster Sports Arena via direct debit.

In order for Mid Ulster District Council to continue to collect the direct debits via the BACS Service it is required to indemnify the various financial institutions detailed in the circulated indemnity in the prescribed wording and pass the requisite resolution to confirm the indemnification. Indemnification of the financial institutions is mandatory.

Proposed by Councillor Cuddy
Seconded by Councillor S McGuigan and

Resolved That the Council adopt the indemnity, that the Council pass the requisite resolution to indemnify the relevant financial institutions to

enable Mid Ulster District Council to utilise the BACS Service to collect direct debits and that the seal of the Council is affixed to the document.

C60.6/15 Apportionment Agreement for legacy Council's liabilities arising under the NILGOSC Scheme

The Lead HR Officer submitted a report recommending that the Council adopt and seal the apportionment agreement re legacy councils' liabilities arising under the NILGOS scheme.

In outlining the background the Officer stated that each of the three legacy councils is an employing authority under the NILGOSC Scheme.

In order to avoid the crystallisation of Scheme liabilities on 31 March 2015, the legacy councils, the new Mid Ulster District Council and NILGOSC must execute the deed, copy of which was circulated, by 31 March 2015.

The Lead HR Officer outlined the key issues and stated that the execution of the deed is mandatory under the provisions of Regulation 33A of the Local Government Pension Scheme (Administration) Regulations (Northern Ireland) 2009.

Execution will make the Mid Ulster District Council liable for the liabilities under the Scheme of each of the departing legacy councils.

Councillors Gillespie and M Quinn returned to the meeting at 8.12 pm.

Proposed by Councillor McGinley
Seconded by Councillor McLean and

Resolved That the Council adopts the recommendation and that the Council seal is affixed to the Apportionment Deed.

Notice of Motion

C61/15 Councillor Elattar to move Motion

On a point of order Councillor Wilson asked about the validity of the motion, the fact that not really amendable therefore consensus could not be reached and counter proposal would not be accepted and asked for ruling if motion is acceptable under standing orders.

The Chair, Councillor Mallaghan, ruled that motion is acceptable.

Councillor Elattar in moving the undernoted motion stated that the President speaks and acts as President for the whole of Ireland and the current arrangement was a ridiculous situation where had the previous holder of the office, Mary McAleese, been living in her home city of Belfast she would not have been able to vote for herself. The Councillor added that Sinn Féin is calling for voting rights to be extended to Irish citizens in Northern Ireland, overseas and to under 16s.

‘That this Council supports the overwhelming vote by the Constitutional Convention in September 2013 in favour of extending the right to vote for the President of Ireland to citizens in the North of Ireland and the diaspora, and calls on the Irish government to now set a date for a referendum on the matter during this Dáil term.’

Councillor Dillon seconded the motion and reserved her speech to the end of the debate.

Councillor Wilson stated that the constitutional convention was a Republic of Ireland matter and not relevant to Northern Ireland and could not understand why an Irish government would want to let someone who does not pay taxes into their economy to have a vote on such a position.

Councillor Cuthbertson said that he was confused about the relevance of the motion as Northern Ireland was part of the United Kingdom and because of the diverse population could be speaking month on month in relation to voting rights ie for the president of France.

Councillor Kearney spoke in support of the motion and stated that the Irish President was the international representative of all Irish citizens. Councillor Kearney proposed that the Council invite the President, Michael D Higgins, to visit the area.

Councillor McLean stated that he would be voting against the motion and such motions were a waste of time when the Council had more important things to worry about.

Councillor Monteith spoke in support of the motion and seconded Councillor Kearney proposal to invite Michael D Higgins to visit the area particularly around the Seamus Heaney project.

Councillor G Shiels spoke of more Irish living in England than in Northern Ireland and the South of Ireland put together, referred to the logistics of having a vote and the fact that the President could ultimately be elected by those not living in the South of Ireland.

Councillor Buchanan stated that we have an excellent head of state in Her Majesty the Queen and that he was loyal to her.

Councillor Dillon in winding up the discussion spoke in support of the motion, that it does have an effect on the people living in the North, up to the Irish government how they manage the vote and calling for vote for all Irish people.

Councillor Elattar stated that we can all come together to support an all-Ireland rugby team so cannot see why cannot support an all-Ireland President.

The motion was put to the meeting 24 (twenty four) members voting in favour and 15 (fifteen) members voting against.

The Chair declared the Motion carried.

In response to query from Councillor Kearney re his proposal the Chair stated that issue will be dealt with as an action out of the motion.

C62/15 Consultation List

Translink Ulsterbus Service Changes	Closes: 3 April 2015
Review of Libraries Opening Hours, Libraries NI	Closes: 17 April 2015
Regulatory Framework for Social Housing Providers	Closes: 10 June 2015

Confidential Business

Proposed by Councillor McGinley
Seconded by Councillor Molloy and

Resolved That items C63/15 to C69/15 be taken in committee.

The press left the meeting at 8.30 pm.

Councillor Mulligan left the meeting at 8.30 pm.

C70/15 Duration of Meeting

The meeting was called for 7pm and ended at 10.10pm.

CHAIR _____

DATE _____

B

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 13 April 2015 in Cookstown District Council Offices

Members Present:	In the Chair, Councillor Kearney (Chair) Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, McAleer, McEldowney, McKinney, McPeake, Mallaghan, Mullen, Reid and Robinson
Officers in Attendance:	Mr Tohill, Chief Executive Dr Chris Boomer, Area Planning Manager Mr Melvin Bowman, Senior Planning Officer Ms Karen Doyle, Senior Planning Officer Mr Phelim Marrion, Senior Planning Officer Ms Sinead McEvoy, Principal Planning Officer Ms Emma McCullagh, Senior Planning Officer Mrs Grogan, Committee Services/Senior Admin Officer
Others in Attendance:	Councillors McFlynn, Monteith and Quinn Mr Jim Hughes Mr Daniel McCusker

The meeting commenced at 7.04 pm.

P25/15 Apologies

None

P26/15 Declarations of Interest

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

Matters for Decision

P27/15 Receive and Confirm Minutes of the Planning Committee Meeting held on Monday 2 February 2015

Proposed by Councillor Clarke
Seconded by Councillor McPeake and

Resolved That the minutes of the meeting of the Planning Committee held on Monday 2 March 2015, (P16/15 – P24/15) were considered and signed as accurate and correct.

P28/15 Planning Applications for Determination

The Area Planning Manager presented information on the following application.

The Area Planning Manager outlined the background to the above application and recommended the following subject to the standard conditions listed below as advised by the statutory consultees:

NIEA (Natural Heritage)

- 1) No development shall commence until a newt survey to NIEA, Natural Heritage specifications, has been carried out and submitted to the Council.

Reason: To determine the status of newts on the site.

- 2) The species-rich hedgerow with trees south-east of the site and in the control of the developer shall be retained.

Reason: To retain the biodiversity interest within the site.

- 3) Scrub and tree removal shall not be carried out between 1st March and 31 August.

Reason: To minimise impacts on breeding birds.

NI Water

- 4) All services within the development shall be laid underground.

Reason: In the interest of amenity.

- 5) The development hereby permitted shall not be occupied until the (sewage disposal/drainage) works have been completed in accordance with the submitted plans.

Reason: In the interest of public health.

- 6) The development hereby permitted shall not be occupied until the works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved by the Council.

Reason: In the interest of public health.

- 7) The development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Council.

Reason: To safeguard the site and adjacent land against flooding and standing water.

NIEA – Waste Management Unit

- 8) If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the management of Land contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

Roads Service

- 9) The vehicular access, including visibility splays of 2.4m x 80m in both directions shall be provided prior to the commencement of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

- 10) The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

Environmental Health

- 11) The development hereby permitted shall not remain open for business prior to 07:00hrs nor after 20:00hrs Monday to Friday, 08:00hrs to 14:00hrs on Saturdays nor at any time on a Sunday.

Reason: In the interests of residential amenity.

- 12) Prior to the operation of the proposed development, additional sound insulation shall be provided to the roof in accordance with the details specified on page 19 of the 'Acoustic Report – stamped received by area planning office 20th August 2012' such that an Rw of 37Db is achieved.

Reason: In the interests of residential amenity.

- 13) Prior to the operation of the proposed development an acoustic barrier shall be erected on the south-west facing boundary of the site in accordance with the detail shown on drawings. The barrier shall be at a height (measured as the ridge of the mound excluding landscaping) no less than 4.5m above the finished floor height of the main building.

Reason: In the interests of residential amenity.

Planning

- 14) The development hereby permitted shall be substantially complete before the expiration of 2 years from the date of this permission.

Reason: To ensure the orderly development of the site.

- 15) The existing mature trees and vegetation along the entire site boundaries shall be retained except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Department in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

- 16) All planting comprised in the approved plans shall be carried out in the first planting season following the occupation of the building and any trees or shrubs which, within a period of 5 years from the occupation of the building, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others with others of similar size and species.

Reason: In the interests of visual amenity.

The Chair welcomed any comments relating to the above application.

Mr J Hughes was in attendance as an objector to the planning application and outlined his concerns and felt that it was most convenient that his dwelling was not evident on the plan presented.

Mr Hughes continued to say that there was a history of oil pollution which the applicant was allowed by NIEA to clean up himself but no records evident of where the oil was taken to. It was stated that DMAC Engineering had indicated to the Planning Service that they couldn't relocate elsewhere and the only option was replacement sheds on the site, but it was later known that they purchased a site in Killyman. He also advised that there were numerous newts on the site.

Mr Hughes asked that the application be deferred for an office meeting as DMAC Engineering has had numerous office meetings but he hasn't had the opportunity for one to discuss his concerns.

Mr D McCusker, General Manager was in attendance for the applicant DMAC Engineering and advised that everything has been explored by all the relevant government agencies and was satisfactory. He advised that the business was growing from strength to strength and there were more opportunities for expansion on the original site.

The Chairman thanked both Mr Hughes and Mr McCusker for their views.

The Area Planning Manager advised that all relevant information for the application and Mr Hughes concerns were taken on board. The Developer was also advised that all unauthorised work was to be removed. The NIEA were satisfied that pollution control was in place and satisfactory.

The Area Planning Manager raised concern about having all the facts in place and having to consider deferring the application again.

Councillor Mallaghan stated that this application has been ongoing from 2011 and felt that it was important to have both the Objector and Developer in attendance tonight.

Councillor Mallaghan highlighted the significance of the engineering/construction sector to the economy and would fully support the recommendation of approval.

Councillor McPeake agreed with the recommendation of the Area Planning Manager and advised that a lot of work has gone into this application and the economic benefits are huge.

Councillor Reid stated that it was a good detailed report, highlighting the need for job creation in the engineering sector but he raised concerns for Mr Hughes who lives so close to the DMAC Engineering site.

Councillor Reid wanted it recorded that the whole thing stinks to high heaven and that Planning was not adhered too. Job creation and expansion will lead to more problems. If issues had have been dealt with better, Mr Hughes and others may not have objected as much. He stressed that he was not speaking on behalf of anyone but as a Councillor for the area and felt that everybody's rights should be adhered too.

Councillor Bell asked that clarity be brought to this application as no formal proposal has been made.

Proposed by Councillor Mallaghan
Seconded by Councillor McPeake and

A vote was taken.

For:	12
Abstained:	2
Against:	0

Councillors Reid and Glasgow abstained from voting.

Resolved: That it be recommended to the Council to go with the recommendation of the Area Planning Manager and approve Planning Reference M/2011/0126/F.

Mr Marrion presented information on the following application.

**M/2014/0261/F Research, development and testing facility at 220 East of
Farlough Glen, Dungannon for Chieftain Trailers Ltd**

Mr Marrion outlined the details of the above application and advised it was to erect a proposed research and development and testing facility for Chieftain Trailers comprising a large building with open storage and testing and holding yards and ancillary car parking.

Mr Marrion recommended that the planning approval be granted subject to the following conditions:

- 1) As required by Article 61 of the Planning (Northern Ireland) Act 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

- 2) All existing trees and hedgerows within the site and on the site boundaries shall be permanently retained intact and no lopping, topping, felling or removal shall be carried out without the prior written approval of the Council unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within one week of the work being carried out. All proposed planting shall be carried out in the first planting season following the commencement of development on site and any trees or shrubs that die within 5 years of planting shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the development integrates into the immediate area and to ensure the maintenance of screening to the site.

- 3) The vehicular access, including visibility splays of (4.5m * 90.0m) and (90.0m) forward sight distance shall be provided in accordance with Drawing No. 02 (Rev 03) bearing the date stamp 09/02/15, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

- 4) The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.

- 5) The width of the vehicular access shall be (6.0m) for the first (20.0m) including (10.0m) radii and shall be provided in accordance with Drawing No. 02 (Rev 03)

bearing the date stamp 09/02/15, prior to the commencement of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.

Proposed by Councillor Mallaghan
Seconded by Councillor Gildernew and

A vote was taken.

For:	14
Abstained:	0
Against:	0

Resolved: That it be recommended to the Council to go with the recommendation and approve Planning Reference M/2014/0261/F.

Mrs McCullagh presented information on the following application.

**I/2014/0354/O Dwelling and garage on a farm at land adjacent to 20
Cookstown Road, Moneymore, for Mr Robert Forsythe**

Ms McCullagh stated that this is an outline planning application for a proposed dwelling and garage on a farm.

Ms McCullagh recommended that planning permission be granted subject to the following conditions:

- 1) As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Local Planning Authority within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:
 - i. The expiration of 5 years from the date of this permission; or
 - ii. The expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit.

- 2) Approval of the details of the siting, design and external appearance of the buildings, the means of access there to and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to consider in detail the proposed development of the site.

- 3) A landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be planted. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by the Local Planning Authority in writing.

Reason: In the interest of visual amenity.

- 4) If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

- 5) The dwelling hereby permitted shall have a ridge height not more than 5.5m from finished floor level.

Reason: So that the building integrates into the surrounding countryside.

- 6) The under build of the proposed dwelling shall not exceed 0.45m at any point within its proposed footprint.

Reason: So that the building integrates into the surrounding countryside.

- 7) Details of existing and proposed levels within the site, levels along the roadside and the finished floor level of the proposed dwelling shall be submitted for approval at Reserved Matters stage. The dwelling shall be built in accordance with levels agreed at Reserved Matters stage.

Reason: To ensure that the dwelling integrates into the surrounding countryside.

- 8) A suitable 1.8 metre high privacy wall or fence shall be erected to the rear of the approved property in accordance with details to be approved at Reserved Matters stage. The fence or wall shall be completed in accordance with approved plans prior to the occupation of the dwelling hereby approved.

Reason: To safeguard residential amenity.

- 9) The dwelling shall be sited in the area shaded green on the stamp approved plan No 01 date stamp received 5th November 2014, unless otherwise agreed in writing.

Reason: To safeguard residential amenity.

- 10) The dwelling shall be orientated with the front elevation running parallel to Cookstown Road, and gable end towards No 20 Cookstown Road, details of which shall be agreed at Reserved Matter stage.

Reason: To safeguard residential amenity.

- 11) A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1 including sight lines of 2.4m by 120m in both directions. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

Councillor Mallaghan left the meeting at 8pm and returned at 8.02 pm (Did not vote).

Proposed by Councillor Reid
Seconded by Councillor McKinney and

A vote was taken.

For:	13
Abstained:	0
Against:	0

Resolved: That it be recommended to the Council to go with the recommendation and approve Planning Reference I/2014/0354/O.

Ms Doyle presented information on the following application.

I/2014/0403/O Infill bungalow and garage at lands 38m NW of 30 Mullan Road, Cookstown for Anthony Rocks

Ms Doyle stated that this is an outline planning application for a proposed infill bungalow and garage in the countryside.

Ms Doyle recommended that this proposal be refused for the reasons provided below:

- 1) The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2) The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not a small gap in an otherwise substantial and built up frontage.

- 3) The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.
- 4) The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore further erode the rural character of the countryside.
- 5) The proposal is contrary to policy CTY2a of PPS21 in that it has not been demonstrated that;
 - It lies outside a farm
 - It is associated with a focal point such as a social/community building/facility or is located at a cross-roads
 - The proposal has a suitable degree of enclosure and is bounded on at least two sides with other development
 - The proposal can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character or visually intrude into the open countryside.

Councillor Bell suggested that this application be deferred for an office meeting as all issues have not been taken into consideration by Planning.

Proposed by Councillor Bell
Seconded by Councillor McPeake

A vote was taken.

For:	12
Abstained:	2
Against:	0

Resolved: That it be recommended to the Council to defer for an office meeting Planning Reference I/2014/0403.

Ms Doyle presented information on the following application.

**H/2014/0406/F New dwelling and garage at 40m South East of 51
Annaghmore Road, Castledawson for Heather Patton**

Ms Doyle stated that this proposal is a full application for a single storey dwelling and garage as part of an existing cluster. The dwelling has a modest frontal projection which extends the hall and provides access via the front door. A single chimney is expressed along the eastern ridgeline. There is also a rear sunroom extension to the dwelling.

Ms Doyle recommended that planning permission is refused on the grounds that the proposal is contrary to Policy CTY2a and CTY14 of Planning Policy Statement 21. The proposed dwelling is not located within an existing cluster of development, the proposed site is not bounded on at least two sides and the dwelling would if permitted intrude into the countryside resulting in a suburban form of development.

Councillor Bateson enquired what the protocol would be if the applicant wanted to withdraw.

The Area Planning Manager advised that there is no protocol, 3 Councils informed an applicant written to and now decision for this Committee. He informed the Committee that he would be happy to contact the Agent to advise of refusal and give them an opportunity for withdrawing. If Agent not happy with this then it will be issued.

Councillor McKinney stated that this would need to be a one off and not protocol, need to be careful this is only done once.

Councillor Gildernew wanted it recorded that this is an exception as it's the first meeting.

Councillor Reid sought clarification on how consistency can be shown.

The Area Planning Manager advised that the Committee make the decisions and Officers issue decisions the following day.

The Chief Executive informed the Committee that once a decision is taken at Committee, that decision is effective immediately.

Proposed by Councillor Reid
Seconded by Councillor McAleer and

A vote was taken.

For:	14
Abstained:	0
Against:	0

Resolved: That it be recommended to the Council to refuse Planning Reference H/2014/0406/F.

Mr Marrion presented information on the following application.

M/2014/0567/F Development of an in vessel composting facility and associated works at lands to the South of 17 Aghnagar Road, Ballygawley for Northway Mushrooms Ltd

Mr Marrion stated that this proposal is for the erection of compost manufacturing facility within a covered and enclosed building, covered storage area for chicken manure and gypsum, external yards areas for the storage of bales of straw,

circulation space and wheel wash facility. The proposed dwellings are circa 15,000sqm in floor space in 2 buildings connected by a high level conveyor. The buildings are 13m in height (tunnel building for pasteurisation and packaging) and 16m in height (for the bunker building, primary mixing and storage of gypsum waste and chicken manure). The buildings are proposed with grey walls and roofs, similar to the adjacent buildings on the adjoining sites. Tanks for the collection of rainwater for use in the compost manufacturing process and an interceptor and treatment plant for the disposal of waste water from the yards and office buildings into the adjacent stream.

Mr Marrion recommended approval as the proposal meets PPS2, PPS3, PPS4, PPS11, PPS15 and PPS21 and with following conditions:

- Access to be provided prior to the commencement of development
- Parking to be provided prior to the commencement of operations from the building
- Landscaping to be provided and retained
- Deliveries and collections shall not be made outside the hours of 0700 to 2300 and at no times of Sundays
- Volume and type of waste not to exceed the limits specified in the planning statement.
- All dirty water collectors to be connected to the package treatment plant prior to the commencement of any operations
- All doors to be kept closed except where reasonably necessary for access
- Monitoring noise and odour to be carried out within 6 months of the commencement of operations
- All vehicles used for the transportation of waste to the site must exit through the wheel wash which must be maintained in a fully operational condition

In response to a query about monitoring the conditions, the Area Planning Manager advised that the Council along with other government agencies e.g. NIEA would be responsible for their own monitoring relating to their line of work.

Proposed by Councillor Reid
Seconded by Councillor Gildernew and

A vote was taken.

For:	14
Abstained:	0
Against:	0

Resolved: That it be recommended to the Council to approve Planning Reference M/2014/0567/F.

Ms McCullagh presented information on the following application.

**I/2015/0013/F Installation of 250kw solar array and associated
infrastructure at Magheraglass landfill site, Knockaleary
Road, Cookstown for Cookstown District Council**

All members declared an interest in the above application.

Ms McCullagh stated that this proposal is a full planning application for the installation of 250kw solar array and associated infrastructure to include photovoltaic panels, support frames, inverter units, fencing and CCTV cameras.

Ms McCullagh recommended planning approval be granted subject to the following conditions:

- 1) As required by Article 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

- 2) Within 12 months of the cessation of electricity generation at the subject site, all above ground structures shall be removed and the site restored in accordance with a scheme to be submitted to and agreed with the Department at least one year prior to the commencement of any decommissioning works, unless otherwise agreed by the Department in writing.

Reason: To restore the site and maintain the landscape quality of the area.

Proposed by Councillor Mallaghan
Seconded by Councillor Mullen and

A vote was taken.

For:	14
Abstained:	0
Against:	0

Resolved: That it be recommended to the Council to approve Planning Reference I/2015/0013/F.

Mr Marrion presented information on the following application.

M/2015/0015/O Site for dwelling at lands adjoining (South West) of 48 Cravenny Road, Ballygawley for Lee Galloway

Mr Marrion stated that this is an Outline application for a dwelling on lands adjoining and south west of No 48 Cravenny Road, Ballygawley.

Mr Marrion advised that no evidence was submitted with this application as to why it is an exceptional case to the policy. This application fails to meet any of the criteria of CTY1 in PPS21 and therefore refusal is recommended.

The reasons for refusal are:

- 1) The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why development is essential in this rural location and could not be located within a settlement.
- 2) The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition/creation of ribbon development along Craveny Road.
- 3) The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape, the proposed site lacks long established natural boundaries to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.
- 4) The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape, create or add a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Proposed by Councillor McPeake
Seconded by Councillor Mullen and

A vote was taken.

For:	14
Abstained:	0
Against:	0

Resolved: That it be recommended to the Council to refuse Planning Reference M/2015/0015/O.

Ms McCullagh presented information on the following application.

**I/2015/0056/0 Infill dwelling and garage at 15m East of Rogully Road,
Loup for Thomas McVey**

Ms McCullagh stated that the proposal is for a rural dwelling described by the applicant as “Proposed infill dwelling and garage”.

Ms McCullagh recommended that planning permission is refused on the grounds that:

- 1) The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding

reasons why this development is essential in this rural location and could not be located within a settlement.

- 2) The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside and in that the existing pattern of development does not fulfil the criteria required to be considered as an exception and if approved would create a ribbon of development along the Rogully Road.
- 3) The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the siting of the proposed dwelling lacks a suitable degree of enclosure and would be prominent in the landscape.
- 4) The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a prominent and suburban style build-up of development when viewed with existing and approved buildings and would create a ribbon of development along the Rogully Road which would result in a detrimental change to the rural character of the countryside.

Councillor McFlynn (non-member of Committee) requested a deferral for an office meeting on the above application. She advised that the applicant wasn't in position to be in attendance tonight.

The Area Planning Manager felt that there was a reasonable argument and wouldn't oppose an office meeting.

Proposed by Councillor Bell
Seconded by Councillor Mullen and

A vote was taken.

For:	12
Abstained:	2
Against:	0

Resolved: That it be recommended to the Council to defer for an office meeting Planning Reference I/2015/0056/0.

Ms McCullagh presented information on the following application.

I/2015/0060/F Retrospective application for retention of industrial storage building of 27 Corvanaghan Road, Cookstown for Patrick Keenan, Roacktown Quarry

Ms McCullagh stated that the applicant applies for the retention of an industrial storage building, partly constructed. The site has previously been occupied by storage buildings and therefore this can be considered as a partial replacement. The new building will be a couple of metres taller than the existing. The proposal is

directly in between a dwelling at no 29 and the quarry offices at no 27 Corvanaghan Road.

The proposal measures 28m wide by 22.7m deep with ridge height of 9.4m. External material proposed is grey plastic coated steel corrugated sheeting.

Ms McCullagh recommended planning approval be granted without condition.

Proposed by Councillor McPeake
Seconded by Councillor Clarke and

A vote was taken.

For:	14
Abstained:	0
Against:	0

Resolved: That it be recommended to the Council to approve Planning Reference I/2015/0060/F.

Councillor Gildernew left the meeting at 8.50 pm and returned at 8.54 pm.

Councillor Glasgow left the meeting at 8.54 pm and 8.57 pm.

Councillor McFlynn (non-member) left the meeting at 8.55 pm.

P29/15 Letter of Comfort for Mortgage Lenders

Mr Bowman presented paper and advised that it was to seek members agreement on offering assurance to applicant's mortgage lenders on issues concerning occupancy conditions.

Councillor McPeake left the meeting at 8.55 pm.

Mr Bowman recommended that members accept the adoption of a similar approach and agree that Planning Officer's issue a similar comfort lender to those who may request this assurance in the future.

Proposed by Councillor Cuthbertson
Seconded by Councillor Mallaghan and

Councillor Gildernew and Glasgow were not present during discussion so didn't vote)

A vote was taken.

For:	12
Abstained:	0
Against:	0

Resolved: That it be recommended to the Council to accept the recommendation

Mr Bowman left the meeting at 8.56 pm and returned at 8.58 pm.

P30/15 Programme of Preparatory Work

Ms McEvoy presented paper and stated that the purpose of the report was to provide members with an update on the current position regarding the preparatory work to inform the future Mid Ulster Local Development Plan.

Ms McEvoy recommended that:

- 1) Members are requested to note and agree the programme of preparatory work for the Mid Ulster Local Development Plan outlined at section 3.0 of the report.
- 2) The Committee agree that it would be appropriate to invite representations for inclusion in the Statement of Community involvement. The best mechanism for doing this is by firstly preparing a draft Statement and using this as a basis for consultation.

Proposed by Councillor McAleer
Seconded by Councillor Bell and

Resolved: That it be recommended to the Council to accept the recommendation.

P31/15 Current Appeals and Recent Appeal Decision

Mr Bowman presented paper and advised it was to provide members with details of current live appeal cases as of 31st March 2015 and to inform of recent Planning Appeals Commission (PAC) decisions.

Mr Bowman recommended that members be requested to note details of appeals cases and consider the recent PAC decisions.

Proposed by Councillor Clarke
Seconded by Councillor Mallaghan and

A vote was taken.

For:	13
Abstained:	0
Against:	0

Resolved: That it be recommended to the Council to accept the recommendation as outlined.

For Information

P32/15 Confirmation on Scheme of Delegation

The Area Planning Manager presented paper to inform committee members of Department of the Environment (DoE) approval for Mid Ulster District Council's Scheme of Delegation on Planning.

The Area Planning Manager asked that the committee notes that the DOE has agreed Mid Ulster Council's Scheme of Delegation for the determination of planning applications.

CONFIDENTIAL BUSINESS

Proposed by Councillor Cuthbertson
Seconded by Councillor McKinney and

Resolved That items P33/15 be taken as confidential business.

P34/15 Duration of Meeting

The meeting was called for 7pm and ended at 9.55 pm

CHAIR _____

DATE _____

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**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Tuesday 14 April 2015 in Council Offices, Cookstown**

Members Present In the Chair, Councillor McFlynn (Chair)

Councillors Buchanan, Burton, Cuddy, Cuthbertson,
Gillespie, Glasgow, Kearney, McGinley, B McGuigan, S
McGuigan, McNamee, Mullen, Mulligan, J O'Neill, Totten

Members in Attendance Councillor Ashton (7.15 pm)

Officers in Attendance Mr Tohill, Chief Executive
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/ Senior Admin
Officer

The meeting commenced at 7.00 pm

E37/15 Chair's Remarks

The Chair, Councillor McFlynn welcomed everyone present to the first meeting of Mid Ulster District Council Environment Committee.

E38/15 Apologies

None.

E39/15 Declarations of Interest

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

**E40/15 Receive and confirm minutes of the Environment Committee
meeting held on Wednesday 4 March 2015**

In relation to item E31/15 Councillor McNamee asked for feedback with regard to meeting with DSD Minister and progress of Public Realm Schemes.

The Chief Executive spoke of the positive meeting with the Minister but as yet the Department are not in a position to make a formal announcement in relation to Public Realm Schemes. The Chief Executive advised that officers are continuing with preparation work for schemes.

In relation to item E32/15 Councillor B McGuigan asked if response had been received from DCAL with regard to support to clubs to meet new requirements of Safety at Sports Grounds (Northern Ireland) Order 2006.

The Chief Executive advised no response has been received as yet.

Proposed by Councillor Cuddy
Seconded by Councillor Mulligan and

Resolved That the Minutes of the Meeting of the Environment Committee held on Wednesday 4 March 2015 (E24/15 – E32/15 and E35/15 – E36/15) were considered and signed as accurate and correct.

Matters for Decision

E41/15 Appointment of Members to Tullyvar Joint Committee

The Director of Environment and Property presented report to appoint Members to serve as representatives of Mid Ulster District Council on Tullyvar Joint Committee.

Tullyvar Joint Committee is a formal Committee initially established by Omagh District and Dungannon and South Tyrone Borough Councils in line with the Local Government (NI) Act 1972 with autonomy to oversee and manage the operations of Tullyvar Landfill Site located close to Aughnacloy. Part 4, paragraph 9 of the Local Government Act (NI) 2014 allows for arrangements to be made for the joint discharge of council functions.

With the re-organisation of Local Government Mid Ulster District Council has inherited Tullyvar Joint Committee and now forms part of its democratic governance framework for the administration of council services. To the 31 March 2015 the Committee was made up of 5 representatives each from Dungannon and South Tyrone Borough Council and Omagh District Council.

Five representatives each from Mid Ulster District Council and Fermanagh and Omagh District are now required to be appointed. This will permit the Joint Committee to continue to transact business in line with the operational business need at the site. The position of Chair is rotated on an annual basis between the member councils.

Council at its meeting of Thursday 26 March 2015 resolved that the Tullyvar membership should be drawn from the Environment Committee and be made up of 2 SF, 1 DUP, 1 UUP and 1 SDLP representatives. Mr Cassells asked for nominations to Tullyvar Joint Committee.

- DUP – Councillor Cuthbertson nominated Councillor Burton
- SDLP – Councillor Kearney nominated Councillor Mullen
- UUP – Councillor Cuddy nominated Councillor Mulligan
- SF – Councillor McGinley nominated himself and although not a member of this committee also nominated Councillor Gildernew as he has a number of years' experience working on the Tullyvar committee.

The Chief Executive advised that nominations must come from membership of Environment Committee.

Councillor McGinley amended his nomination to Councillor S McGuigan and himself.

Resolved That it be recommended to Council that Councillors Burton, McGinley, S McGuigan, Mullen and Mulligan be appointed to serve as representatives of Mid Ulster District Council on Tullyvar Joint Committee.

E42/15 Service Level Agreement between Mid Ulster District Council and Armagh City, Banbridge and Craigavon Borough Council for Public Health Funded Services

The Director of Public Health and Infrastructure presented report which sought approval to sign a Service Level Agreement between Mid Ulster District Council and Armagh City, Banbridge and Craigavon Borough Council for the provision of Public Health funded services within the legacy Dungannon and South Tyrone Borough Council geography.

Prior to Local Government Reform a number of Public Health Agency (PHA) funded contracts were managed and delivered by Southern Group Environmental Health Committee (SGEHC) on behalf of the five constituent Councils including the legacy Dungannon and South Tyrone Borough Council. The contracts held were in relation to Home Safety, Tobacco Control, and Health Inequalities and it is proposed that these funded contractual arrangements will continue through the current arrangements for a period of time (up to 12 months) through a SLA between the two Councils.

The Director of Public Health and Infrastructure advised that this agreement would be an interim arrangement for a period up to twelve months with scheduled performance reviews and reporting to take place. The services covered by this agreement are Tobacco control, Health Inequalities and Home safety. There is a financial commitment of £6,000 which is already in the budget for the support of the Home Safety function and the other two services are fully funded by the PHA. Work would be carried out by staff under the current existing arrangements.

Councillor S McGuigan asked if there is a danger of extra costs being incurred by Council for the running of these services.

The Director of Public Health and Infrastructure advised that there are structured service delivery guidelines in place to cover this interim period.

Proposed by Councillor B McGuigan
Seconded by Councillor S McGuigan and

Resolved That it be recommended to Council to sign the Service Level Agreement between Mid Ulster District Council and Armagh City, Banbridge and Craigavon Borough Council for the continued provision of Public Health funded service on an interim basis.

E43/15 Dog Control Service

The Head of Environmental Health highlighted the operation of the out of hour's dog control service within Mid Ulster District Council.

The Council operates a Dog Control Service which includes powers to deal with the lifting and kennelling of stray dogs, dog breeding establishments, investigation of sheep worrying, attacks on persons and the issues surrounding prescribed dangerous dogs. The Head of Environmental Health outlined the current on call arrangements and advised that work is ongoing in respect of aligning the dog control service, including the provision of an emergency dog warden out of hours service.

Mid Ulster District Council has a variation in their tendering arrangements in place with the current kennelling contractor however contracts are due for renewal on 1 July 2015 which will require re-tendering in line with Mid Ulster District Council tendering procedures.

On call arrangements for Dog Control will be considered at a future committee meeting in line with Mid Ulster District Council Policy with further work to be carried out to include the convergence of dog control procedures, computer software convergence, enforcement policy and performance Indicators.

The Chair, Councillor McFlynn stated the importance of having out of hours arrangements in place for this service.

Proposed by Councillor Gillespie
Seconded by Councillor Cuddy and

Resolved That it be recommended to Council to proceed with tendering of future dog kennelling services.

E44/15 Street Trading fees

The Head of Environmental Health updated Members of the progress for setting application fees for street trading licences with a view to finalising the fee structure.

There are three types of licence:

- Stationary - which relates to repeated trading in a designated pitch;
- Mobile – which allows trading by mobile traders in specified areas e.g. an ice cream van;
- Temporary – which is usually associated with events and is of temporary nature ranging from a day or part of a day up to seven days.

The proposed fees for street trading are as follows:

Stationary Trader	£205
Mobile Trader	£205
Temporary Trader	£55
Variation of Licence	£70

The Street Trading (NI) Act 2001 sets out the legislative process for setting the Street Trading Fees. The proposed fees have now been publicised in seven newspapers as per the Mid Ulster District Council policy and notice has been given of the proposed fees to licence holders affected by the proposal, allowing 28 days for anyone to make a written representation. The Council must consider any such representation and determine the final fees. These set fees then need to be publicised again in the newspapers in the district with all licence holders affected by the decision requiring notification of the set fee.

As stated previously funding will be required to pay for the cost of the public notices of the determined fees and in addition, future income from street trading licences will be affected by the fee structure agreed.

Councillor Cuddy referred to events which are sponsored by Council such as Christmas markets and felt that fees should be set reasonably to attract traders to these events.

Councillors Burton and the Chair, Councillor McFlynn concurred with these comments stating that these are one day traders who bring a buzz and people into the towns.

The Director of Public Health and Infrastructure referred to a “civic fee” which was used by one of the legacy councils for such council events and that this can be looked at again under the Licensing and Regulatory policy which will be brought to a future committee meeting.

Proposed by Councillor McNamee
Seconded by Councillor Buchanan and

Resolved That it be recommended to Council that if no representations are received that approval is given to the fees set and further notifications and advertising take place. If representations are requested by a member of the public then this requires to be facilitated.

E45/15 Entertainment Licensing Policy for Mid Ulster Council

(Councillor J O'Neill left the meeting at 7.21 pm)

The Head of Building Control presented Policy and Conditions for Entertainment Licensing for Mid Ulster District Council for consideration.

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

- Theatrical Performances
- Dancing, singing or music of any other entertainment of a like kind.
- Any entertainment which consists of or includes any public contact match, exhibition or display of boxing, wrestling, snooker, pool, darts or any similar game or sport.

There are four types of licence which can be issued with the above Legislation:

- Grant/Renewal of Full Licences
- Occasional Licences (14 days)
- Temporary Licences (eg. Marquees for one off events)
- Outdoor Licences

**Breakdown of Entertainment Premises within Mid Ulster District Council
for 2014 Year**

Type of Licence	Total
No. of Licences	216
Occasional Licences	44
Temporary Licences	4
Number of Large premises	15
Pubs/Clubs	123
Community/Parochial Halls	74
Marquees	4
Annual Income	£53,000.00

The Entertainment Licensing Policy will form the framework for administering Entertainment Licencing across Mid Ulster District Council. This will allow for consistency and alignment of the internal procedures across the District.

The conditions of an Entertainment Licence will be forwarded to each applicant following the grant / renewal of their Licence and will ensure that they are fully informed of all aspects of their Licence and the Conditions with which the Licence is issued for the premises concerned.

Councillor McNamee referred to conditions attached to entertainment licences regarding closing/finishing times and that of liquor licences.

Director of Public Health and Infrastructure advised that an Entertainment Licence and Liquor Licence are two separate legal entities. Both licences are consulted upon with statutory agencies who have an opportunity to comment/object.

Councillor Cuthbertson asked what enforcement role Council has in relation to premises not adhering to its entertainment policy.

Head of Building Control advised that he is not aware of any issues regarding over run of entertainments licences on premises. Any breaches of an Entertainment Licence would be dealt with under the Council Enforcement Policy.

Councillor Burton asked if officers are aware of any unlicensed premises in the Council area.

The Head of Building Control advised that he is not aware of any unlicensed premises but there is a process in place for dealing with such situations.

Councillor Burton felt that the Council should be making it a priority to ensure there are no unlicensed premises in the Council area.

Councillor Cuddy referred to the £53,000 income from Entertainment Licensing and whether this covers all associated costs in relation to issuing of licences.

The Director of Public Health and Infrastructure advised that the income does not cover service costs.

Proposed by Councillor B McGuigan
Seconded by Councillor McGinley and

Resolved That it be recommended to Council to adopt the Policy and Conditions for the Licensing of Places of Entertainment.

E46/15 Delegated Authority

The Director of Public Health and Infrastructure outlined the proposed Scheme of Delegation for addressing Licensing and associated Regulatory Functions on behalf of Mid Ulster District Council.

Mid Ulster District Council has responsibility for the grant and renewal of a range of Licences for Entertainment, Petroleum, Street Trading, Amusement, Cinema, Poisons and associated Regulatory Functions.

The legacy Councils which form Mid Ulster District Council area processed a total in excess of 480 Entertainment Licences and 238 Miscellaneous Licences for the above activities in 2014.

The legislative framework for the Licensing functions are contained within the provisions of the Local Government (Miscellaneous Provisions) (NI) Order 1985, Petroleum (Consolidation) Act 1929 amended, Street Trading (Act) NI 2001 and Betting, Gaming and Lotteries (NI) Order 1985 and associated statute.

The Director of Public Health and Infrastructure advised that the Licensing regime for Mid Ulster District Council will be operated on the basis of application, assessment and determination throughout the twelve month period. The scale and sequencing of the Licence Applications will require a programme of Delegated Authority to be put in place to enable the Licensing Function to be fulfilled in a timely and efficient manner across the District.

As part of the Licensing procedure Council, in some instances, is obliged to consult with both PSNI and other statutory bodies as required to ensure the consideration of all relevant matters in the determination process.

In the case of Entertainment, Petroleum Spirits, Amusement Permits and associated functions, the premises concerned are inspected and assessed against strict criteria established for this purpose to ensure their suitability in the provision of Fire Risk

Assessment, Certification of Electrical and Emergency Lighting / Alarms and relevant Public Liability Insurance. Street Trading activities are addressed through the Designations agreed by Legacy Councils and transferred to Mid Ulster.

Council agreed at the March meeting to continue with the arrangements regarding Licensing and streamline for Mid Ulster purposes, which is in the process of completion.

In order to provide a responsive and efficient Licensing process it is proposed that the committee Delegate Authority to the Director of Public Health and Infrastructure for the grant and renewal of all non-contentious applications, where no objections have been raised.

In those circumstances where objections have been lodged, or the application is deemed to have particular local significance due to its nature, scale or size, the details of the application will be brought to Committee for their consideration and determination. This would include objection to an Entertainment Licence application where the applicant and objector(s) can present their case to Committee before final determination.

The Director of Public Health and Infrastructure advised that members will be kept informed on a quarterly schedule of the number of applications received and considered during the relevant period.

Proposed by Councillor Gillespie
Seconded by Councillor B McGuigan and

Resolved That it be recommended to Council to delegate authority to the Director of Public Health and Infrastructure for the grant and renewal of all non-contentious applications, where no objections have been raised.

Councillor Cuthbertson enquired as to the licensing of graveyards.

The Director of Environment and Property advised that graveyards are not licensed but that there are byelaws and other professional bodies which advice can be taken from.

Councillor Cuthbertson referred to the requirements on opening of graves. The Director of Public Health and Infrastructure advised there were particular Public Health considerations and other sensitivities which must be addressed in this regard and he would provide further information as required.

Matters for Information

E47/15 Waste Authorisations and Operator Licence

The Head of Environmental Services provided Members with an update on the transfer of waste authorisations and goods vehicle operator licences required due to Local Government Reform.

At the Environment Committee meeting on 14 January 2015 approval was granted to proceed with the necessary applications and related payments to ensure that the fleet operating licence and all waste related authorisations were transferred/in place for Mid Ulster District Council on 1 April 2015.

In relation to the Operator Licence, an application to transfer/merge the (three) existing operator licences into one licence for Mid Ulster District Council was submitted to DOE Central Licensing Office on 29 January 2015. Following a number of clarifications and requests for additional information from the Transport Regulation Unit (TRU), correspondence was received on 18 March confirming that our application would be listed in the Applications and Decisions due for publication on 20 March. The TRU also requested that a further financial declaration be signed by the Chief Executive guaranteeing that the new Council would have ready access to sufficient resources to support the application i.e. maintain the vehicle fleet.

Following submission of the additional information requested and payment of a licensing fee the operator licence for Mid Ulster District Council was granted on 31 March 2015. (Licence Number ON1136391).

With regard to Waste Authorisations, correspondence was received from Northern Ireland Environment Agency (NIEA) on 27 February 2015 regarding the transfer of waste authorisations. A signed declaration was returned to NIEA, as requested, on 3 March confirming the schedule of waste authorisations and legal authorisation holder details were recorded correctly.

Variation notices in respect of the landfill site Pollution Prevention Control (PPC) permits were received from NIEA on 31 March. The new waste management licences have not yet been issued by NIEA however they are expected in early April.

The Head of Environmental Services advised that the cost of obtaining the Operator licence was £703 (£254 application fee plus £449 licensing fee) which covers a period of five years. In relation to waste authorisations NIEA agreed that some of the normal application fees would be waived (for PPC permits and closed landfill sites) and that fees would only apply to waste management licences, resulting in a saving of £4,683, and a reduced cost of £3,380.

The Head of Environmental Services also stated that the list of designated transport managers on the Operator Licence will have to be amended in due course.

Councillor S McGuigan asked if NIEA used any particular criteria for reducing their fees.

The Head of Environmental Services advised that fees were only applied to the waste management licences.

Councillor Cuddy enquired as to the status of SWaMP2008.

The Director of Environment and Property advised that the functions of SWaMP2008 have now been absorbed by Councils and that a report on this matter will be brought to a future committee.

Councillor S McGuigan asked what the timetable is for the collection of brown bins as some residents have been using these bins for some time and are now becoming very full with an associated weight issue.

The Head of Environmental Services advised that new routes for brown bin collection are currently being worked on.

Councillor Burton asked how Council will engage with residents regarding this new collection service.

The Head of Environmental Services advised that residents will be advised at the appropriate time regarding the new collection in their area.

E48/15 Town and Village Grass Cutting Arrangements

The Head of Property Services provided an update on the annual agreement between TransportNI and Council regarding town and village grass cutting functions carried out by Council.

Previous TransportNI policy was to cut grassed areas up to twice a year in rural areas up to one swathe width for safety reasons. This includes areas at sightlines and junctions as necessary. In urban areas the policy was to cut grassed areas five times per year across the full verge within the 30mph boundaries. In lieu of this grass cutting service TransportNI made an annual payment to Councils depending on the amount of grass cut and to what standard.

At the Environment Committee meeting in February 2015 members were informed that an annual payment made by TransportNI to the legacy Councils in Cookstown and Dungannon in lieu of grass cutting services may not be available in 15/16. Subsequent robust discussions were held with local TransportNI officials.

In 2014/15 approximately £29,000 was received from TransportNI in lieu of grass cutting services across Cookstown and Dungannon. In Magherafelt (excluding locations of ornamental flower beds) TransportNI carry out a less frequent and lower standard grass cutting service at no cost to Council.

The Head of Property Services advised of recent correspondence received from TransportNI which confirms payment in lieu of grass cutting services will not be made in 2015/16. Therefore the income included in 2015/16 budget will no longer be realised.

Due to the nature of grounds maintenance works much of the planning and preparation is undertaken 12 months in advance. Due to time constraints grounds maintenance arrangements for the new Council have commenced and are following similar work programmes as carried out by the legacy councils in 2014/15.

The Head of Property Services advised that Council grounds maintenance standards and practices throughout the new Council area will be reviewed to vary the level of service in order to realign the loss of income to the budget. This will be a significant challenge during the current grass cutting period but a further report will be brought to a future committee meeting for member's consideration.

The Head of Property Services further highlighted that the reduction to the TransportNI environmental maintenance budget extends beyond grass cutting. TransportNI will not be employing external contractors for weed control of streetscapes in town and villages, and gulley emptying is unlikely at this juncture.

Councillor McNamee felt that Council should write to the Minister expressing its anger and frustration of yet another function which is being offloaded to Councils without any reimbursement with the Council and ratepayer having to foot the bill.

The Chair, Councillor McFlynn concurred with Councillor McNamee's comments and suggested that TransportNI be invited to a future committee meeting.

Council S McGuigan stated that there is a public perception that Council is not doing its job.

Resolved That it be recommended to Council to write to the DRD Minister expressing frustration at TransportNI decision to stop payment for grass cutting services in Mid Ulster.

E49/15 Conditional Approval of a Food Business

The Head of Environmental Health informed Members of the Conditional Approval of a food business trading as 'The Northern Smoke House' under the requirements of EC. Regulation No. 853/2004.

In accordance with the requirements specified under EC. Regulation 852 and 853/2004, specific Food Control standards are placed on food business operators for the preparation, handling and placing on the market of products of animal origin.

Councils are responsible for the approval and enforcement of the relevant requirements of Regulations 852/2004 and 853/2004 in all food business establishments, other than slaughter houses, game handling establishments, cutting plants and egg producers (which are DARD controlled) and members were advised that an application for approval under Regulation 853/2004 has been received from the Northern Smoke House, Barrack Yard, Moore Street, Aughnacloy, Co Tyrone, BT69 6AX. The Head of Environmental Health advised that the establishment has been visited and found to generally comply with the relevant requirements of Regulation 852/2004, 853/2004 and other relevant food law.

Members were asked to note the Conditional Approval offered to 'The Northern Smoke House', Barrack Yard, Moore Street, Aughnacloy, Co Tyrone, BT69 6AX with the Identification Mark of UK ZT028 EC.

E50/15 Property Certificates

The Head of Building Control updated Members on the processing of Property Certificates within Mid Ulster District Council.

The Property Certificate function plays a vital role in the conveyancing of property. The Property Certificate service provided by Councils enables prospective

purchasers to find out if there are any breaches of statutory requirements in the property and if Councils have taken, or intend to take legal action regarding them.

The questions contained within the Property Certificate application were agreed with the Law Society and Councils in 2004.

There are four options available in terms of requests for the search relating to a property:-

- Standard 10 year search which covers the 10 years from the date on which the application is submitted.
- A full search which is for all information relating to the property from 1973 to the present.
- A specified 10 year period from 1973 to present eg. 1985 – 1995.
- Where a further application is required from an initial 10 year search where further updated details are available.

Fees for the application of Property Certificates are as follows:-

Type of Certificate	Fee
Standard 10 year Search	£60.00
Search form 1973	£85.00
Specified 10 year Search	£60.00
Follow on from 10 year Search	£25.00

The breakdown of the property certificate applications for each Legacy Council are as noted below:-

	Cookstown	Dungannon	Magherafelt	Total
Number of applications	503	911	514	1928
Annual Income	£30,180.00	£54,600.00	£30,840.00	£115,820.00

Currently the applications for Property Certificates are received by Cookstown and Magherafelt Building Control departments with Cookstown using an Excel Spreadsheet System and Magherafelt using the 'Tascomi Te-Build' Software System with the additional Property Certificate function which is accessed by all relevant departments within the Council.

In the Dungannon area Property Certificates are received by the Finance/Procurement Department and distributed for response. This function will now be administered through Building Control Services.

At present, Tascomi Te-Build is used by the Building Control Departments in each constituent Council to manage the Building Control function. The Tascomi Te-Build system is an electronic system with each relevant department completing their section online, thereby rendering the internal process paperless.

Members were asked to note the revised arrangements for the administration of Property Certificate applications using the Tascomi Te-Build system.

Confidential Business

Proposed by Councillor McNamee
Seconded by Councillor McGinley and

Resolved That items E51/15 and E52/15 be taken as confidential business.

E53/15 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.10 pm.

CHAIR _____

DATE _____

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Minutes of Meeting of Policy & Resources Committee of Mid Ulster District Council held on Wednesday 15 April 2015 in Cookstown Offices

Members Present: In the Chair – Councillor Sean McGuigan

Councillors Ashton, Buchanan, Cuddy (7.05), Elattar, Forde, Mallaghan, McKinney (7.05), McPeake, Molloy, M. Quinn, T. Quinn and Totten

Officers in Attendance: Mr A Tohill, Chief Executive
Mr JJ Tohill, Lead Finance Officer
Mrs M Canavan, Lead HR Officer
Mr P Moffett, Change Manager
Ms U Mezza, Head of Marketing Communications
Mr B O'Hagan, Head of ICT
Mrs McKernan, Committee Services/SAO

The meeting commenced at 7.00 p.m.

PR56/15 Apologies

Councillor Paul McLean

PR/57/15 Declaration of Interest

No members declared an interest.

PR58/15 Receive and confirm minutes of the Policy & resources Committee held on Tuesday 3 March 2015

Resolved: That the Minutes of the Meeting of the Policy & Resources Committee held on Tuesday 3 March 2015 (PR34/15 – PR55/15) were considered and signed as correct.

Matters for Decision

PR59/15 Scheme of Delegation for Senior Officers

The Chief Executive presented a report on a Scheme of Delegation for Senior Officers of Mid Ulster District Council. Outlining the background, the Chief Executive stated that the Local Government (NI) Act 2014 provides that a council may arrange for the discharge of any of its functions by a committee, sub-Committee, an officer of the council or by any other council. The scheme of delegation, as presented, has been developed with reference to general matters on which all senior officers have Delegated authority on and matters which are specific to job roles, without recourse back to Council for a decision. The role of solicitor is also included within the Scheme of Delegation.

The scheme provides confirmation to members of decisions and authorisations which can be

granted without further reference to Council or committee except where either must be kept updated by means of regular reports on the exercise of identified delegated powers. The bringing forward and use of a Scheme allows for the continual transaction of business, ongoing routine management of the Council and efficient delivery of services.

The Chief Executive highlighted the key issues stating the Scheme confirms instances where senior officers may exercise authority on matters as delegated but does not extend to matters which must be undertaken by the Council to include:

- Making a district rate under the Rates (Northern Ireland) Order 1977
- Making a determination under section 13(1) of Local Government Finance Act (NI) 2011 (affordable borrowing limit) and monitoring an amount determined
- Borrowing money
- Acquiring and disposal of land

Senior officers under the Scheme will only be able to exercise a delegated function to and in accordance to:

- Agreed plans (including but not limited to Corporate and Departmental Plans), policies, Programmes and objectives approved by the Council
- Standing Orders, Financial Regulations, Equality Scheme, Codes of Conduct and any other relevant governance policies contained within the Council's Constitution, and
- Agreed estimates for their Department

The scheme does not permit senior officers to sub-delegate this authority to other members of staff.

February and March meetings of the Environment and Planning Committees considered areas of specific delegation to the Director of Public Health and Infrastructure and Planning Manager. These matters have subsequently been adopted by Council and incorporated within the Scheme as presented.

The Chief Executive invited comments or queries from members.

Councillor Cuddy asked if this Scheme was rolled out to all Councils. The Chief Executive responded that he expected all Councils to have their own and some may have varying financial thresholds.

Councillor Cuddy asked if there was any remit for financial allowances for the Chair and Deputy Chair as previously for Mayor. Chief Executive responded this has already been agreed.

Proposed: Councillor McPeake

Seconded: Councillor T Quinn

Resolved That it is recommended to Council that the reports of the Chief Executive on Scheme of Delegation for Senior Officers and Terms of Reference and Delegation to Committees are adopted.

PR60/15 Terms of Reference and Delegation to Committees

The Chief Executive invited members to consider the document containing the Terms of Reference and Delegation to Committees in Mid Ulster District Council. He said, forming part of its democratic governance arrangements Council has approved the establishment of five committees to transact its business. The committees (Audit, Planning, Policy & Resources, Environment and Development) have now been formed and being convened to transact business. Council had previously agreed the areas upon which each committee will focus attention.

A detailed Terms of Reference and Delegation to Committees document has been developed confirming their specific remit, quorum (which is one-third), constitution and areas of delegated authority, where provided. Provision is also made for the establishment of Working Groups.

Committees shall only have scope on areas of activity where specific to their remit allows and shall not be able to extend its reach to areas which have been specifically referred to another committee. Equally, matters which have been set to be directly discharged by the Council have not been referred to either committee. These areas include:

- (a) Making a district rate under the Rates (Northern Ireland) Order 1977
- (b) Making a determination under section 13 (1) of the Local Government Finance Act (NI) 2011 (affordable borrowing limit) and monitoring an amount determined under that subsection
- (c) Borrowing money and
- (d) Acquiring or disposing of land
- (e) Except as provided for in the Council's Financial Regulations, the Scheme of Delegation or Standing Orders in respect of matters referred to the committee, any of the following:
 - i Incurring of any net new expenditure not provided for in the estimate of capital or revenue expenditure not provided for in the estimate of capital or revenue expenditure unless such expenditure is reported to and approved by the Council
 - ii Preparation, review and amendment this document regulating the constitution, membership, functions and powers of Committees of the Council

- iii Preparation, review and amendment of the Standing Orders regulating proceedings and business of the Council and Committees
- iv Preparation, review and amendment of the Scheme of Delegation detailing those functions delegated by the Council to its Officers
- (f) The appointment of representatives of the Council on outside bodies
- (g) The decision to co-operate to combine with other councils to provide services other than by way of collaborative agreement

In instances where matters have not been referred to a specific committee under the Terms of Reference and Delegation to Committees these shall be brought before the Policy and Resources Committee.

It was confirmed that Council has already provided delegated authority to the Environment Committee on all licensing matters as required. In reference to the Planning Committee, Council has also resolved that some areas must not be delegated to the Planning Manager and thus consider:

- Applications which fall within the Major category of development
- Application for planning permission where the application is made by the council or an elected member of the council
- Applications relating to land in which the council has an interest/estate

Proposed: Councillor McPeake

Seconded: Councillor T Quinn

Resolved That it is recommended to Council that the reports of the Chief Executive on Scheme of Delegation for Senior Officers and Terms of Reference and Delegation to Committees are adopted.

PR61/15 Subscription Fees - National Association of Councillors and NILGA

The Change Management Officer asked members to consider payment of subscription fees for Mid Ulster District Council membership of the National Association of Councillors (NAC) and the Northern Ireland Local Government Association (NILGA).

He drew members attention to the meeting of Council on Thursday 26 March 2015 a report was adopted confirming membership and representation on a series of Outside Bodies, external to Council which predecessor Councils had previously provided representation to and others which have been in contact with Mid Ulster Council. The report, as adopted, confirmed representation to the NAC and NILGA.

The NAC and NILGA are both member based organisations and have now requested payment for Council's annual membership subscription for the period

2015-2016. He added that Council had already agreed that 8 members be represented on NILGA and 8 members on the NAC.

- National Association of Councillors: £3,200
- NI Local Government Association: £42,750

Proposed: Councillor McPeake

Seconded: Councillor T. Quinn

Resolved That it be recommended to Council that the membership fees as above be paid.

PR62/15 ICT Help Desk Provision

The Head of ICT indicated that Council required a suitable means to record, manage and resolve IC T related requests for service through a helpdesk system.

He indicated that support staff were being recruited to address the shortfall in ICT resources and as the 20 plus council sites become interlinked across the Council area, there is a need to bring a more effective and coordinated system where issues and requests for ICT support are recorded, managed and responded to in a timely fashion.

The geographical scope of the Council and deployment of staff cannot currently facilitate on-site support for all sites. Given the simple limiting factors of staff resources together with the imminent deployment of faster networks through the MPLS deployment, staff will have the ability to remotely service desktop PCs and computers from hubs rather than on site.

He indicated that it was envisaged that with the recruitment of 3 ICT Technical Support staff, the ICT support helpdesk will operate as a single collective service presented via a collective telephone and helpdesk function. Back-up expertise by the 2 senior technical staff will allow for escalation and for advanced backup and server side issues to be resolved. The helpdesk management function will cost no more than £5,000 and will make significant savings in terms of travel.

It was added that training for ICT staff and all affected council staff and councillors would be designed and delivered as appropriate.

Councillor Ashton asked what the turnaround time for queries. The Head of ICT replied that all queries would be graded and given priority status but expected response times to be less than 4 hours for critical requests. Other requests would be dealt within 1 day but non- essential could take several days.

Councillor Ashton asked how members access the existing helpdesk. The Head of ICT Manager said by telephone, e mail or face to face.

Proposed: Councillor Buchanan

Seconded: Councillor Molloy

Resolved That it be recommend to Council that an ICT helpdesk be installed.

Matters for information

R63/15 ICT convergence Progress Update

Head of ICT informed the committee of the progress towards convergence of systems. He said the council has been challenged in converging three organisations that were underpinned by approx. 450 staff and members using three separate delivered ICT systems. Following external consultancy and a substantial investment in addressing the redesign and delivery of systems, the council has made progress towards delivering a system that facilitates the ability to bring the three councils together in common systems and processes.

The Head of ICT updated members on a series of ICT Convergence related matters:

- **Email:** Over 400 council members and staff are now provisioned with a Mid Ulster e mail whilst facilitating the existing 3 legacy e mail systems up to 30th April. A substantial clean-up of generic email addresses underway at present before this deadline.
- **Security:** Each user is now logging onto a new security database for the new organisation in line with Microsoft design recommendations and will allow best practice to be implemented.
- **ICT Infrastructure:** We have successfully procured and installed new virtualisation and San to store the data to provide key back office systems for the new organisation. The increased capacity requirements now accommodate planning data as well a repository for converged service delivery.
- **Environmental Health & Building Control systems** are now converged into single databases that facilitate single systems across the council. Regulatory and licensing are now established with online provision of services and processes still to be completed.
- **Finance Systems:** The installation of a Mid Ulster company account database now facilitates payment and financial management for the new organisation together with the procurement of a new shared electronic BACS payment system to be finalised in the weeks ahead. The finance team have successfully provided payments to staff, members and creditors in weeks 1,2 for 2015/15 financial year from same.
- **Planning Service:** Planners have been relocated, furnished and equipped with council owned equipment. Planning data has been successfully transferred to council and the planning system EPIC has been upgraded and changed by DOE to allow council planning and admin. Staff to access it from their new computer equipment and e mails. The EPIC planning system is still maintained by DOE.

- Geographical Information Systems: A shared GIS software has also been rolled out to designated officers across the council for concurrent use.
- Networks: the council has committed to deploying a single MPLS network tendered and awarded to Eircom with new resilient firewalls and SLA. The deployment is taking longer than expected due to access works to get circuit physically installed and the current workload demands on the ICT.
- Arts Centre Solutions: Burnavon Arts & Cultural centre has successfully migrated to the same system as Ranfurly, Ticketsolve.
- Unified Communications: Magherafelt and Cookstown sites have now become operational on the new telephony system using the new number and a combined directory. Dungannon deployment will be this Friday and further programming is anticipated and after staff location, service and call loads settle to established patterns. The advanced unified communications aspect of the system will be installed and configured in a second phase later this summer.
- Resources: The recruitment of three ICT frontline technical staff is currently in progress to replace contract staff and will be deployed across the three main offices. A single financial budget for all ICT support services and system has been established that will maintain the ICT service and allow further works including an integrated HR system to be commenced.
- Financial: Head of ICT advised that the financial commitment should read over £500,000 not £500 towards ICT convergence and the transfer of functions to local government in the last year.
- Human Resources - The existing staff compliment will be absorbed into the service.
- Basis for Professional/Consultancy Support: The Kelway report recommended the retention of third party consultancy for advanced technical support.

He concluded by saying email for every officer has been installed in Mid Ulster Council system but there was still some outstanding work on all issues.

The Chairman said he wished to acknowledge the volume of work which has been undertaken relating to ICT Convergence.

Councillor Cuddy acknowledged the work that had been done and asked if the three additional staff were additional. The Head of ICT responded that the current 3 contract staff cannot be maintained and he was seeking to make these positions permanent.

Councillor Mallaghan also said he recognised the amount of work undertaken by ICT.

PR 64/15**Transfer Schemes**

The Lead Finance Officer presented a paper for information making reference to Transfer Schemes as prepared.

The Lead Finance Officer said the Department was empowered under section 122(2) and 122(7) and paragraph 1 of Schedule 8 to the Local Government Act (Northern Ireland) 2014 to prepare transfer schemes to effect the transfer of assets and liabilities from legacy councils to new councils on 1 April 2015.

He indicated that four transfer schemes were required in relation to Mid Ulster District Council:

- Cookstown District Council to Mid Ulster Council
- Dungannon & South Tyrone Borough Council to Armagh, Banbridge Craigavon District Council
- Dungannon & South Tyrone Borough Council to Mid Ulster District Council
- Magherafelt District Council to Mid Ulster Council

All four schemes were completed by the statutory deadline of 31st March 2015.

He added that, unfortunately due to administrative oversight the transfer scheme from Dungannon & South Tyrone Borough Council to Armagh Banbridge Council was incomplete due to the omission of details of lands at Dredge Bridge, Caledon on the County Armagh side of the Blackwater and a maintained historical graveyard at Church Hill, Mullenakill. The Transfer Scheme cannot be amended but officers are advancing the scheme of the relevant assets/maintenance responsibilities directly with officers from Armagh Banbridge Craigavon District Council.

Councillor Cuddy asked if everything on the County Armagh side of the Blackwater River was going to Armagh, Banbridge and Craigavon Council. The Chief Executive indicated that a Water Recreation Site from DCAL had been transferred to Armagh, Banbridge and Craigavon District Council and not Mid Ulster District Council. Councillor Cuddy indicated that there was a former Dungannon and South Tyrone Borough Council on the County Armagh side of the River Blackwater.

Councillor Gildernew enquired about the piece of land located at Dredge Bridge, Caledon. The Lead Finance Officer indicated that he was aware of the matter and was having conversations with colleagues in Armagh, Banbridge and Craigavon District Council.

PR65/15**Update in relation to Mid Ulster District Council VAT claims**

The Lead Finance Officer updated members in relation to claims lodged with HMRC on VAT liability in relation to supplies of leisure and recreation activities. He said the 26 legacy councils collectively had lodged claims totalling £50 million in respect of over-declared output VAT in relation to leisure and recreation services. He said he was the lead representative for the 26 legacy district councils.

The Lead Finance Officer drew member attention to:

- (a) Currently leisure and recreation activities are generally treated as taxable supplies i.e. they are subject to VAT at the standard rate of 20%
- (b) This means that, with the exception of educational type activities, e.g. swimming lessons, every £6 admission fee includes £1 VAT which must be passed on to HMRC
- (c) If the claims are successful councils will be able to either reduce their prices by the amount of the current VAT element or to retain the current VAT element to support investment in leisure or other areas
- (d) The case was recently subject to a Case Management hearing in Birmingham which confirmed that the Tribunal Hearing would be in Belfast at a time to be scheduled possibly early autumn 2015.
- (e) Council has already sought to protect its position both by executing a deed under seal and by making reference to 'choses in actions' in its Transfer Schemes between the legacy Councils and the new Council which should transfer the right to claim against HMRC and protect the right to benefit from the proceeds in the event that the claim is successful.
- (f) It has also protected its restitutionary claim for compound interest by lodging the appropriate claim in the High Court (pre the recent five-fold increase in High Court Fees) – this was possible as a result of Council nominating its Lead Officer for Finance to attend the recent PWC VAT Conference in England. The aggregate savings achieved by local government due to the timely lodging of claims was in excess of £210,000. The costs of lodging these cases have already been paid for by previous councils.

Councillor Mallaghan asked if other Councils were taking similar action. The Lead Finance Officer responded that doing collectively and all costs will be shared but as lead officer his time liaising with legal firms would not be paid for.

Councillor Cuddy asked how long this had been going on and Lead Finance Officer responded that commenced March 2011.

The Lead Finance Officer it will be necessary to continue to commission legal advice on this ongoing issue.

Confidential Business

PR66/15

Proposed: Councillor Mallaghan

Seconded: Councillor Cuddy

Resolved: Items PR67/15 and PR69/15 be taken as confidential business.

PR70/15 Policy & Resources Committee Meeting - May 2015

The Chair informed members that the next meeting of the committee was scheduled to take place on Thursday 7 May which would be the same day as the General Election. It was agreed to change the date of the May Policy & Resources Committee meeting to Monday 11 May 2015.

PR71/15 Duration of Meeting

The meeting commenced at 7.00 p.m. and ended at 8.00 p.m.

CHAIR_____

DATE_____

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**Minutes of Meeting of the Development Committee of Mid Ulster District
Council held on Thursday 16 April 2015 in Cookstown District Council Offices**

Members Present

In the Chair, Councillor Monteith (Vice Chair)

Councillors Clarke, Dillon, Elattar, McElDowney,
McNamee, Molloy, O'Neill, T Quinn (7.04pm), Reid,
G Shiels and J Shiels

**Officers in
Attendance**

Mr Tohill, Chief Executive
Ms Campbell, Director of Culture and Leisure
Mr McCreesh, Director of Business and Communities
Mr Browne, Head of Tourism
Mr Glavin, Head of Leisure
Mr Hill, Head of Parks
Ms Linney, Head of Community Services
Mr McCance, Head of Arts & Culture
Ms McKeown, Head of Economic Development

Agenda Item 3: Torrent Valley Initiative

Ms Aisling McElhone

Agenda Item 4: Harps Cycling Club

Messrs Bloomer & Eastwood

The meeting commenced at 7pm

D52/15 Apologies

Councillors Burton, Forde, McAleer and Wilson

D53/15 Declaration of Interests

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

Declaration of Interest

Councillor Molloy declared an interest in Linden Foods mentioned in the presentation and Councillor Reid declared an interest in Skea Eggs again mentioned in the presentation.

D54/15 Deputation on Torrent Valley Initiative

Councillor Quinn entered the meeting at 7.04pm

The Chair Councillor Monteith welcomed Ms Aisling McElhone to the meeting. Ms McElhone delivered a presentation on the Torrent Valley Artisan Food Hub Proposal making reference to the undernoted:

Torrent Valley Artisan Food Hub would

- Assist local businesses to grow and become more competitive and innovative;
- Strategically position Mid Ulster as a place to do business;
- Expand and develop the tourism sector in the region; and
- Ensure that local infrastructure meets business needs.

Ms McElhone advised that a recent audit highlighted that workspace within a 30 mile radius of Donaghmore was at 90% capacity and made reference to the creation of food labs to support the growing local food supply chain. It would also develop indigenous SME clusters around key firms, increase the contribution of green and social economy and strengthen demand for agri-food products. The geographical position of Donaghmore its close proximity to all major vehicular arteries from east to west, airports and its accessibility to the ROI was emphasised. It was further stated that the hub would be on the doorstep of the end to end food chain making it a unique location to harness innovative food ventures that would benefit the whole food business economy with a 20,000 sq foot of quality and accessible workspace.

In relation to increasing tourism Ms McElhone highlighted statistics regarding farmers markets and stated that Food NI had advised that there was massive opportunity for high quality Farmers Markets. It was also noted that the project would create job opportunities for all skill levels and encourage business start-ups noting that Donaghmore was within 10 miles of 9 rural and urban areas with high deprivation and that one job created in the industry led to two in the wider economy.

Ms McElhone advised that Northern Ireland had broken all records in the Great Taste Awards and was at the same level of London. Outlining the way forward Ms McElhone stated that TVI Ltd had proven their ability to deliver successful project through Torrent Valley Business Parks and that for the current project land together with planning permission had been acquired and with financial aid was ready to commence the indicative cost being £1million. It was noted that the proposal met a wide range of recommendations and strategies including NI Economic Strategic Plan, NITB Food Tourism Strategy to 2020, draft RDP Plan together with DARD, DETI & DEL corporate plans

In response to Councillor Reid's question regarding Flavour of Tyrone and the Farmers Market, Ms McElhone advised they had not approached groups as they wanted to manage expectations and engage with Council to see where the plan would fit.

Councillor Dillon asked if any funding had been sourced to which Ms McElhone advised that no funding had been secured to date that the group sought the backing of the Council and they were awaiting Rural Development funding together with ESMEE.

Councillor G Shiels asked if the group had approached ESMEE to which Ms McElhone advised that they don't fund capital build projects their funding would be applicable after project was built.

Councillor Molloy stated that he would be supportive of the project as there was a market for an Artisan Food Hub.

The Chair, Councillor Monteith stated that he would be supportive of the project, thanked Ms McElhone for the presentation following which she withdrew from the meeting at 7.19pm.

D55/15 Deputation from Harps Cycling Club on Proposal for a Bike Skills Park

The Chair Councillor Monteith welcomed Mr Eastwood and Mr Bloomer as representatives of Harps Cycling club to the meeting. Mr Eastwood gave a background to the club and statistics highlighting the growth of cycling as a sport. Mr Eastwood then outlined the proposal for a Bike Skills Park within the Mid Ulster District drawing attention to:

What is a Bike Skills Park?

- Designated area to hone and/or develop bike handling skills;
- Safe, fun environment to ride bicycles;
- Suitable for all ages, skill levels and all types of non-motorised bikes;
- Allows riders to progress through a variety of skill levels;
- A dynamic self-taught environment.

Benefits of a Bike Skills Park

- Health benefits including tackling obesity;
- Social benefits ie reducing anti-social behaviour;
- Economic – cost effective urban provision for all wards/demographics complimenting out-of-town facilities;
- Community – developing an inclusive partnership programme designed for all ages especially young families;
- Cultural benefits.

Suggested Sites for Bike Skills Park

- Fairhill Football pitches;
- Cabin Wood;
- Old Railway Yard
- Behind Westbury & Adair housing developments;
- MUSA Loughry campus
- Beechway football pitches
- Coolnafranky or Monrush communal grass areas.

Mr Eastwood highlighted the next steps to progress the project to include gaining commitment from the council, identifying relevant agents to form a steering committee, agreement of timeline, location, funding and budget and further emphasised that it should be a partnership project led by the Council. With regard to costs Mr Eastwood stated that it could be as small or large a project as Council wished and advised that the former Craigavon Borough Council had established a medium size project at a cost of £100k.

In response to Councillor J Shiels questions Mr Eastwood advised that there are 13 cycling clubs in the MUDC area and he would be keen to have them all engaged, that the facility would be free to use and as it would be a Council facility it would be maintained by Council staff.

Councillor G Shiels left the meeting at 7.42pm

Councillor Reid asked if Council would be liable for insurance costs and stated that if using the Fairhill site he would not be in favour of using a football pitch site if it would hinder football, he also recalled an earlier presentation regarding a skate boarding facility and asked if it could all be incorporated in the one facility to attain value for money. In response Mr Eastwood stated that all cyclists wear the required protective clothing and as it was not a contact sport he was unaware of any additional insurance costs. Regarding inclusion of a skating facility Mr Eastwood stated that it would be ideal to have a mixed use facility to include park benches etc.

Councillor G Shiels returned at 7.46pm

Regarding the use of a football pitch site at Fairhill Mr Eastwood advised that the club would want the proposed facility to compliment any existing facilities and that football pitches were also provided at Mid Ulster Sports Arena. Councillor Reid suggested that it could perhaps have a membership register for usage and people provide their own insurance. The Chair, Councillor Monteith stated that if it were the case that people provided their own insurance no one would use the facility.

Councillor McNamee stated that he would be supportive of a bike skills park and perhaps funding could be sourced through Peace funding for same stating that extending Mid Ulster Sports Arena would be a possibility. Councillor Molloy stated that he was a member of a cycling club within the district and would encourage the project to bring people back to sport and discourage the x-box and car culture.

Councillor Clarke expressed a keen interest in the project especially in introducing children at a young age to cycling in a safe environment that was accessible for all.

Councillor T Quinn stated he was very impressed by the presentation, would be supportive as all young people were not participants in team sports and that the main benefits particularly reducing anti-social behaviour and health benefits would be welcome.

The Chair, Councillor Monteith thanked Mr Eastwood for the presentation stating that Council would consider same.

D56/15 Receive and confirm minutes of the Development Committee meeting held on Thursday 5 March 2015

Proposed by Councillor McNamee
Seconded by Councillor J Shiels and

Resolved That the minutes of the meeting of the Development Committee held on Thursday 5 March 2015 (items D32/15 to D45/15 & D51/15), were considered and signed as accurate and correct.

Matters for Decision

D57/15 Draft Ulster Scots Policy

The Chair, Councillor Monteith advised that the draft Ulster Scots Policy was to be considered by the Policy and Resources Committee and thus removed item from agenda.

D58/15 Forest Service Memorandum

The Chair, Councillor Monteith drew attention to the report regarding the creation of a Memorandum of Understanding (MoU) between Mid Ulster District Council and Department of Agriculture and Rural development (Forest Service NI) in order to

- (i) provide harmonisation of existing Memorandum of Understanding (MoU) held by former Cookstown and Magherafelt Council areas and to realign with Mid Ulster District Council's corporate objectives.
- (ii) pursue the creation of Licence Agreements to facilitate the development of a children's nature play trail in Parkanaur Forest Park.
- (iii) pursue the creation of Licence Agreements for the Clogher Valley Long Distance Mountain Bike Trail. A 38km circular route along country lanes, minor roads and through Fardross, Mullaghfad, Crocknagrally and Jenkin forests.
- (iv) initiate a scoping study of forest, countryside recreation facilities and development opportunities in Mid Ulster District Council area to include destination hubs at Davagh and Drum Manor Forest Park, Traad Point and Parkanaur Forest Park.

The report detailed that both Cookstown and Magherafelt Council's signed Memorandum's of Understanding (MoU's) with DARD (Forest Service NI). These over-arching agreements provided the way to obtain specific licence agreement for individual project delivery on lands owned and managed by Forest Service NI. Schemes such as Davagh Forest Mountain Bike Trails and Sperrin's Walking Trails in Derrynoid, Iniscarn and Moydamlaght forests were referenced. Dungannon Council had progressed project plans with Forest Service in Parkanaur and Clogher Valley, which have now passed over to Mid Ulster District Council. The report outlined the key issue that Mid Ulster District Council must consider a best practice approach and harmonise the current agreements to reflect a single Memorandum of Understanding (MoU) for the new council area. This when completed will permit the creation of works and licence agreements required to facilitate approved

development on forestry lands. Referring to resource implications it was noted in the report that

- (a) there are no legal fee's associated to the renewal of the Memorandum of Understanding and Licence Agreements;
- (b) Funding is in place for the Parkanaur and Clogher valley Long Distance Mountain Bike Trail projects.
- (c) existing staff resources are sufficient to deliver on identified outcomes;
- (d) that the basis for professional/consultancy support was that Outdoor Recreation NI (ORNI) are engaged through a current Service Level Agreement to Mid Ulster District Council to assist and deliver on both the Parkanaur and Clogher Valley projects and to conduct the Mid Ulster District Council Forest and Countryside Recreation audit.

The Chair, Councillor Monteith outlined the recommendations and sought Members comments:

Councillor McNamee sought clarification as to why Pomeroy and Drumcairn Forest were not included. In response the Head of Parks advised that within the scoping study of forest, countryside recreational facilities and development opportunities such forests would be included.

Proposed by Councillor McNamee
Seconded by Councillor Dillon and

Resolved That it be recommended to the Council

- (i) To create single MoU for Mid Ulster District Council and engage with Forest Service NI to establish Licence Agreements to facilitate development of initial projects in Parkanaur Forest Park and Clogher Valley region; and
- (ii) to approve a scoping study/audit of Forest and Countryside Recreation potential in Mid Ulster District Council area.

D59/15 Procedural Arrangements for Control of Legionella

The Chair, Councillor Monteith drew attention to the report regarding the procedural arrangements for control of legionella which detailed that Legionellosis is a collective term for disease caused by legionella bacteria. The related bacteria are common in natural water sources such as rivers, lakes and reservoirs, usually in low numbers, and in natural water systems such as rivers and ponds. Conditions are rarely conducive for people to catch the disease from these sources. Bacteria may also be found in purpose-built water systems such as cooling towers and hot and cold water systems. If conditions are favourable, the bacteria may multiply, and it is therefore important to control the risks by introducing appropriate measures.

The report outlined that Mid Ulster Council recognising its duty of care to its staff, customers and visitors must set in place a procedure as undernoted:

- Ensure adequate and effective control of water systems throughout the Council premises in order to minimise the risk of Legionellosis.
- To protect the health and safety of staff, visitors and contractors through a clear process of risk identification, assessment and control, so far as is reasonably practicable.
- Control the bacteria growth within Council buildings and prevent employees and visitors being exposed
- To allow the Council to fully comply with the Management of Health and Safety Regulations (Northern Ireland) 2000 as amended in 2006 and the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003 and Health and Safety (Consultation with Employees) Regulations (Northern Ireland) 1996.

This procedure is part of a suite of procedures that together make up the Councils approach to health and safety.

The Chair, Councillor Monteith sought approval for the procedural arrangements relating to the control of legionella.

Proposed by Councillor J Shiels
Seconded by Councillor Molloy and

Resolved That it be recommended to the Council that approval be granted for the procedural arrangements relating to the control of legionella.

D60/15 Draft Response on Proposals for an Irish Language Bill

The Chair, Councillor Monteith drew attention to the report regarding consultation response on Proposals for an Irish Language Bill. The report outlined that DCAL recently published a consultation document on proposals for the Irish Language Bill. DCAL believes that the 'Acht na Gaeilge' is necessary to protect the unique nature of the Irish Language as well as promoting social justice and equality. The report detailed that the consultation document contains a wide range of proposals and provisions. The purpose of the consultation is to allow the public to see the range of provisions which 'Acht na Gaeilge' might contain. The experience of other jurisdictions demonstrates that legislation is necessary to protect indigenous minority languages. Welsh and Scots Gaelic are both protected languages in Wales and Scotland. DCAL consider that legislating will be an effective way of protecting the Irish Language. The Chair drew attention to the consultation response a copy of which was provided in the report and sought Members comments.

Councillor J Shiels stated that he disagreed with this and that there was no point in the Committee discussing it as it would not go through Stormont.

Councillor Dillon stated that it would be remiss of the Council not to respond to any consultation irrespective of its content and that the Council was not in a position to anticipate what would happen in the assembly as 'a day was a long time in politics'. Councillor McNamee stated that the Welsh protect their language, the Scots protect theirs and others should do likewise.

Councillor Clarke stated that the consultation referred to more than just the Irish language drawing attention to 'Part 8 – Place Names' he indicated that Council should respond stronger regarding townlands emphasising that it was key to retain townlands in addresses noting that at the last election the electoral registers had eliminated townlands.

Proposed by Councillor Clarke
Seconded by Councillor McNamee

That Council strengthen its comments in its response regarding place names and townlands at 'Part 8 – Place Names' of the document 'Consultation on Proposals for an Irish Language Bill'.

As all Members did not agree a vote was taken:

For	9
Against	3

Resolved That it be recommended to the Council that in the response to the document 'Consultation on Proposals for an Irish Language Bill' that comments be strengthened regarding place names and townlands at 'Part 8 – Place Names'.

The Chair, Councillor Monteith subject to the foregoing sought approval for the response to the 'Consultation on Proposals for an Irish Language Bill'.

Proposed by Councillor Molloy
Seconded by Councillor Quinn

That approval as sought be granted. As all Members did not agree a vote was taken:

For	9
Against	3

Resolved That it be recommended to the Council that the response to the 'Consultation on Proposals for an Irish Language Bill' be approved with comments strengthened at Part 8 – Place Names.

D61/15 Development & Regeneration Update

The Chair, Councillor Monteith drew attention to the report regarding development and regeneration update. The report outlined progress on key activities as undernoted:

- Mid Ulster Local Economic Development Plan (2015-2018) - Amendments are currently being made to the first Draft of Mid Ulster Council's Economic Development Plan, following input from Members at a recent meeting. The revised Draft Plan would be available by mid-April 2015, after which it is planned to re-engage with key stakeholders and businesses through a series of workshops in Cookstown, Dungannon and Magherafelt to present the Draft Economic Development Plan and seek views on the proposed actions. The provisional dates for these consultation events are;
 - Tuesday 28th April 2015 from 7pm-9pm - Burnavon Theatre, Cookstown
 - Wednesday 29th April 2015 from 7pm-9pm – The Bridewell, Magherafelt
 - Dungannon's event date/venue to be confirmed.

Following the business consultations as above, a facilitated workshop will be held with Members to attain their views and input, prior to completing and launching the Mid Ulster Economic Development Plan in May 2015.

- Mid Ulster Town Centre Action Plans – Town Centre Events

A comprehensive Town Centre Action Plan for 2015/16 will be presented for consideration to the May 2015 Development Committee. The report will contain a series of proposed projects and costings for the towns of Cookstown, Dungannon, Magherafelt and Coalisland.

However, in advance of presenting this the following, two events are proposed:

- Magherafelt Never Felt Better Day – 25 April 2015 – This is a promotional day organised in Magherafelt to attract shoppers to Magherafelt Town Centre. During the Never Felt Better day users of the town app can get bargains from local participating business. Fun and games are also planned in the town centre. The event costs £1,000 and provision has been made for such in Council's town centre budget.
- Cookstown Continental Market - 8-10 May 2015 - This is Cookstown's signature town centre event each year drawing in footfall last year of 25,000 people over the course of three days. The event costs £25,000, of which £20,000 has been provided for in Council's town centre budget. Further income of £5,000 will emanate from Market Place Europe (the event organisers). Event funding relates to expenses such as advertising/promotion, hire of equipment, street entertainment, etc.

Council approval is sought with immediate effect to fund the two events detailed above costing £21,000 where provision has already been made from within Council's town centre budget. Further events are planned across the four towns throughout the year, and details will be included in the Town Centre Action Plan to be presented to the Development Committee in May 2015.

- Regional Bidding Plan for South West Cross Border Region

South West College requested that Council co-fund the development of a joint bidding plan to avail of imminent EU funding opportunities for the cross border south west region. This plan will provide a strategic context for bids, maximise economies of scale and prevent overlap. It is anticipated the plan may include;

- Activities and priorities of partner organisations
- Opportunities for collaboration
- Profile of the region and opportunities/challenges
- Development of specific project ideas
- Assessment of suitable EU funding streams

Potential partners include; IT Sligo, Cavan Innovation and Technology Centre, Fermanagh and Omagh District Council, Mid Ulster Council and South West College

To ensure joint ownership of the plan, each participating organisation is requested to financially contribute up to £2,000.

The report further detailed the resource implications as follows in relation to Mid Ulster Town Centre Action Plan and Regional Bidding Plan for South West Cross Border Region:

- 1 Mid Ulster Town Centre Action Plan – Town Centre Events – the financial implications include provision of £21,000 funding already included in Council's town centre budget to organise the following two town centre events during April and May 2015 ie Magherafelt Never Felt Better Day – 25 April 2015 (£1,000) and Cookstown Continental Market - 8-10 May 2015 (£20,000); It is envisaged that the human resources required for both events will be met within Council. Market Place Europe (event managers of Cookstown Continental Market) will provide staff on-site to manage/co-ordinate/provide security, and the costs for this are entirely borne by Market Place Europe.
2. Regional Bidding Plan for South West Cross Border Region – the financial implications include funding of up to £2,000 sought from Council for the development of a Regional Bidding Plan for the South West Cross Border Region. No additional human resources would be required. It was noted that Partnership working within a more strategic context will provide greater opportunities to maximise economies of scale and prevent overlapping EU bids from the region.

The Chair, Councillor Monteith sought approval for the recommendations

Proposed by Councillor McNamee and
Seconded by Councillor Quinn and

Resolved That it be recommended to the Council that

- (i) Mid Ulster Town Centre Action Plan – Planned Events - to proceed with immediate effect with the organisation of two town centre events in April and May 2015 at a cost to Council of £21,000 from MUC's town centre budget ie Magherafelt Never

Felt Better Day – 25 April 2015 (£1,000) and Cookstown
Continental Market - 8-10 May 2015 (£20,000)

- (ii) Regional Bidding Plan for South West Cross Border Region - to contribute funding of up to £2,000 towards the development of a Regional Bidding Plan for the South West Cross Border Region from Council's economic development budget.

D62/15 Transfer of Invest NI Letters of Offer and ERDF Programme

The Chair, Councillor Monteith drew attention to the report which referred to the transfer of the existing Letters of Offer between Invest NI and Cookstown, Dungannon and Magherafelt Councils for the delivery of the current Local Economic Development Programmes to the Mid Ulster District Council and also which provided an update on the ERDF Investment for Growth & Jobs Programme (2014-2020).

The report detailed that Invest NI had advised Councils that with the new Council structures coming into effect on 1 April 2015, approval is required from Mid Ulster District Council to accept responsibility for the completing the delivery of each Council's current Local Economic Development Programmes (as outlined below).

Cookstown District Council:

- Business Elevate Programme
- Resource Efficiency Programme
- Tender Programme
- Fastrack to Finance Programme

Dungannon and South Tyrone Borough Council:

- Innovation & Business Growth
- Graduate to Enterprise
- E-Marketing
- E-Procurement
- Creative Industries
- Construction Development
- Tourism 3
- Former Programmes (Tourism 2, Innovation & Creativity Programme and Enterprise & Business)

Magherafelt District Council

- Enterprising Magherafelt
- Food Business Development Programme
- Magherafelt Online
- How to Win Public Sector Contracts
- Succession Planning for Family Business Programme
- Introduction to Supply Chain Management Programme

Within the report reference was made to the letter from Invest NI dated 23 March 2015 which provided an update on the ERDF – Investment for Growth and Jobs Programme (2014-2020) and associated funding allocations per district council area.

The report further detailed that Mid Ulster District Council must now formally accept responsibility to complete the legacy economic development projects emanating from the former Cookstown, Dungannon & South Tyrone and Magherafelt District Councils and that a Novation Agreement must be signed and returned to Invest NI. The report noted that no additional financial commitments other than those already included for the delivery of the programmes in the 2015/6 budget.

The Chair, Councillor Monteith sought approval for the signing of the Novation Agreement from Invest NI.

Proposed by Councillor J Shiels
Seconded by Councillor Clarke and

Resolved That it be recommended to the Council that the Novation Agreement from Invest NI be approved for signing.

D63/15 Regional Start Initiative and NI Business Start Programme

The Chair, Councillor Monteith drew attention to the report which provided Members with an update on the transfer of functions process in relation to the Regional Start Initiative and Social Entrepreneurship Programme. It advised that the Northern Ireland Executive had agreed, as part of Local Government Reform, to transfer a number of Economic Development functions to Councils; functions transferring are Enterprise Awareness, Start-up Provision and Social Entrepreneurship Programme.

Key issues highlighted in the report were as follows:

- All 11 Councils agreed to the rolling forward of the Regional Start Initiative and Social Entrepreneurship Contracts (Mid Ulster District Council agreed this on 25 September 2014) and as such there is the requirement for Councils to repay from the transferring budgets Invest NI costs relating to each of these Programmes for the periods outlined.
- DETI had now written to all 11 Council to advise the Transferring Function Budgets and Targets (Mid Ulster's budget is £304,409 and target is 210 jobs promoted, by the year ending March 2016).
- Invest NI /DETI have now re-issued Councils with revised Service Level Agreement comprising the Social Entrepreneurship Programme (to July 2015). To cover the costs of lead in support to 2 groups and aftercare support of 17 days to 3 groups. Regional Start Initiative (to October 2015). This is for the creation of an estimated 219 Business Plans.
- Start-up Provision after October 2015 - Officers from 11 Councils met in February 2015 to discuss the future delivery process and structure of the Provision (post October 2015). It was agreed that, in order to supplement each Council's transfer of functions budget to deliver this Programme, work should begin on preparing an Application to be ready to submit to the new Growth and Jobs Programme when it opens. To assist with this an independent Economic Appraisal should be

commissioned on behalf of the 11 Councils (led by Belfast City Council) to scope the business start and enterprise provision and enable Councils to define future delivery and the support offer to be made by them post October 2015.

- Regional Start Provision – Marketing Costs - In March 2015, Invest NI advised the 11 Councils that the cost of the marketing of the Regional Start Programme (which will continue to be managed by Invest NI until 22 October 2015) would be incorporated into the costs of the Service Level Agreement. This includes a comprehensive TV, radio and digital campaign tailored to meet seasonal variations totalling approximately £198,262 for 7 months. Invest NI have also included costs of editing/re-scripting materials to take account of promoting Councils' new role in this Programme.

The final cost per Council has yet to be confirmed by Invest NI and will also depend on the number of Councils who agree to contribute to this (one has already signalled it does not wish to provide a contribution to this). Based on Reports provided from Invest NI it is anticipated that the cost to Mid Ulster District Council may be up to a maximum of £22,000 for the 6 month period ending October 2015.

Invest NI had advised that this level of marketing activity is necessary in order to generate the requisite level of inquiries (1,000 per month) to enable the regional Business Plan and Jobs Promoted targets to be achieved.

- New Regional Start Programme – Mid October 2015 onwards - Council received correspondence from Dr T Donaldson, Lisburn & Castlereagh City Council, who are leading on the procurement and contract management of the new Regional Start Initiative Programme (former Business Start Programme) from mid October 2015 onwards. The letter advised that a working group led by Lisburn & Castlereagh City Council had been established to progress the new programme and has drafted an indicative procurement timetable which sets out some of the key steps that need to be taken by the participating Councils in order that the new Council led programme is procured and awarded within the required timeframe. The correspondence sought a response in relation to the following two points;
1. MUC's intention to participate on the new Northern Ireland wide business start programme,
 2. And if yes, that the required Council approvals are in place to support this decision.

Whilst it is very commendable to advance efforts to develop the new Regional Start Initiative Programme at an early stage, MUC must also be mindful that an economic appraisal has been commissioned to review the existing Programme, the results of which will be available in May 2015. This appraisal will provide guidance to Councils on future proposed delivery models ie 11 Council model –v- sub-regional model, new/revised programme content, and therefore, MUC may wish to consider agreeing 'in principal' to be part of a future Regional Start Initiative Programme but not make any further commitments until such times as the findings from the economic appraisal are available to consider. It is also

recommended that within the timeframes provided by Lisburn and Castlereagh City Council, additional time be built-in between the availability of the economic appraisal and issuing tender documents (both of which are dated 14 May 2015).

The report outlined economic appraisal detailing that on 5 March 2015, Council agreed to commit up to £2,730 (plus vat) towards the appointment of a service provider to conduct an Economic Appraisal for all 11 Councils (process led by Belfast City Council) to inform the delivery of future start up provision. Following the procurement process, Belfast City Council had confirmed they appointed EKOS to conduct the Appraisal and the final contribution required from each Council is £2,546 (plus vat). The Appraisal will be completed in May 2015. Regarding the Regional Start Up Programme marketing costs it was noted that if Council agreed to the continuation of the regional 'Go For It' Programme aforementioned up to a maximum of £22,000 may be required from Council's Transferring Functions budget for 2015/16 for the period of the Service Level Agreement ending October 2015.

The Chair, Councillor Monteith sought approval for the recommendations detailed in the report.

Proposed by Councillor Molloy
Seconded by Councillor Clarke and

Resolved That it be recommended to the Council that

- (i) To approve the Service Level Agreement with DETI / Invest NI (revised by Invest NI and re-issued 23 March 2015) on behalf of Mid Ulster District Council;
- (ii) To make provision from the Transferring Functions Budget for 2015/16 of £304,409 of up to a maximum of £22,000 towards the continuation of the comprehensive 'Go for It' Marketing campaign to 22 October 2015 (managed by Invest NI as detailed in the Service Level Agreement), subject to further details being confirmed by Invest NI in the coming weeks;
- (iii) Respond to Dr T Donaldson, Lisburn and Castlereagh City Council to advise that MUC agree 'in principal' to be part of a future Regional Start Initiative Programme but not make any further commitments until the findings from the economic appraisal are available to consider. It is also recommended that additional time be built-in between the availability of the economic appraisal and issuing tender documents (both of which are dated 14 May 2015) to allow Councils to consider/review the recommendations.

D64/15 Rural Development Programme

The Chair, Councillor Monteith drew attention to the report which provided an update on the new Local Action Group formation process in Mid Ulster relating to the 2014-2020 NI Rural Development Programme. The report detailed that the LAG

Formation process was now complete with the election of social partners and nomination of elected members to a 25 member LAG Board. It further detailed that SWARD (South West Action for Rural Development) received an allocation of £20.5 million under the current RDP (2007-2014) that included administration funding. Of the £17.1 m allocated against project funding, spend has now exceeded £17m and that an exit strategy had been drafted that would be implemented for programme closure activities.

The report highlighted the undernoted:

- (i) Both social partner and elected member representation to the new Local Action Group Board for Mid Ulster is now complete.
- (ii) The LAG Board members met on 31st March and nominated Council as its administrative and financial lead for the forthcoming Rural Development Programme. The Rural Development Council will now assist the LAG Board to complete an application form for submission to DARD before the end of April for formal appointment as the LAG for Mid Ulster.
- (iii) On appointment, DARD would issue guidance notes and a template to assist the LAG in developing an interim local rural development strategy. The content of the strategy is likely to contain:
 - Analysis of need
 - Description of the strategy – its purpose and priorities
 - Arrangements for administration/delivery
 - Arrangements for communications and publicity
 - Co-operation activities
 - Financial plan and outputs
- (iv) Council staff would assist the LAG in the preparation of its local strategy and thereafter with administrative functions in the delivery of the strategy on the ground, similar to the current arrangement with SWARD.
- (v) Governance and contractual arrangements between DARD, the LAG and Council are currently being discussed.
- (vi) The RDP programme submission document submitted by DARD to the European Commission is currently under review but expected to be signed off late June. Following sign off there will be a period of animation and publicity before calls for applications can open. If there are no delays with sign off, its possible calls for application may open September/October 2015.

The Chair, Councillor Monteith sought Members comments.

Councillor Dillon sought clarity in relation to rural broadband as to whether there was opportunity to apply for funding to accommodate rural broadband as people in rural areas should have broadband the same as everyone else. Councillor Dillon suggested that Council send a letter to the Minister of Department of Enterprise Trade and Industry to request assistance for rural broadband.

Councillor Clarke concurred with comments stating that prior to this an area had been provided with a wireless system but couldn't guarantee 100% coverage through rural 'blackspots' and 'not spots'. Councillor Clarke further stated that DARD had a broadband fund and the Rural Development programme should not be used to provide this.

Councillor Elattar concurred with comments and stated that at Sixtowns a very rural community it was near impossible to start up business as the infrastructure is simply not there. Councillor Elattar asked if the Council would be doing anything to seek broadband for such areas.

The Director of Business & Communities stated that all points were very relevant with regard to 'not spots' and lack of rural broadband and that it was very much on the radar together with 'mobile telecommunication not spots' with people travelling through the region unable to get any network coverage. The Director advised that two of the previous Councils had done a lot of scoping regarding 'not spots' and that similar was being done for Magherafelt area and would be fed through to British Telecom (BT). The Director further advised that two super council areas had telecoms provision for super connected broadband and were making an offer to other Councils to buy into their connectivity for a fee and that it was hoped to present a report to the meeting in May.

The Director advised Members that the former Cookstown Council had lobbied extensively regarding rural broadband and that it would be wise to get DETI back on board from a Mid Ulster perspective as no Council could resolve the problem alone but that it was imperative to have BT on board also.

Councillor Elattar welcomed this especially for the Sixtowns area. Councillor Reid stated that Council needed to both lobby extensively and seek funding stating that 'green boxes' were being added into Torrent area yet in Stewartstown it was impossible to get access to even a mobile phone network.

The Chair, Councillor Monteith stated that in the southern region of the District roaming charges were a major issue and that the governments in the European Union had opted not to ban them even though the European Union itself had stated they should be abolished.

Proposed by Councillor McNamee
Seconded by Councillor Reid and

Resolved That it be recommended to the Council

- (i) to engage initially with British Telecom with regard to broadband and mobile telecommunication coverage within the Borough in order to eliminate 'notspots' throughout the region;
- (ii) to lobby Department of Enterprise Trade and Industry with regard to broadband and mobile telecommunication coverage.

Declaration of Interest

Councillors Dillon and Reid declared an interest in Coalisland & Dungannon Neighbourhood Renewal Partnership

D65/15 IPB Pride of Place Awards

The Chair, Councillor Monteith drew attention to the report seeking approval for the submission of the Coalisland & Dungannon Neighbourhood Renewal Partnership nomination to the IPB Pride of Place Awards 2015.

IPB Pride of Place is an all-island competition that acknowledges the work that communities are doing all over the island of Ireland. The nomination will profile good integrated partnership working at a local community level, and also raise the profile of Mid Ulster Council at the awards ceremony.

The Pride of Place awards are about recognising the pride of people working within local communities to make their areas a better place for all to live. It also recognises innovative projects that are developed from within communities in partnership with government. Entry is by way of council nomination only and the deadline for applications is 1 May 2015.

Key issues highlighted in the report included:

- The category proposed for submission under the Pride of Place Award is the urban neighbourhood/villages category.
- The submission would nominate the work of the Neighbourhood Renewal Partnership under the two main areas of Youth Engagement and Community Health.
- The project to be nominated under Youth Engagement is the Coalisland & Dungannon Neighbourhood Renewal Youth Education project which includes;
 1. Summer Schemes in Coalisland and Dungannon (with over 80 young people involved in volunteering/assisting with delivery to over 400 youth).
 2. Traveller Youth Home Work Club in Coalisland.
 3. Youth Diversionary Project in Coalisland (engaging vulnerable young people in youth development through targeting those who are vulnerable to involvement in anti-social behaviour and drugs and alcohol misuse).
 4. Going Places Skills Programme in Coalisland and Dungannon (delivery of training and professional skills to unemployed people).
 5. Vocational Education Programme Coalisland (providing vocational training to those in Key Stage 3 & 4 in schools who are at risk of 'dropping out').

All of the above are delivered through a partnership approach between Council, local community, local youth clubs, An Tearmann, SELB, South West College and post primary schools.

- Project to be nominated under Community Health is the Coalisland & Dungannon Neighbourhood Renewal Community Health programme which includes;
 1. Cancer Care (provision of support to those affected by cancer).
 2. Drug & Alcohol Prevention (provision of outreach and tailored programmes to young people and parents on the effects of substance misuse).
 3. Mental Health Project (delivery of mental health support initiatives/therapies and befriending sessions to those directly affected by suicide).

All of the above are delivered through partnership approach between Council, local community, LILAC Cancer Care, Breakthru, Niamh Louise Foundation.

The report detailed that the cost for nomination was £1000 and that Mid Ulster Council officer resource would be required to operate as a Liaison Officer to submit application, liaise with Pride of Place, to co-ordinate the judging and support the Partnership and community in the presentation and profiling of projects. The Pride of Place Award would not only provide an opportunity to promote Neighbourhood Renewal projects of good practice but also provide a platform for Mid Ulster Council to meet with other key agencies and funders.

Proposed by Councillor Dillon
Seconded by Councillor Reid and

Resolved That it be recommended to the Council that approval for the nomination for Coalisland & Dungannon Neighbourhood Renewal Partnership Projects to the IPB Pride of Place awards 2015. Nominations to go forward under the Youth Engagement and Community Health be granted.

Declaration of Interest

Councillor Elattar declared an interest in the Charles Thomson Society.

D66/15 Strategic Tourism Opportunities for Mid Ulster

The Chair, Councillor Monteith drew attention to the report which outlined

- details of a visioning meeting held with Tourism Northern Ireland and Chief Executives of the 11 new Councils;
- details of a visioning meeting held with Tourism Northern Ireland and Council officers of Mid-Ulster District Council on 13th March 2015; and
- proposals for the development of tourism and core themes/opportunities for Mid-Ulster District Council.

The report advised that a workshop had been held on the morning of Friday 23 January 2015 in Lisburn and was attended by Chief Executives representing all councils. The purpose of the workshop was, “to involve the Chief Executives of the

new District Councils in establishing a vision for tourism in the context of Local Government Reform and Community Planning”.

The key challenges presented in the presentations were:

- Establishing a new vision and strategy in partnership with the new councils.
- Developing an agreed, strategic, central development framework that will inform and guide the development of local plans through Community Planning
- Redefining partnership working relationships

Further to this visioning workshop officers of Tourism NI had met with officers of Mid-Ulster District Council on Friday 13 March in Cookstown to discuss the key themes for the development of tourism in Mid-Ulster District Council.

At both meetings Tourism NI made a very clear case that Mid Ulster Council will have to have a unique marketable offering that needs to be packaged, promoted and sold to a much wider and deeper international market place and outlined the economic benefits that could be gained.

The case made to councils was to establish a central development framework including:

- A focus on four main themes
 - Living Legends
 - Unique Outdoors
 - Cultural & Creative Vibe
 - Coasts and Lakes
- Alignment with each theme based on competitive strengths/USPs
- Developing a critical mass of experiences under each theme
- Encouraging “Naturally NI” experiences developed in the areas of food & drink, people & stories and talents & crafts.

The core message being presented to all Councils were as follows:-

- Tourism NI & Mid-Ulster District Councils should share responsibility for and work in partnership to develop tourism at central and local levels.
- Each council should think about ‘best fit’ and ‘best opportunity’
- need to internationalise to attract growing visitor numbers.
- The best way to serve all councils is to maintain a strong central presence and establish a Memorandum of Understanding (MoU) with each Council that reflects local needs.
- One size does not fit all – the model of engagement/partnership depends on where each council and its tourism offering is in the development life cycle, i.e. how mature or developed is the product capability or critical mass of the industry.

Key issues highlighted in the report referred to the meeting on Friday 13th March aforementioned when Tourism NI suggested three core opportunities/themes that they felt would present Mid-Ulster District Council with a tourism offering that would

be suitable for the MUDC development life cycle. Along with the core themes TNI presented facts, figures and insights that would be a useful baseline for the development of MUDC Tourism Strategy.

Three core opportunities/ themes highlighted are as follows:-

1. Seamus Heaney Country
2. Outdoor Activities Hub
3. Linkages with Irish Heritage Experiences (O'Neills)

Other considerations noted in the report emphasised that in terms of the development of core opportunities and themes further consideration should also be given to other developments, such as Events, Dark Sky Project, Flavour of Tyrone, Outdoor Parks and Forest Recreation in all our Forests especially Davagh Forest Mountain bike trails and walking trails.

Head of Tourism stated, in progressing the opportunities Council would establish a working Memorandum of Understanding following which a working group would be established. In response to Councillor Clarke's comments regarding the archaeology/ heritage project the Head of Tourism advised it would be included in theme 3 - Linkages with Irish Heritage Experiences.

The Director of Business & Communities stated that the Memorandum of Understanding would permit Council to set a base identifying core opportunities/themes and provide an excellent starting point. Councillor Molloy stated that throughout the district there was a lack of places to stay especially in rural areas for example guest houses, cottages etc are needed as a priority.

Concurring, Councillor T Quinn stated that people staying in hotels, guest houses etc would be spending money and that Council needed to support people endeavouring to provide accommodation. Councillor T Quinn also made reference to tourism gems which should be developed such as Captain Felix Donnelly buried outside Moneymore who fought in the American Civil War and Dean Swift who wrote Gullivers Travels at Loughry. Councillor McNamee stated that there was also a need for more hostel style accommodation.

Councillor Reid concurring with previous comments stated that there was currently no hotel in Dungannon and often people had to be sent to other towns for hotel accommodation. Councillor Reid also stated that often tourists want bed and breakfast accommodation that legislation requirements prevented people becoming B&B providers and Council should try to soften the approach of Tourism NI regarding requirements. Making reference to the centenary of the First World War together with the proposed Heaney Centre, Councillor Reid emphasised that Council should go forward on the right foot and make tourism attractive to all of the community.

The Chair, Councillor Monteith agreed making reference to the centenary of the 1916 rising highlighting that the proclamation had been signed by a Dungannon man, Thomas Clarke. Commenting further the Chair stated that the Council should be ready to capitalise on this and that currently Dungannon, the largest town in Mid

Ulster had no hotel and that a workshop should be held in May or June to focus on strategic discussion.

Councillor Elattar stated that the Heaney Centre was promoting poetry which was for everyone and made reference to a delegation from America which visited Upperlands, Maghera last year as Charles Thomson Society had been one of the first signatories of American Independence and stated that one of the comments the American tourists had made was that they were visiting the area just for one day as they were based in Belfast.

Councillor Dillon concurring with previous comments stated that Council was aware of accommodation issues and suggested that Council should go out to areas asking what they have to offer tourism emphasising that tourists wouldn't come to the area to see one thing but that there was massive potential to promote a package of tourist attractions which would provide massive increase of visitors.

The Head of Tourism advised that he had spent a day visiting attractions companies had to offer and stated that he was 'blown away' with what the district had to offer but stated companies were waiting for Council to take the lead.

The Chief Executive stated that he welcomed the discussion and that it was recognised that there was potential for tourism growth endorsed by all parties. The Chief Executive stated that an all Member workshop should be organised to discuss issue and that Council should 'walk before it runs' as it was imperative to get the approach right and if so hotel provision could be attracted back to Dungannon. The Chief Executive further stated that Officers would take the matter forward and perhaps invite Tourism NI to Council to advise how to drive tourism forward. Councillor O'Neill concurred with the comments and Councillor Molloy stated that Council should also lobby relevant bodies, regarding the Lough Neagh being in private ownership.

Proposed by Councillor O'Neill
Seconded by Councillor Quinn and

Resolved That it be recommended to the Council

- (i) to establish a working Memorandum of Understanding (MoU) with Tourism Northern Ireland;
- (ii) that an all Member workshop to discuss tourism be held within the next eight weeks.

D67/15 Events April to June 1015

The Chair, Councillor Monteith drew attention to the events calendar for April to June 2015 details of which had been included with the report.

It was noted that Council organised Events and Festivals are a positive economic and social driver and they had been recognised within Northern Ireland's tourism strategies. Events and festivals generate an array of economic and social impacts and will play a key role in Mid-Ulster District Council. They provide an opportunity to

generate additional visitors and revenue and create and enhance a positive image and reputation and contribute to civic pride. All three Councils had delivered high quality events over the years and these events have been cited as a major contributor to enhancing districts. In the 2015/16 Mid-Ulster District Council would be responsible for directly organising and delivering 41 events and different departments within the Council had been involved in the planning and delivery of them.

In order to present a clear understanding to Council of the financial commitment, events planned and financial commitment the undernoted table of events was presented.

Name of Event	Location of Event	Date of Event	Department responsible	Budget for Event	Description
Never Felt Better Day	Magherafelt Town Centre	25th April	Economic Development	£1,000	A promotional day to drive more business in Magherafelt Town Centre. During the Never Felt Better day users of the town app can get bargains from local participating business. With fun and games in the Centre of the town.
Cookstown Continental Markets	Cookstown Town Centre	8th, 9th & 10th May	Economic Development	£25,000	Cookstown Town Centre This is a weekend like no other. With 40 international traders descending on Cookstown from 15 countries, they will bring with them a fresh and cosmopolitan charm to the town centre and create a tremendous buzz of activity and excitement. The event attracted more than 25,000 people to Cookstown over 3 days last year.
Felix Triathlon Super Sprint Series	Dungannon Leisure Centre	16th May, 20th June, 22nd August	Leisure Services	£1,000	A 3 day sprint triathlon series run over the summer.

World Culture	Burnavon	17th May	Arts and Culture	£5,000	World Culture Day – Burnavon, Cookstown A celebration of World Culture Day will bring Cookstown to life in an explosion of colour, music and rhythm for everyone to enjoy.
Maghera 10K	Maghera	19th May	Leisure Services	£1,200	Annual 10k race which attracts runners from all over Ireland. In the past this event has attracted up to 300 runners.
Teddy Bears Picnic	US Grant Ancestral Homestead	1st - 5th June	Tourism	£5,000	Bring along you Teddy bear and Picnic for an enjoyable day of fun and games.
Cookstown Comedy Festival	Burnavon	4th - 6th June	Tourism	£10,000	Cookstown Comedy Festival – Burnavon, Cookstown After the hugely successful 2013 & 2014 Cookstown Comedy Festival, the town prepares itself for the 2015 Cookstown Comedy Festival
Straw Festival	Meadowbank sports Arena	6th June	Tourism	£10,000	The annual free family fun day, with games, face painting, bouncy castles, art, crafts and much more.
Cookstown Retail Week	Cookstown Town Centre	20th - 27th June	Economic Development	£5,000	Cookstown Retail week – Cookstown Town Centre Many special offers will be available in participating stores throughout the week, so don't miss this opportunity to call in and pick up a bargain.
Free Family Fun Day	Mid Ulster Sports Arena	June	Leisure Services	£3,000	Free Family Fun Day – Mid Ulster Sports Arena, Cookstown A great day out with something for all the family from face painting, arts & Crafts, sporting activities, bouncy castles etc.

It was noted that as all budgets had been previously agreed as part of the budget transfer that for each event they were the same as the previous years.

Proposed by Councillor McNamee
Seconded by Councillor O'Neill and

Resolved That it be recommended to the Council that Members note the events.

Councillor J Shiels advised that the Cultural Events was the same weekend as the Northwest 200 and in response the Head of Arts and Culture stated that officers would establish if the event could be put back to the 23 May.

For Information

D68/15 Update on Progress of Irish Language Policy

The Chair, Councillor Monteith advised that the update on progress of Irish Language policy was to be considered by the Policy and Resources Committee and thus removed item from agenda.

CONFIDENTIAL BUSINESS

Proposed by Councillor McNamee
Seconded by Councillor Clarke

Resolved That items D 69/15 – D71/15 be taken as confidential business.

D72/15 Duration of Meeting

The meeting was called for 7pm and ended at 8.40 pm

CHAIR _____

DATE _____

F

Subject	Standing Orders for Regulation of Council Business
Reporting Officer	Chief Executive

1	Purpose of Report
1.1	To consider for adoption Standing Orders for the transaction of Mid Ulster District Council business.

2	Background
2.1	Council resolved to use the Model Standing Orders presented as part of the DoE Consultation on same at its first meeting on Thursday 5 June 2014, subject to the outcome of the consultation.
2.2.	Council has therefore been using the Model Standing Orders for the transaction of business at council and committee meetings throughout the transitional period awaiting the outcome of the consultation.

3	Key Issues
3.1	Council made a submission to the consultation in August 2014 with a view to commentary being reflected in the final Standing Orders to be laid before the NI Assembly for adoption and onward provision by DoE for use, taking effect from 1 April 2015.
3.2	The DoE laid the draft Local Government (Standing Orders) Regulations (Northern Ireland) 2015 before the NI Assembly on 24 February 2015 but were not passed.
3.3	<p>The purpose of the draft Regulations was to specify provisions in relation to the following matters that a council must incorporate in the standing orders for the regulation of its business:</p> <ul style="list-style-type: none"> • decisions that must be taken by a qualified majority, in addition to those decisions already specified in the Local Government Act (Northern Ireland) 2014 (the 2014 Act) • the administrative process for the reconsideration of a decision provided for in section 41 of the 2014 Act (Call-In); • the process for appointing councillors to a committee in the circumstances where a council appoints more than one committee; and • the time period for a political party's nominating officer to select a position of responsibility and nominate a member of his or her party to hold the position and for the member to accept the nomination.

3.4	A motion to approve the draft Regulations was debated by the Assembly this but was not approved as a Petition of Concern was tabled which meant it would have required cross-community support. The NI Assembly was only mandated to pass or reject them but it could not amend them.
3.5	In the absence of final Standing Orders from DoE, the Model Standing Orders followed by Mid Ulster District Council throughout the transitional period, have been amended to reflect the response made to the consultation with the addition of other procedural elements to enhance the transaction of business.
3.6	The Standing Orders have also been amended to include a specific section on Committee's and the Protocol on the Operation of Planning Committees.

4	Resources
4.1	<u>Financial</u> – N/A
4.2	<u>Human</u> – N/A
4.3	<u>Basis for Professional/ Consultancy Support</u> – N/A
4.4	<u>Other</u> – N/A

5	Other Considerations
5.1	In considering the Standing Orders, as presented, the Council can only propose and second their adoption. Discussion on their content must be adjourned until the next available meeting of the Council at which they will be placed on the agenda.

6	Recommendations
6.1	That Council resolves to use the Standing Orders as presented.

7	List of Documents Attached
7.1	Appendix A: Standing Orders



Standing Orders

March 2015

MODEL STANDING ORDERS FOR COUNCILS

Definitions

“2014 Act” means the Local Government Act (Northern Ireland) 2014

“2014 Executive Arrangements Regulations” means the Local Government (Executive Arrangements) Regulations (Northern Ireland) 2014

“2014 Standing Orders Regulations” means the Local Government (Standing Orders) Regulations (Northern Ireland) 2014

“call-in” means a requisition for the reconsideration of a decision as provided for in section 41(1) of the 2014 Act.

In Standing Order 21

“budget” means the expenditure authorised by a council under section 3 of the Local Government Finance Act (Northern Ireland) 2011;

“clerk” means the clerk to the council appointed under section 41 of the Local Government Act (Northern Ireland) 1972;

“committee” means a committee appointed under section 7 of the 2014 Act;

“delegated authority” means the discharge of a function under authority fixed by a council under section 7 of the 2014 Act;

“decision maker” means the body or person making an executive decision, a decision under delegated authority or a key decision;

“executive” means a cabinet-style executive or a streamlined committee executive as provided for in section 21(2) of the 2014 Act;

“executive decision” means a decision taken by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a council;

“key decision” means a decision under executive arrangements which is likely –

(a) to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council’s annual budget for the service or function to which the decision relates; or

(b) to be significant in terms of the effects on communities living or working in an area comprising two or more electoral areas in the local government district of the council;

“member” means a member of the council; and

“policy framework” means the policies and procedures agreed by the council in relation to the delivery of a function or functions of the council.

In Standing Order 23

“2000 Act” means the Political Parties, Elections and Referendums Act 2000;

“member” means councillor;

“nominating officer” in relation to a party, means

(a) the person registered under the 2000 Act as the party’s nominating officers; or

(b) a member of the council nominated under the 2000 Act for the purposes of
Schedule 1 to the 2014 Act; and

“party” means a party registered under the 2000 Act in the Northern Ireland register (within the meaning of that Act).

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1. Annual and Monthly Meetings

(1) In every year that is not a local election year the Council shall hold an Annual meeting in the month of June.

(2) In any year which is a local government election year, the Annual Meeting shall be held within twenty-one days immediately following the election, at such time as the Council may fix at the offices of the Council or at such other place as the Department may direct.

(3) A meeting of the Council for the transaction of general business of the Council shall, subject to any deviation which special circumstances may render desirable, be held on [to be determined by the Council] of every month, except [month to be determined by the Council]. Other meetings of the Council for the transaction of general business shall be held as the Council considers necessary.

(4) Meetings of the Council shall not take place on a Public or Bank Holiday, a Saturday or a Sunday. When the day of a meeting falls on one of these days, the meeting shall be held on the next following weekday instead.

2. Time and place of meetings

The Annual Meeting and other meetings of the Council shall be held at 7pm in the Council Chamber, except where otherwise fixed by statute or by special summons.

3. Convening Special Meetings

(1) The Chair of the Council may call a meeting of the Council at any time.

(2) The Chair of the Council may call a meeting of the Council if a requisition for such a meeting, signed by 8 members or one-fifth of the whole number of members, whichever is the greater, is presented to him/her; and, if he/she refuses to call a meeting on such a requisition or if, without so refusing, he/she does not call such a meeting within the period of seven days from the date of service of the requisition on him/her, any five members or one-fifth of the whole number of members, whichever is the greater, may on that refusal or on the expiration of that period forthwith call a meeting of the Council.

4. Notice and Summons of Meetings

Three days at least before a meeting or special meeting of the Council, a Committee or Sub-Committee:

(1) notice of the time and place of the intended Meeting shall be published at the offices of the Council. Where the Meeting is called by members, the notice shall be signed by them and shall specify the business proposed to be transacted thereat;

(2) a summons to attend the Meeting, specifying the business proposed to be transacted thereat and signed by the Clerk shall be served on every member at least three days before the meeting. Want of service of this summons shall not affect the validity of a Meeting;

(3) except in the case of business required by statute, or where in the opinion of the Chair of the Meeting the business should be considered by the Meeting as a matter of urgency, no business shall be transacted at a meeting of the Council, a Committee or Sub-Committee other than that specified in the summons relating thereto.

5. Chair to be taken

At each meeting of the Council, the Chair shall be taken at the time for which the meeting is convened, and business immediately proceeded with.

6. Chair of Meeting

(1) At a Meeting of the Council, the Chair of the Council, if present, shall preside.

(2) If the Chair of the Council is absent from a Meeting of the Council, the Deputy Chair of the Council, if present, shall preside.

(3) If both the Chair and Deputy Chair are absent from a Meeting of the Council, the nominating officer of the political party whose member is Chair of the Council shall nominate a member to preside in their absence.

(4) If discussion arises on the allocation of the position of Chair, the Clerk shall exercise the powers of the Chair to assist in the regulation of that discussion.

(5) Any power of the Chair of the Council in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

7. Quorum

(1) Subject to sub-paragraph 7.4, no business shall be transacted at a Meeting of the Council unless at least one-quarter of the whole number of members are present.

(2) If during a meeting, the person presiding, after the number of members present is counted, declares that a meeting is inquorate and it is unlikely that there will be a quorum present within a reasonable time, he shall declare the meeting adjourned.

(3) Any uncompleted business on the agenda of a meeting adjourned under Standing Order 7(2) above, shall be tabled for discussion at the reconvened meeting. No business, other than the uncompleted business on the agenda of the meeting adjourned, may be discussed at the reconvened meeting.

(4) Where more than one-quarter of the members become disqualified at the same time then, until the number of members in office is increased to not less than three-quarters of the whole

number of members, the quorum of the Council shall be determined by reference to the number of members remaining qualified instead of by reference to the whole number of members.

8. Admission to meetings

(1) Subject to the provisions of this Standing Order, every Meeting of the Council shall be open to the public.

(2) The public and press may attend only in those parts of the Council Chamber provided for their accommodation at meetings of the Council, unless specifically excluded in accordance with the provisions of Standing Order 10; or as required by the Council to comply with provisions in relation to Fire Safety and Health & Safety.

(3) The admission of the public is upon the understanding that they must continue at all times to be seated, and that no expression of opinion or noise of any kind be allowed from them.

(4) At all times during which a Meeting of the Council is open to the public, the Council shall, so far as is practicable, cause to be made available to duly accredited representatives of newspapers, attending for the purpose of reporting proceedings at the meeting, reasonable facilities for taking reports of these proceedings and, on payment by those representatives or their newspapers of any expenses which may be incurred, for transmitting such reports to their newspapers.

(5) Taking photographs of proceedings or the use of any other means by members of the public to enable persons not present to see or hear any proceedings (whether at that time or later) or making of any oral report of any proceedings as they take place shall be prohibited unless expressly permitted by the Council.

(6) The use of social media by member of the council, members of the public or journalists shall be permitted, during those proceedings that are open to the public, to the extent that its use does not disrupt proceedings.

9. Record of attendances at meetings

The names of the members present at a meeting of the Council shall be recorded by the clerk.

10. Exclusion of the public

(1) The public shall be excluded from a Meeting of the Council whenever it is likely that, during the transaction of an item of business, confidential information would be disclosed to them in breach of an obligation of confidence.

(2) The Council may by resolution exclude the public from a Meeting of the Council (whether during the whole or part of the proceedings at the meeting) for such special reasons as may be specified in the resolution being reasons arising from the nature of the business to be transacted or of the proceedings at the Meeting.

(3) The Presiding Chair may at any time during the proceedings, if he/she thinks it necessary to secure order, direct the removal of any individual or group of individuals from the Council Chamber, or order the Council Chamber to be wholly cleared of members of the public.

(4) The Council, having excluded the public, shall only consider the matter referred to it by the resolution. If it should be deemed necessary to consider any matter not included in the resolution, the public shall be re-admitted and the Chair may ask leave of the Council to take up the consideration of such additional matters as may be deemed desirable.

(5) The Council, having excluded the public, shall not have the power to adjourn its own sittings or to adjourn a debate to a future sitting. If the business referred to in the resolution is not transacted, the Council may be resumed and a member of the Council may move that the Council again exclude the public on a future day to deal with the business specified in the resolution which was not transacted.

(6) If the Council, with the public excluded, has transacted part of the business referred to it, without being able to reach a decision on all the business so referred, a member of the Council may, with leave of the Council, report on the progress to that point and ask the Council's permission to sit again.

(7) When the Council, having transacted business with the public excluded, submits its report to the Council, a motion for its adoption shall then be moved and put. No questions or discussion shall be permitted on the report or the motion for its adoption.

11. Deputations

(1) Deputations, from any source, shall only be admitted to address the Council provided the Clerk has received [period of notice to be determined by the Council] notice of the intended deputation and a statement of its objective.

(2) The deputation shall be confined to the presentation of a statement, or copy of resolutions, and shall not make more than two short addresses by any two members of the deputation. The totality of the address shall not exceed [duration to be determined by the Council].

(3) Deputations should not be repetitive and, where possible, issues of a similar or linked nature should be contained in one deputation. Where a deputation has made [number to be determined by the Council] presentations to the Council, the Council may decline to accept another deputation on the same issue from the same individual or group for a period of six months.

12. Order of Business

Subject to any statutory requirements to the contrary, the order of business at every meeting of the Council shall be as follows:

- a) confirmation of the Minutes of the last stated Meeting and of all adjourned meetings and special meetings held since the last stated Meeting;
- b) declaration of members interests;
- c) matters arising;
- d) deputations;

- e) business required by statute to be transacted at the Meeting;
- f) adoption of the minutes of the proceedings of any committees and consideration of reports, if any, from such committees;
- g) reports of officers, public bodies, agencies etc, if any, may be considered and such orders given thereon as may be deemed necessary;
- h) reports on decisions/recommendations subject to the reconsideration procedure;
- i) other Reports;
- j) correspondence and matters not already dealt with;
- k) sealing of documents; and
- l) consideration of motions of which due notice has been given, in the order in which they have been received.

13. Minutes of the Council

13.1 Keeping of; as evidence; etc

- (1) Minutes of the proceedings of a Meeting of the Council, or of a committee or sub-committee, shall be drawn up and entered in a bound book kept for that purpose.
- (2) No discussion shall take place upon the Minutes except upon their accuracy.
- (3) Any minute purporting to be signed as mentioned in sub-paragraph (1) shall be received in evidence without further proof.
- (4) Until the contrary is proved, a Meeting of the Council or of a committee or sub-committee thereof in respect of the proceedings of which a minute has been so made and signed shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee or sub-committee, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

13.2 Signing of

The Minutes of a Meeting of the Council shall be signed at the next ensuing Meeting of the Council by the Chair presiding, if approved by the meeting at which they fall to be signed.

14. Submission of Minutes

- (1) In order to give sufficient time for the printing of the minutes and for their perusal by the members of the Council, minutes of meetings of a committee held later than seven clear days before the meeting of the Council shall not be submitted to that meeting for approval. This may be dispensed where a committee considers the matter to be of extreme urgency and records such a decision in its minutes.
- (2) It shall be the duty of a committee, through the Chair or his/her representative, when its minutes are submitted for approval, to call the attention of the Council to any resolution or matter of an unusual or special character contained therein.

15. Minutes of Committees

(1) A motion or amendment shall not be made or proposed, or any discussion allowed on the proceedings of committees with reference to any matter within the remit of a committee which does not appear on the minutes submitted to the Meeting of the Council.

(2) Any member wishing to raise an issue regarding any matters appearing in the minutes submitted to the Council for approval and who states his/her request in writing to the Chair of the committee forty-eight hours before the commencement of the Meeting of the Council shall be entitled to a reply when the proceedings of the particular committee are submitted for approval.

(3) A reply to an issue raised at the meeting regarding any matter in the minutes, without written notice, shall be at the discretion of the Chair of the committee.

(4) Any matter in the minutes of a committee on which a request for reconsideration, under section 41 of the 2014 Act, has been lodged with the clerk of the Council shall be identified, and may not be the subject of discussion at that meeting.

16. Motions

(1) Every motion shall be relevant to some matter:

i) in relation to which the Council:

a) has power or duties;

b) is not prevented from taking action on by other legislation;

ii) which directly affects the local government district or its residents; and

iii) for which the Council is legally competent.

16.1 On notice

(1) Notice of every motion, other than a motion which under Standing Order 16.2 may be moved without notice, shall be given in writing, signed by the member or members of the Council giving the notice, to the Clerk not later than at least seven clear days before the next Meeting of the Council. The motion must be clear in meaning otherwise it shall be rejected until such time as it is resubmitted in clear language, and not later than seven clear days before the meeting.

(2) A motion shall be rejected if the wording or nature of the motion is considered unlawful or improper.

(3) All notices shall be dated and numbered as received, and entered in a register to be kept for that purpose. This register shall be open to inspection by every Member of the Council.

(4) Notices of motion shall be entered by the Clerk in their proper place upon the Summons Paper in the order in which they are received.

(5) If a motion set out in the Summons is not moved either by a member who gave notice, or by some other member on his behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

(6) If the subject matter of any motion of which notice has been properly given comes within the remit of any committee it shall, upon being moved and seconded, stand referred without discussion to that committee, or to such other committee as the Council may determine, for consideration and report. The Chair presiding may, if he/she considers it urgent and necessary to the dispatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

(7) If a notice of motion fails to be considered at a Meeting of the Council, such notice of motion will only be included on the Summons Paper for the following meeting if submitted in writing to the Clerk by the member concerned not later than seven clear days, at least, before the Council meeting.

(8) Any notice of motion which fails to be considered at two consecutive meetings will not be accepted for inclusion on the Summons Paper for a period of six months from the date of the second meeting at which the matter has failed to be considered.

16.2 Without notice

The following motions may be moved without notice:

- a) to appoint a Chair of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or members thereof arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions flowing from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) to suspend Standing Orders, in accordance with Standing Order 27.1;
- n) to exclude the public and press in accordance with section 42 of the 2014 Act;
- o) to not hear further a member named under Standing Order 23.3 or to exclude them from the meeting under Standing Order 23.4.

17. Amendments

(1) When a motion is under debate at any meeting of the Council, an amendment or further motion shall not be received, with the exception of the following:

- a) to amend the proposal; or
- b) that the Council do now adjourn; or
- c) that the debate be adjourned; or
- d) that the question be now put; or
- e) that the Council do proceed to the next business.

17.1 To amend the Proposal

(1) An amendment must be legitimate and within the scope of the notice convening the meeting. It must not be a direct negative; must be relevant to the proposal which it seeks to amend, and not inconsistent with anything already agreed upon at the same meeting. An amendment must relate solely to the proposal which it seeks to amend, and not be, in effect, a new proposition on a different matter, and must not place a greater responsibility on the meeting than the original proposal.

(2) An amendment to a motion shall be either:

a) to refer a subject of debate to a committee or to an officer for consideration or re-consideration;

b) to leave out words;

c) to leave out words and insert or add others; or

d) to insert or add words

but such omission, insertion or addition of words shall not have the effect of directly negating the Motion before the Council.

(3) When an amendment upon an original proposal has been moved, the question to be put shall be "That the amendment be made". Where any amendment is agreed, the question to be put shall be "That the proposal, as amended, be agreed". Where any amendment is rejected the question of the substantive proposal shall be put.

17.2 That the Council Do Now Adjourn

(1) Any member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the Council do now adjourn". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal, which shall be put to the vote without debate.

(2) In the event of the proposal for the adjournment being carried, the Chair shall (unless stated in the proposal) fix the date for the adjourned meeting for the continuation of the debate on the proposal or amendment under discussion at the time of the adjournment, and for the transaction of the remaining business (if any) on the Agenda for the meeting so adjourned.

(3) A second proposal "that the Council do now adjourn" shall not be made within half-an-hour unless, in the opinion of the Chair, the circumstances are materially altered.

17.3 That the Debate be Adjourned

(1) Any member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the debate be adjourned". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.

(2) Before putting to the meeting a proposal "that the debate be adjourned", the Chair presiding shall call on the mover of the proposal or amendment under discussion to reply on the question of adjournment and, after such reply, which will not prejudice the right of the mover of a proposal to reply on the original question, shall put the proposal for adjournment of the debate to the vote without further debate.

(3) If the proposal be carried, the Council shall proceed to the next business on the agenda, and the discussion of the adjourned debate shall be resumed at the next meeting of the Council unless a special meeting of the Council shall be called for the purpose.

(4) On resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first. A second proposal "that the debate be adjourned" shall not be made within half-an-hour. A member shall not move or second more than one proposal for the adjournment of the same debate.

17.4 That the Question Be Now Put

(1) Any member who has not already spoken to the proposal or amendment then under debate may move "that the question be now put". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.

(2) If the Chair is of the opinion that the subject before the Council has been sufficiently discussed, he shall put the proposal "that the question be now put" to the vote without debate and if same is carried, the proposal or amendment under discussion shall be put to the Council.

(3) A second proposal "that the question be now put" shall not be made on the discussion of the same question within half-an-hour.

(4) A member shall not move or second more than one proposal "that the question be now put" on the discussion of the same question.

17.5 That the Council Do Now Proceed to the Next Business

(1) Any member of the Council who has not already spoken to any proposal or amendment then under debate may move, "that the Council do proceed to the next business". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal which shall be put to the vote without debate.

(2) If the Chair is of the opinion that the subject before the Council has been sufficiently discussed, he shall put the proposal "that the Council do proceed to the next business" to the vote without debate and if same is carried the proposal or amendment under discussion shall be put to the Council.

(3) When a proposal is carried "that the Council do proceed to the next business", the question under discussion shall be considered as dropped.

(4) A second proposal "that the Council do proceed to the next business" shall not be made on the same question within half-an-hour.

(5) A member shall not move or second more than one proposal "that the Council do proceed to the next business" on the discussion of the same question.

18. Amendments to Regulatory Decisions

- (1) No amendment may be moved to a minute which is a Regulatory Decision.
- (2) For the purposes of these Standing Orders, a Regulatory Decision is a determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal, or enforcement action in exercise of powers of the Council as the local planning authority [or those powers specified in Executive Arrangements Regulations]; or any application for which the Council is the licensing authority.

19. Rules of Debate

19.1 Motions and amendments to be reduced to writing and seconded

- (1) A Motion or Amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order 16.1, it shall, if required by the Chair presiding, be put into writing and handed to the Chair presiding before it is further discussed or put to the meeting.
- (2) A Member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

19.2 Alteration of motion

- (1) A Member may alter a motion of which he/she has given notice as proposed with the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (3) Only alterations which could be made as an amendment may be made.

19.3 Withdrawal of motion

- (1) A Member may withdraw a motion of which he/she has given notice under Standing Order 16.1 at any time after the meeting has commenced provided that he/she has not moved the motion or spoken on it and has the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may withdraw any other motions which he/she has moved with the consent of both the meeting and seconder. The meeting's consent will be signified without discussion.
- (3) No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

19.4 Mode of address

Members may address the Council's Chair by standing or remaining seated. While a Member is speaking, the other members shall remain seated unless rising to a point of order or in personal explanation.

A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.

19.5 Precedence in speaking

Whenever two or more members rise together to speak, the Chair shall decide who has precedence.

19.6 Place of member speaking

A member when addressing the Chair shall stand in the place allocated to him/her in the Council Chamber.

19.7 Member called to order

If any member, while speaking, be called to order, he/she shall resume his/her seat and shall not again address the Council until the Chair has disposed of the question of order.

19.8 Definition of point of order

A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the member shall specify the Standing Order or provision and the way in which he/she considers it has been broken.

19.9 Member may raise a point of order

A member may raise a point of order and shall be entitled to be heard immediately.

19.10 Ruling of Chair on point of order

The ruling of the Chair on a point of order shall not be open to discussion.

19.11 Member to speak to motion

A member who speaks shall direct his/her speech strictly to the Motion under discussion, or an amendment thereof.

19.12 Member shall not speak more than once

A member who has spoken on any Motion shall not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another member;
- b) if the Motion has been amended since he/she last spoke, to move a further amendment;
- c) if his/her first speech was on an amendment moved by another Member to speak on the main issue whether or not the amendment on which he/she spoke was carried;
- d) in the exercise of a right to reply given by Standing Order 25.4;
- e) on a point of order.

19.13 Duration of speeches

Except with the permission of the Council, a member, in introducing a Motion, shall not speak for more than ten minutes and in replying, for more than five minutes.

19.14 Addressing the Council

The Council during its sitting, shall not, unless with the consent of the Council, be addressed by any person who is not a member of the Council.

19.15 Only one motion / amendment may be moved and discussed at a time

(1) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(2) If an amendment is not carried, other amendments to the original motion may be moved.

(3) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

19.16 When a motion is under debate no other motion shall be moved

When a Motion is under debate no other Motion shall be moved except the following:

- a) to amend the motion;
- b) to adjourn the meeting;
- c) to adjourn the debate;
- d) to proceed to the next business;
- e) that the question be now put;
- f) that a Member be not further heard;
- g) by the Chair under Standing Order 25.4, that a Member do leave the meeting.

19.17 Chair rising during debate

Whenever the Chair rises or otherwise calls the meeting to order during a debate, a Member then speaking shall cease and the Council shall be silent.

19.18 Chair not to receive motion for direct negative

The Chair shall not receive a Motion for a direct negative to a question but, on the conclusion of the debate, the question shall be put and resolved in the affirmative or negative.

19.19 Mover's right of reply

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

20. Voting

20.1 Majority

Subject to any statutory provisions to the contrary, any matter will be decided by a simple majority of those members present and voting.

20.2 Chair's casting vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

20.3 Qualified majority [MANDATORY]

A qualified majority shall be required in relation to a council's decision on:

- (a) the adoption of executive arrangements or prescribed arrangements as the council's form of governance (section 19 of the 2014 Act);
- (b) the method to be adopted for filling positions of responsibility (Schedule 1 of the 2014 Act);
- (c) the method to be adopted for appointing councillors to committees (Schedule 2 of the 2014 Act);
- (d) the exercise of the general power of competence in accordance with section 79 of the 2014 Act;
- (e) a call-in made in accordance with section 41(1)(b) of the 2014 Act; and
- (f) the suspension of standing orders.

20.4 Show of hands

Unless a ballot or recorded vote is demanded under Standing Order 20.5, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

20.5 Recorded vote

If, before a vote is called, any member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

21 'Call-in' Process [MANDATORY]

21.1 Decisions subject to call-in

(1) The following decisions may be subject to call-in in such manner as is specified in these standing orders:

- (a) a decision of the Council
- (b) a decision of the executive;
- (c) an executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
- (d) a key decision taken by an officer or officers of the council;
- (e) a decision taken by a committee under delegated authority in accordance with section 7 of the 2014 Act; and

(f) a decision taken by a committee to make a recommendation for ratification by the council.

(2) The following decisions shall not be subject to call-in:

(a) a decision on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism;

(b) a decision which is deemed to be a case of special urgency in accordance with regulation 26 of the 2014 Executive Arrangements Regulations;

(c) a decision where an unreasonable delay could be prejudicial to the council's or the public's interests;

(d) a decision taken by an officer or officers which is not a key decision;

(e) a decision by the executive which serves only to note a report from or the actions of an officer or officers.

(3) No decision shall be subject to call-in more than once for each of the reasons specified in section 41(1) of the 2014 Act.

21.2 Call-in procedure

(1) A call-in must be submitted in writing to the clerk by 10am on the fifth working day following:

(a) in the case of a decision of the council, the date of the Council meeting at which the decision was taken; and

(b) in the case of a decision of a committee, the date on which the decision to which the call-in relates was published

(2) If a call-in received after the relevant period specified in paragraph (1), it must be deemed inadmissible.

(3) A call-in shall:

(a) specify the reasons why a decision should be reconsidered; and

(b) subject to sub-paragraph (5) of this standing order, be deemed to be inadmissible if the reasons are not specified.

(4) In the case of a call-in submitted under section 41(1)(b) of the 2014 Act, members must state in the reasons specified under sub-paragraph (2) of this standing order:

(a) the community that would be affected by the decision; and

(b) the nature and extent of the disproportionate adverse impact.

(5) Within one working day of receipt of a call-in, the clerk must confirm that:

(a) it has the support of 15 per cent of the members of the council; and

(b) the reasons for the call-in have been specified.

(6) Where the reasons have not been specified on the requisition the clerk must notify the members making the requisition that it must be considered inadmissible if reasons are not specified in writing within the specified deadline.

(7) Where an admissible call in of a council decision has been received under section 41(1)(a) of the 2014 Act, the clerk must include the decision on the agenda for reconsideration at the next available meeting of the council, at which it will be taken by a simple majority.

(8) Within two working day of receipt of an admissible call-in submitted under section 41(1)(b) of the 2014 Act, the clerk must seek the opinion of a practicing solicitor or barrister in accordance with section 41(2) of the 2014 Act.

(9) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act confirms that the call-in has merit, the clerk must:

- (a) furnish the opinion to members; and
- (b) include the decision on the agenda for the next available meeting of the council, at which it will be taken by a qualified majority.

(10) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act indicates that the call-in does not have merit, the clerk must:

- (a) furnish the opinion to members; and
- (b) include the decision on the agenda for the next available meeting of the council, at which it will be taken by a simple majority.

21.3 The call-in process: committee arrangements

(1) For the purposes of reconsideration of a decision pursuant to a call-in the minutes of a committee which record a decision:

- (a) taken under delegated authority; or
- (b) for ratification by the council

must be published within five working days of the conclusion of the meetings. That date of publication must be regarded as the date of publication for the purposes of a call-in.

(2) If a call-in is not received by the deadline specified in paragraph 4(1) of this standing order, the decision specified in:

- (a) paragraph 5(1)(a) of this standing order must be implemented; or
- (b) paragraph 5(1)(b) of this standing order must be tabled for ratification by the council.

(3) The tabling for ratification of a decision specified in paragraph 5(1)(b) of this standing order, or the implementation of a decision specified in paragraph 5(1)(a) of this standing order, must be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision maker may rescind the decision at any time prior to the call-in being resolved.

(4) If an admissible call-in is made in accordance with paragraph 4(2) of this standing order and section 41(1)(a) of the 2014 Act, the council must appoint an ad hoc committee of the council, the membership of which will be:

- (a) the Chairs of all committees of the council; and
- (b) the deputy Chairs of all committees of the council to consider the process adopted by the decision-making committee.

(5) The Chair and deputy Chair of the committee which was responsible for the decision which is the subject of the call-in must not have voting rights at a meeting of the committee appointed in accordance with sub-paragraph (4) of this standing order.

(6) The members who submitted the call-in, or a member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Chair, address the meeting, but must not have voting rights.

(7) A committee appointed in accordance with sub-paragraph (4) of this standing order may:

- (a) refer the decision back to the decision maker;
- (b) in the case of a decision taken under delegated authority, support the decision; or
- (c) in the case of a decision for ratification by the council, refer the decision to the council.

(8) Where a decision has been supported in accordance with sub-paragraph (7) of this standing order, that decision must:

- (a) be approved;
- (b) be inserted in the Register of Decisions; and
- (c) become operative from the date of the meeting at which the committee appointed in accordance with sub-paragraph (4) of this standing order confirmed support for the decision.

21.4 The call-in process: executive arrangements

(1) The proper officer must, within two working days of the production of a statement in accordance with regulations 28 and 29 of the 2014 Regulations, submit to the council a notice detailing the decision(s) recorded in the statement.

(2) The notice prepared in accordance with sub-paragraph (1) of this standing order must specify:

- (a) those decisions that are not subject to call-in;
- (b) the deadline for receipt of a call-in; and
- (c) the overview and scrutiny committee, as determined by the proper officer, that will consider a call-in in accordance with section 41(1)(a) of the 2014 Act.

(3) If a call-in is not received in respect of a decision, that decision may be implemented after the deadline expires.

(4) If a call-in is received which specifies that the decision was not taken in accordance with the budget or policy framework agreed by the council the call-in must be referred to the council for decision.

(5) The implementation of a decision must be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision-maker may rescind the decision at any time prior to the call-in being resolved.

(6) The clerk must place a call-in on the agenda of the overview and scrutiny committee specified in the notice prepared in accordance with subparagraph (2) of this standing order. The overview and scrutiny committee must meet within 5 working days of receipt of the call-in. More than one call-in may be considered at a meeting of an overview and scrutiny committee.

(7) Subject to sub-paragraph (7) of this standing order, the consideration of a matter under subparagraph (5) of this standing order by an overview and scrutiny committee may be adjourned, provided that:

- (a) the Chair presiding at the meeting; and
- (b) the Chair of the executive agree a date for the continuation of the meeting.

(8) A meeting convened in accordance with sub-paragraph (5) of this standing order may only be adjourned under sub-paragraph (6) in order to:

- (a) allow for additional information to be obtained; or
- (b) permit additional witnesses to attend.

(9) The members who submitted the call-in, or a member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Chair, address the meeting, but must not have voting rights.

(10) In response to a call-in made in accordance with section 41(1)(a) of the 2014 Act, an overview and scrutiny committee may:

- (a) support the decision; or
- (b) refer the decision, along with the recommendation of the overview and scrutiny committee, back to the decision maker.

(11) Where a decision has been supported in accordance with sub-paragraph (9) of this standing order, that decision must:

- (a) be approved;
- (b) be inserted in the Register of Decisions; and
- (c) become operative from the date of the meeting at which the overview and scrutiny committee confirmed support for the decision.

(12) Where a decision has been referred back to a decision maker in accordance with sub-paragraph (9)(b) of this standing order, the decision maker must:

- (a) consider the recommendation of the overview and scrutiny committee; and
- (b) reconsider the original decision.

22 Positions of responsibility, etc. – Time Limits [mandatory]

(1) Subject to sub-paragraph (2) of this standing order, in relation to positions of responsibility selected in accordance with paragraphs 2(1) and 2(2) of Schedule 1 to the 2014 Act, the period specified for:

- (a) the nominating officer to select a position of responsibility and the term for which it must be held; and
- (b) the person nominated to accept the selected position is 15 minutes.

(2) An extension to the period specified in sub-paragraph (1) of this standing order may be granted subject to the approval of the council. Such an extension may be requested by:

- (a) the nominating officer;
- (b) the person nominated to hold the selected position; or
- (c) another member.

23 Appointment of more than one committee [MANDATORY]

(1) Where the Council appoints more than one committee at the same meeting in accordance with paragraph 5 of Schedule 2 to the 2014 Act, for the purposes of determining the number of

places that must be allocated across the parties and independent members of the Council, it must agree:

- (a) the number of committees to be appointed; and
- (b) the number of councillors that shall constitute the membership of each committee.

(2) The total number of places to which a nominating officer of a party may nominate members who stood in the name of that party when elected must be calculated in accordance with paragraphs 2 to 4 of Schedule 2 to the 2014 Act and any resolution of the Council made thereunder.

(3) A nominating officer's function under paragraph 2(1)(b) of Schedule 2 to the 2014 Act shall be exercised in such manner as to ensure that:

- (a) all members of a committee are not nominated by the same nominating officer;
- (b) a nominating officer of a party may nominate members who stood in the name of that party to fill the majority of places on a committee, if the majority of members stood in the name of that party; and
- (c) subject to (a) and (b), the number of members nominated by each nominating officer of a party, in so far as is reasonably practicable, bear the same proportion to the number of places on that committee as is borne by the number of members who stood in the name of that party.

(4) Nominations made in accordance with sub-paragraph (3) of this standing order shall take into account any positions of responsibility on a committee held by a member who stood in the name of a party.

24 Rescission of a preceding resolution

(1) No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed by a member unless the notice thereof given in pursuance of Standing Order 17.1 bears the names of at least 15% of the members of the Council.

(2) When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months.

(3) This Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee [or a Call-in]

25 Members conduct

25.1 Addressing the Meeting

When a member speaks at the Council they may remain seated or stand to address the meeting through the Chair. If more than one member stands, the Chair will ask one to speak and the others must sit, should they be standing when addressing the meeting.

25.2 Chair standing

When the Chair stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

25.3 Member not to be heard further

If at a meeting any Member of the Council, misconducts himself/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively or by willfully obstructing the business of the Council, the Chair or any other Member may move "that the Member named be not further heard". The Motion, if seconded, shall be put and determined without discussion.

25.4 Member to leave the meeting

If the Member named continues to behave improperly after such a motion is carried, the Chair or any other Member may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

25.5 General disturbance

When the Chair is of the opinion that the due and orderly dispatch of business is impossible, he/she in addition to any other powers vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

26 Disturbance by public

26.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

26.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

27 Committees

27.1 Appointment of Committees

The Council shall at the annual meeting appoint such Committees as it is required to appoint under any statute or any Standing Order and may appoint at any time such other Committees as are necessary to carry out the work of the Council.

Subject to any statutory provision in that behalf the Council shall not appoint any member to a Committee so as to hold office later than the next annual meeting of the Council.

27.2 Committees

The following Committees shall be appointed:

- (a) Audit Committee - up to eight elected members
- (b) Policy and Resource Committee – up to 16 elected members
- (c) Environment Committee – up to 16 elected members
- (d) Development Committee – up to 16 elected members
- (e) Planning Committee – up to 16 elected members.

27.3 Duties of Committees

The Committees shall have charge of and be responsible to the Council for the undertakings and matters outlined within the constitution.

27.4 Standing Orders of Committees

All Standing Orders of the Council shall, where appropriate and with necessary modification, apply to Committee and Sub-Committee meetings.

27.5 Quorum at Committees and Sub Committees

Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee or Sub Committee unless at least one third of the whole number of the Committee is present.

27.6 Day and Hour of Committee Meetings

Each Committee may from time to time fix its own day and hour of meeting and shall notify the Council accordingly.

27.7 Special Meetings of Committees

The Chair of the Council or of a Committee may call a special meeting of a Committee at any time. Subject to any statutory provision in that behalf a special meeting shall also be called on the requisition of not less than three members of the Committee, delivered in writing to the Clerk, provided always that no two Committees shall sit at the same time.

27.8 Sub-Committees

Each Committee may appoint Sub-Committees for specific purposes. A Sub-Committee shall meet as often as necessary for the transaction of the business for which it was appointed. The minute of the Sub-Committee shall, whether appointed under this Standing Order or otherwise, be submitted to the parent Committee for confirmation previous to being brought before the Council.

27.9 Attendance at Committees and Sub-Committees

Every member of the Council may attend meetings of any Committee or Sub-Committee and shall be heard on any matter but shall not, unless they are a member of the Committee or Sub-Committee vote on any matter or propose any resolution or amendment.

27.10 Inspection of Documents

A member of the Council may, for purposes of their duty but not otherwise, on application to the Clerk, inspect any document which has been submitted to a Committee or to the Council and shall, on request, be supplied for the like purposes with a copy of such a document. Provided that a member shall not knowingly inspect and shall not call for a copy of any such document which relates to a matter in which they are professionally interested or in which they have directly or indirectly any pecuniary interest as defined in the Councillors Code of Conduct and that this Standing Order shall not preclude the Clerk from declining to allow inspection of any document which is, or in the event of legal proceedings, would be protected by privilege.

Subject to any statutory provision in that behalf, no member of the Council shall, without the consent of the Council, be entitled to inspect any document in the custody of any officer of the Council if, in the opinion of that officer and of the Clerk, the document is of a confidential nature.

28 Planning Committee Protocol

Members shall make reference to and observe the protocol resolved by Council for the regulation and transaction of Planning Committee business. The protocol is detailed in Annex A.

29 Council Seal

29.1 Sealing of Documents

The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of a Committee having lawful powers or to which the Council have delegated their powers in this behalf.

29.2 Record of Documents Sealed to be Kept

Where the Common Seal shall have been affixed at any meeting of the Council and entry of the sealing of every deed and other document shall be made in the minutes of the Meeting of the Council at which the affixing of the Seal took place.

A record of all documents sealed shall be kept in a book containing particulars of such documents and signed by the Chair and Clerk who attested the sealing.

30 Suspension and amendment of Standing Orders

30.1 Suspension

A member may move a motion for the suspension of one or more of these Council Standing Orders. A motion under this Standing Order shall require the support of a qualified majority vote within the meaning of section 40 of the 2014 Act. Suspension can only be for the duration of the meeting. The Minutes of the meeting must record the reason for the suspension. Mandatory standing orders may not be suspended by a council.

30.2 Amendment

Any motion to, add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

31 Interpretation of Standing Orders

The ruling of the Chair as to the interpretation, construction or application of any of these Standing Orders or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

Planning Committee Protocol

Annex A



PROTOCOL FOR THE OPERATION OF PLANNING COMMITTEES

January 2015

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PURPOSE OF THE PROTOCOL

1. This protocol has been drafted by the Department of the Environment to assist the 11 new councils in setting up and running planning committees. This advice and guidance is not mandatory (although it does refer to a number of statutory requirements); rather it highlights what is considered to be best practice with regards to the operation of planning committees (following research in other jurisdictions). While councils have a degree of latitude in relation to how they will run their planning committees, it is important to ensure that planning decisions are taken, and are seen to be taken, in a fair and equitable manner, and that there is a degree of consistency across the 11 councils so that applicants are not faced with a variety of processes. Councils can decide to incorporate any or all of these recommendations into their standing orders / constitutions.
2. Councils should consider drawing up their own procedures to supplement this document; for example, expanding on public speaking rights, format of committee meetings, how to conduct site visits etc. Further advice and guidance may be requested from the Department, if considered necessary.
3. Councillors should refer, as necessary, to the mandatory Councillors' Code of Conduct, guidance issued on the Code by the Commissioner for Complaints, and to any relevant advice and guidance issued by the Department in relation to planning.

REMIT OF THE PLANNING COMMITTEE

Development management

4. The main role of the planning committee is to consider applications made to the council as the local planning authority and decide whether or not they should be approved. In order to ensure that decisions are taken at the appropriate level, and in accordance with agreed timescales, it is strongly recommended that the decisions of the planning committee in determining applications made to the council should be taken under full delegated

authority, meaning that the decisions of the committee will not go to the full council for ratification. However, if councils decide to retain the option of referring certain major applications to the full council for determination, it is recommended that these should be restricted to applications which are significantly contrary to the local development plan or contentious cross-boundary applications.

Development Plan

5. Each council is required by section 8 of the Planning Act (NI) 2011 to prepare a plan for its district to be known as a plan strategy. The strategy must set out the council objectives in relation to the development land in its district, and its strategic policies for the implementation of those objectives. After the plan strategy has been adopted the council must then prepare a local policies plan. This will set out the council policy in relation to what type and scale of development is appropriate and where it should be located.
6. Both these documents comprise the local development plan. This plan forms 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. This means that where land is zoned for a particular use, the 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.
7. The planning committee's role in relation to the local development plan is to approve the local development plan before it is passed by resolution of the council. The planning committee should 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.

Development Plan Transition Arrangements

8. Until such time as the council has adopted its plan strategy the council's local development plan will be taken to be the extant Departmental development plan for that part of the council district.
9. When the council has adopted its plan strategy, the local development plan will be the council's adopted plan strategy and the extant Departmental development plan read together. If there is a conflict between the council's plan strategy and the extant Departmental development plan the conflict shall be settled in favour of the council's adopted plan strategy.
10. When the council has adopted its local policies plan, the local development plan will be the council's adopted plan strategy and local policy plan as defined in Section 6 of the 2011 Act.

SIZE OF COMMITTEE

11. A recent study¹ carried out for the Welsh Government into the operation of planning committees in Wales found that there was no simple link between the size of a committee and its efficiency and effectiveness and that, in fact, the bigger committees often had lower attendance levels, greater inconsistency and cost more to operate. In addition, if all members of the council are on the planning committee there is less room for members to act as advocates for their constituents. It is strongly recommended, therefore, that a planning committee should consist of between 20% and 50% of council members (depending on the size of the council) and that there should be a quorum (e.g. 50% of committee members). Councils can decide whether substitute members are permitted. The Head of Planning would be expected to attend all planning committee meetings, in addition to the planning officers presenting their reports.

¹ 'Study into the Operation of Planning Committees in Wales' by Fortismere Associates with Arup (July 2013)

FREQUENCY OF MEETINGS

12. Councils are free to determine the frequency of their planning committee meetings, depending on their governance models and schemes of delegation. .

ENFORCEMENT

13. It is strongly recommended that all enforcement activities are delegated to planning officers, who can use their professional judgement on what enforcement action to take, if any, to address alleged breaches of planning control as established by the council's policies. Planning committees can be informed of progress on cases and can request a report from officers to the committee on any enforcement matter (but the committee should not take any decisions on enforcement action). In addition, planning officers should prepare a quarterly report on the progress of formal enforcement cases which should be circulated to all councillors, not just planning committee members (this could be in relation to the number of notices issued, convictions obtained etc. as opposed to individual cases).
14. Each council should prepare an enforcement strategy detailing how enforcement action will be dealt with, which should be agreed by the planning committee.

SCHEMES OF DELEGATION

15. Section 31 of the Planning Act (NI) 2011 requires each district council to introduce schemes of delegation. Schemes of delegation allow decision-making for local, generally non-contentious, applications to be delegated to a council's planning officers to act on the council's behalf in implementing its planning policies. The details of each delegation scheme, which will only relate to applications within the category of local developments, will be for individual district councils to determine (a scheme of delegation cannot include major or regionally significant applications). The Department will be issuing a separate Guidance Note on Schemes of Delegation.
16. This means that the majority of planning applications (and other consents such as listed buildings, advertisements etc.) should be determined by planning officers rather than by the direct consideration and vote of the planning committee; however, such decisions are

still, legally, decisions by the council. The overall objective is to ensure that district council arrangements for decision-making on applications for local developments are efficient whilst ensuring that proposals that raise strong local views or sensitive issues for the local environment can still be dealt with directly by elected members.

17. There are certain statutory restrictions on which applications can be delegated to officers – the Planning (Development Management) Regulations (NI) 2015 state that an appointed officer cannot determine an application for planning permission where the application is made by the council or an elected member of the council, or the application relates to land in which the council has an interest. Instead, these applications must be determined by the planning committee. Apart from these restrictions it will be up to an individual council to decide if it wishes to place any further restrictions on which applications can be delegated to planning officers - for example:
- applications made by a planning officer, senior officer of the council or a close relative or partner;
 - applications which have an objection (or a number of objections); and / or
 - an associated application is being determined by the planning committee.

REFERRAL OF DELEGATED APPLICATIONS TO THE PLANNING COMMITTEE

18. Delegation of planning applications to officers is seen as a critical factor affecting the overall performance of the development management process as it helps to ensure that decisions are taken at the most appropriate level, procedures are clear and transparent, costs are minimised and members have more time to concentrate on the more complex or more controversial cases. (It is recommended that, over time, councils should aim to have 90 – 95% of applications dealt with under delegated arrangements.) It is essential, however, that members have the opportunity to request, where they consider it appropriate, that an application, which would normally fall within the scheme of delegation, be referred to the planning committee for determination.
19. However, a balanced approach is necessary and councils should ensure that applications are not unnecessarily referred to the planning committee as this may result in delay to the

processing of applications. The scheme of delegation should include a procedure, to be determined locally, whereby councillors are able to request that the planning committee consider a proposal. In addition, the Head of Planning can refer any matter which they consider suitable for determination by the planning committee. Members of the public should not be able directly to request that an application be referred to the planning committee. Any referral request must clearly specify the planning grounds on which the request is being made to ensure that applications are not unduly delayed.

20. It is recommended that councils monitor the number of applications referred to the planning committee to ensure that only those that are significant or controversial are considered by the planning committee.

FORMAT OF PLANNING COMMITTEE MEETINGS

21. Councils are free to operate their planning committees in accordance with their own standing orders. The following recommendations and paragraphs are made to provide some advice and guidance to councils following research into best practice. It is recommended that:
 - the planning officer should prepare a weekly list that will indicate which applications are to be considered by the planning committee and which are to be determined by officers under delegated powers;
 - all planning committee members should be sent the agenda in advance of the meeting with a report on each application not delegated to officers;
 - officers should prepare an addendum on the day of the meeting to report any updates since the agenda was issued; and
 - the Chair should hold a briefing session with planning officers on each application to be considered in advance of the planning committee meeting.
22. The meeting is presided over by the Chair of the planning committee. Following the approval of the minutes of the previous meeting and apologies, councillors should declare any interests they have on the agenda items, which should be recorded in the minutes of the meeting. The councillor must leave the meeting for that item.

23. The report prepared and presented by the case officer makes a recommendation on whether the application should be approved, approved with conditions or refused. Plans and photographs may be shown. After the planning officer presents the report members have an opportunity to listen to speakers, ask questions of the officer and debate the case. The planning committee then discusses the application before taking a vote (proposed and seconded followed by a show of hands) on whether or not to agree with the officer's recommendation. The Chair has a casting vote. 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. Members should be aware that conditions can be tested at appeal and they should, therefore, be necessary, enforceable, reasonable and relevant to planning and the development under consideration.
24. Members must be present for the entire item, including the officer's introduction and update; otherwise they cannot take part in the debate or vote on that item. However, the chair of the planning committee can use their discretion in exceptional circumstances.

PRE-DETERMINATION HEARINGS

25. In order to enhance scrutiny for applications for major development which may raise issues with particular sensitivity for a local area, 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 for call-in consideration, but that have been returned to a council for determination). A council's planning committee will therefore have to hold a hearing prior to the application being determined. In addition, councils may also hold pre-determination hearings, at their own discretion, where they consider it necessary, to take on board local community views, as well as those in support of the development. The intention is to give applicants and those who have submitted relevant representations the opportunity to be heard by the council before it takes a decision. This will make the application process for major development more inclusive and transparent.

26. The scope to hold these hearings is likely to apply only to those applications for major developments which have attracted a significant body of relevant planning-based objections. It would be for an individual council to judge when a significant body of relevant planning objections was a sufficient material consideration to warrant a pre-determination hearing, taking account of:
- 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 numbers of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.
27. Any hearing should take place after the expiry of the period for making representations on the application but before the council decides the application. It will be for the planning committee to decide whether it wishes 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. The scale and complexity of the planning issues will have to be considered. In holding a hearing the planning committee procedures can 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 planning committee decides to hold the hearing on the same day as it wishes to determine the application the report to councillors should also contain a recommendation.

PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS

28. Good practice, following research in other jurisdictions, suggests the following procedures should be followed when conducting planning committee meetings:
- planning committee meetings should be open to the public;
 - requests to speak should be received by the council (in writing or by email) no later than 12.00pm two working days prior to the meeting setting out the planning reasons the speaker wishes to raise; however, at the meeting the Chair can decide

whether to allow any relevant information to be tabled which was not made available to members in advance of the meeting;

- the planning committee should be provided with copies of these statements;
- other councillors may attend and speak about an application but only planning committee members can vote;
- local councillors may speak for 5 minutes, members of the public (including agents / representatives etc.) for 3 minutes;
- in addition to councillors addressing the planning committee, one person from those objecting to the proposal and one person in support of the proposal should be allowed to speak. Where there is more than one request to speak, the 3 minutes should be shared between them or they can appoint one representative;
- if an objector speaks the applicant should be allowed to respond if they wish even if they have not registered to speak in advance;
- the planning committee may seek clarification of those who have spoken on any issues raised by them but not enter into a debate with them;
- no documentation should be circulated at the meeting to members by speakers;
- applications where there will be speakers from the public should be taken first;
- Planning officers can address any issues raised and the planning committee can question officers; and
- the Chair may agree to accept representations outside these procedures under exceptional circumstances.

DECISIONS CONTRARY TO OFFICER RECOMMENDATION

29. The planning committee has to reach its own decision. 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. A 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

30. Any member who does not agree with the officer recommendation to approve an application can propose reasons for refusal, which need to be seconded by another member and then voted on. Any decision by the planning committee must be based on proper planning reasons. The planning officer should always 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 must be formally recorded in the minutes and a copy placed on the planning application file / electronic record.
31. Councillors who reject a planning application that officers have advised them to accept risk being overturned on appeal (to the Planning Appeals Commission), with the potential for costs awarded against the council if no sound reasons for the decision have been given. The Chair should 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 should endeavour to summarise what are considered to be the main reasons for refusal referred to by members during the debate and include advice on what would be reasonable and what would not be reasonable reasons for refusal.
32. If officers consider that the suggested planning refusal reasons are reasonable and capable of being defended on appeal members should vote on the reasons for refusal. If the view of officers is that the reasons for refusal are either in whole or in part not capable of being defended then members should give consideration to deferring determination of the planning application until the next planning committee and ask for a further report (and / or site visit) to ensure it has all the relevant information it considers necessary to inform its decision. Advice and assistance should be sought from council solicitors, as necessary.
33. In the event of an appeal against a refusal of planning permission contrary to officer recommendation, it is a matter for each council to decide who should attend the appeal to defend the decision. However, the following options are available:

- councils could require planning officials to prepare the case for written submissions and / or attend the appeal even if it is against their recommendation;
- some may require the members who proposed and seconded a motion to refuse consent contrary to officer recommendation to be called as council's witnesses;
- some may use planning consultants or different planners from those who made the original recommendation.

Overturning recommendation to refuse

34. If the planning committee decides to approve an application against the officer's recommendation to refuse, the planning committee should be aware that, while there is no right of third party appeal, there is the possibility that the decision could be subject to judicial review. Again, councils will have to decide who should defend the council's decision in court.
35. It is critical that the minutes accurately reflect the discussions and decisions taken during the meetings as these could be used as evidence should any complaints be made about how decisions are taken. Members may wish to consider taking their own notes on controversial applications.

DECISIONS CONTRARY TO LOCAL DEVELOPMENT PLAN

36. In general, planning decisions should 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 need to clearly identify and understand the planning reasons for doing so, and clearly demonstrate how these reasons justify overruling the development plan. The reasons for any decisions which are made contrary to the development plan must be formally recorded in the minutes and a copy placed on the planning application file / electronic record.

DEFERRALS

37. 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. Members should be aware, however, that deferrals will inevitably have an adverse effect on processing times and should restrict themselves, where possible, to one deferral only. In addition, there should be clear reasons why a deferral is necessary.

SITE VISITS

38. It is recognised that, 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). However, these visits should be undertaken on an exceptional basis as they are time-consuming and expensive. Where required, they may be identified by officers in consultation with the Chair or they may be asked for by planning committee members, but these should only be permitted where the benefit is expected to be of considerable value.
39. The planning committee clerk should contact the applicant / agent to arrange access to the site. Invitations should then be sent to members of the planning committee. Site visits are not an opportunity to lobby councillors or to be used to seek to influence the outcome of a proposal prior to the planning committee meeting. Councillors should not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land, they will 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. It is recommended that 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 should record the date of the visit, attendees and any other relevant information.

40. Planning officers should prepare a written report on the site visit which should then be presented to the next planning committee meeting at which the application is to be determined.

TRAINING

41. It is strongly recommended that councillors sitting on planning committees should be required to attend relevant training on planning matters before they can sit on the planning committee – this would allow for a generally consistent approach to be taken. This requirement should be extended to planning committee members continuing to receive relevant training on an ongoing basis. It is also strongly recommended that planning committee chairs should receive separate, additional training in relation to their roles.

NETWORK

42. It is recommended that a network of planning committee chairs should be established and meet regularly to discuss matters of common interest.

REVIEW OF DECISIONS

43. On an annual basis members should inspect a sample of implemented planning decisions in order to assess the quality of decision-making. This should include a sample of decisions delegated to officers to give assurance that the scheme of delegation is operating effectively and in line with the council's views.

LEGAL ADVISER

44. It is strongly recommended that the planning committee has access to legal advice on planning matters, preferably attending each planning committee meeting.

G

Subject: Interim Arrangements for Flags

Reporting Officer: Chief Executive

1	Purpose of Report
1.1	To seek direction on interim arrangements for the flying of flags at council facilities.

2	Background
2.1	C57/15 refers.

3	Key Issues						
3.1	<p>In respect of the flying of flags, the predecessor councils had the following arrangements in place:-</p> <table><tr><td>Cookstown</td><td>Dungannon</td><td>Magherafelt</td></tr><tr><td>None</td><td>Designated days from main council office</td><td>None</td></tr></table>	Cookstown	Dungannon	Magherafelt	None	Designated days from main council office	None
Cookstown	Dungannon	Magherafelt					
None	Designated days from main council office	None					
3.2	<p>The Equality Commission has indicated in the past that the practices of the predecessor councils in respect of flying no flag or the Union flag on designated days from the main council building are within the range of reasonable options available.</p>						
3.3	<p>Essentially the following options are open to Council prior to the introduction of formal policies after 1 April 2015:-</p> <ul style="list-style-type: none">a. Continue with the existing policy arrangements of one of the predecessor councils across the entire council areab. Continue with the existing policy arrangements of each of the predecessor councils in their previous respective areasc. Adopt separate arrangements to cover the flying of flags.						

3.4	Legal opinion and the view of the Equality Commission were sought in respect of the above options and outlined in the previous reports to Council.
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4	Resource Implications
4.1	<p><u>Financial</u></p> <p>Costs associated with the erection of flags are deemed negligible.</p>
4.2	<u>Human resources</u> - N/A
4.3	<u>Assets and other implications</u> - N/A

5	Other Considerations
5.1	This matter was presented at the March meeting of Council and a decision made to adopt a no flags policy as the interim arrangement.
5.2	An admissible 'call in' was received in relation to this decision under section 41(1)(a) and section 41(1)(b) of the 2014 Act. The legal opinion required under section 41(1)(b), which was previously circulated to Elected Members, advised that the call in did not have merit.
5.3	The matter has therefore been brought back to Council for reconsideration with the decision to be taken by simple majority.

6	Recommendations
6.1	Members are requested to provide direction on the interim arrangements for the flying of flags at Council facilities.

7	Documents Attached
7.1	N/A

H

Subject	Attendance at Seminars & Conferences
Reporting Officer	Change Manager

1	Purpose of Report
1.1	To provide an update on seminars and conferences received.
1.2	To seek approval for attendance of members and officers, the payment of attendance fees and associated necessary costs, as incurred.

2	Background
2.1	One conference session is presented for consideration on member and/ or officer representation from Mid Ulster Council. Details are provided at 2.1.1
2.1.1	2015 NILGA Annual Conference & Exhibition <ul style="list-style-type: none"> Thursday 18 June 2015 La Mon Hotel, Belfast
2.2.2	N Ireland Confederation for Health & Social Care (NICON) <ul style="list-style-type: none"> Wednesday 22 April to Thursday April 2015 Mon Hotel, Belfast <p>Retrospective approval being sought.</p>

3	Key Issues
3.1	N/A

4	Resources
4.1	<u>Financial</u> <p>2015 NILGA Annual Conference & Exhibition</p> <ul style="list-style-type: none"> £121 per person and travel and subsistence costs, where required <p>N Ireland Confederation for Health & Social Care (NICON)</p> <ul style="list-style-type: none"> £180 per person and travel and subsistence costs, where required

4.2	<u>Human</u> – N/A
4.3	<u>Basis for Professional/ Consultancy Support</u> – N/A
4.4	<u>Other</u> – N/A

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	Consideration for approval is given to attendance and representation at the above mentioned conference.

7	List of Documents Attached
7.1	Appendix 1: 2015 NILGA Annual Conference & Exhibition
7.2	Appendix 2: 2015 NI Confederation for Health & Social Care, Conference



Received
- 8 APR 2015
Chief Executive

Mr Anthony Tohill
Chief Executive
Mid Ulster District Council
Dungannon Offices
Circular Road
DUNGANNON
BT71 6DT

2nd April 2015

2015 NILGA Conference - La Mon Hotel, Thursday 18th June 2015

Dear Anthony,

The NILGA Annual Conference and Exhibition will be held on Thursday 18th June 2015 in the La Mon Country House Hotel, Gransha Road, Castlereagh. The theme for Conference 2015 is **"Growing Local Democracy & Economies in Partnership: Northern Ireland's Councils First 100 days"**.

This is the first flagship, all Council Conference co-ordinated by NILGA, the Local Government Association, during the first hundred days of the New Councils in Northern Ireland.

Local government and local economies are already at the forefront of economic development in Northern Ireland. Going forward, with the increased services and functions delivered through the 11 councils, further substantial opportunities are now on the horizon, and Conference will explore both the pioneering and the practical next steps.

Now in its 12th year, the NILGA Conference is regarded as a key event that promotes the sharing of knowledge, skills and ideas, as well as providing the opportunity to network with colleagues.

We very much will welcome the attendance of councillors and staff from your council. To support this we are offering **one free place** at Conference for your First Citizen or a senior council representative (as allocated on your council specific booking form).

In addition a **5% discount** will be applied to all council delegate bookings received by NILGA before the end of April 2015 (please note, invoices for council bookings will be issued one week after the event).

Should you have any queries please do not hesitate to contact Mark Maher, Communication and Engagement Officer at the NILGA office in the first instance.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Derek McCallan', with a stylized, cursive script.

Derek McCallan

Chief Executive, Northern Ireland Local Government Association

Enc. NILGA Conference Booking Form and working agenda.



NILGA ANNUAL CONFERENCE LA MON HOTEL, THURSDAY 18TH JUNE 2015

NORTHERN IRELAND'S NEW COUNCILS: BEYOND THE FIRST 100 DAYS: GROWING LOCAL DEMOCRACY & ECONOMIES IN PARTNERSHIP

SESSION ONE - OPENING - *Chair: NILGA President*

9.30 - 9.35	Conference Welcome Lisburn & Castlereagh City Council
9.35 - 9.40	NILGA President's opening address to Conference
9.40 - 10.05	Keynote Address – Office of the First and Deputy First Minister Response from NILGA President
10.05 - 10.25	US Cities and Municipalities as Economic Drivers US Consul General, Gregory S Burton

SESSION TWO - NEW COUNCILS, THE FIRST 100 DAYS - *Chair: NILGA OB*

10.25 - 10.45	Keynote Address Department of Environment
10.45 - 11.10	Ambition and Expectation – Community Planning as seen by a new councils Views from the Councils- Elected Member/Chief Executive
11.10 - 11.35	Refreshment Break

SESSION THREE - UNLOCKING EUROPEAN GROWTH - *Chair: European Commission*

11.35 - 12.10	It's the Economy, Stupid: Using New Powers to Unlock Growth Welsh Local Government Association
12.05 - 12.35	Getting the best from Europe – NI Councils, The Committee of the Regions and European Entrepreneurial Region Award 2015 Committee of the Regions, EER
12.35 - 13.45	Lunch

SESSION FOUR - PARTNERSHIP AND INVESTMENT - *Chair: NILGA Full Member*

13.45 – 14.05	Partnership and Investment Pays – Delivering through Local Government Department of Enterprise, Trade and Investment
14.05 – 14.45	Panel Debate - Sponsors/Partners statements of Intent for the new Councils - Finance - Innovation / Education (Ulster University) - Jobs and Investment
14.45 - 15.10	Refreshment Break

SESSION FOUR – DoE Committee Open Session – Beyond 100 Days

15.10 – 16.00	Representatives of the DoE Committee, responsible for scrutiny of Local Government and Council Reform, offer their key challenges and commitments to the New Councils with audience participation.
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SESSION FIVE – WHAT'S TO COME? OPPORTUNITIES FOR COUNCILS AND THE REVIEW OF THE NORTHERN IRELAND ASSEMBLY

Chair: NILGA OB

16.00 – 16.30	Beyond Transition: Regional Investment & Effective, Efficient Collaboration. SOLACE and NILGA Policies and Work Programmes SOLACE and NILGA
16.30 – 16.55	KEY NOTE – Closing Address
16.55 – 17.00	Conference Close

DELEGATE BOOKING FORM – MID ULSTER DISTRICT COUNCIL
NILGA ANNUAL CONFERENCE & EXHIBITION
18th JUNE 2015
LA MON HOTEL, CASTLEREAGH

Please return payment and booking forms by Friday 5th June 2015 to: Michelle Newell, Northern Ireland Local Government Association (NILGA), Unit 5B Castlereagh Business Park, 478 Castlereagh Road, Belfast, BT5 6BQ or via email to m.newell@nilga.org (**Please note: A 5% discount will be applied to all council delegate bookings received by NILGA before 5pm on 30th April 2015).**

Cost per delegate:

£121 +VAT

Please note that all council invoices will be issued one week after the event.

Contact name of person responsible for bookings and for making payment: _____

Council/organisation: _____

Postal Address: _____

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I would like to register for _____ places at the 2015 NILGA Conference & Exhibition as detailed below

	Title and Name	Phone	Email	Dietary/access requirements
<u>Free Place</u>				

Please invoice me at the address provided for (the total amount) £ _____

Quoting Order No _____ OR I enclose a cheque for £ _____ made payable to NILGA.

By signing the form I accept the terms and conditions as detailed below.

Authorised Signature _____ Please Print Name _____

Accommodation: Please contact reservations at the La Mon Hotel on +44 (0) 28 9044 8631 to arrange accommodation at preferential rates quoting NILGA conference booking code (NILGA) (£69.00 single B&B, £89.00 Double B&B and £119.00 Triple B&B). Accommodation is offered on a first come, first served basis.

Terms and Conditions:

Cancellations made after the 1st June 2015 will be liable for the full delegate fee.

Substitutions: Substitutes will only be accepted if NILGA is informed in writing two weeks prior to the conference, otherwise the full price will be charged to delegates not on the official list.

NORTHERN IRELAND CONFEDERATION
FOR HEALTH AND SOCIAL CARE



2015 Conference & exhibition

22–23 April 2015, La Mon Hotel, Belfast

A Call to Action People, Place & Partnership Delegate guide

Welcome from the chair

I am proud to welcome all of our health and social care colleagues, our partners from across the statutory, voluntary and community sectors and our service users to the 2015 NICON annual conference and exhibition: **A Call to Action – People, Place & Partnership**. We have sought to pull together an action packed agenda, all designed to help us work together to deliver improved wellbeing and better care for our citizens.

We meet at a crucial time for health and social care, following on from the Donaldson report, *The right place, the right time*, and at a time of unprecedented financial pressures on the public purse. We meet in advance of the UK elections next month, but also in the run up to our local parties beginning to think about their manifestos in advance of our own Assembly elections in May next year.

Improving the health and wellbeing for all in Northern Ireland, especially those who suffer most from health and social inequality, must be at the heart of those manifestos. We must get the policy right and we must pick up the pace on implementation. While we have made a useful start, we have much to do, and everyone here can play an important role in supporting transformation.

Specifically this year, inspired by our colleagues in the NHS Confederation, we have begun a local conversation to set out the key health and social care challenges for our system and our society and we are delighted to launch our *Challenge 2015 election briefing*, which is supported by many of our partners. We look forward to having some great conversations over the next two days with experts, politicians, professionals and patients about what we can do to meet the growing needs of our population. I would encourage you to get involved in the sessions, take the time to visit over 45 exhibitors and, importantly, over dinner celebrate the amazing work that goes on every day.

Finally, I am sure you will want to join me in thanking Accenture, BT and our other sponsors who help make the conference possible.

I wish you a very informative two days.

Colm McKenna
Chair of NICON and
Chair of SEHSCT



Coming up over the next two days

- Launch of NICON's 2016 election briefing.
- Hear from health and social care's new leadership team.
- Get involved in discussions and debate on hot topics.
- Learn how technology can enable change.
- Network with more than 350 leaders from across the health and social care, public, voluntary, community and private sectors.
- Visit more than 40 exhibitors.

🐦 We'll be Tweeting throughout the two days, so don't forget to follow us at #NICON15

With special thanks to our sponsors

NORTHERN IRELAND CONFEDERATION
FOR HEALTH AND SOCIAL CARE



Accenture is very proud to be co-sponsor of the NICON Conference again this year.

We continue to face difficult times in healthcare, but with more assertive action – people, place and partnership – we will transform our communities and deliver better care to our patients.

Innovation will play a key part in bringing this reform about and we are delighted to be able to share our learning and experience from transforming health systems around the world, particularly in the use of predictive analytics.

I hope you enjoy NICON 2015 and I wish you well in the important task ahead to reshape healthcare in Northern Ireland for the better.

Kevin Duffy

Head of Health and Public
Service Delivery NI, Accenture



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BT is once again proud to be supporting the NICON Annual Conference, this year focusing on the theme of people, place and partnership. We have been involved with many of NICON's activities on both a local and national level and this year have been delighted to partner with them on the View from Top series in BT Tower. We greatly respect NICON's commitment to working inclusively with members and associates to deliver better citizen outcomes. BT is likewise committed to demonstrating how clinical leadership, innovation and partnership can build the next generation of healthcare, improving clinical outcomes, patient satisfaction and staff engagement. We are therefore delighted to have as our speaker this year, Mr Iain Hennessey, Consultant Paediatric Surgery / Clinical Lead for Innovation, Alder Hey Children's NHS Foundation Trust.

BT is one of the few organisations that work across all areas of the public sector, enabling organisations to meet the challenges of controlling costs and maintaining excellence, to be able to access, record and share information both within and across agencies and departments. We believe that working more flexibly and sharing physical infrastructure and information will be a critical area going forward. We look forward to meeting many of you during what is bound to be an inspirational and thought provoking conference.

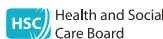
Kevin McEnoy

BT Health Sector
Manager NI



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We would also like to thank the following sponsors for their support:



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 **#NICON15**



Day one: Wednesday 22 April

08:30–09:45 Registration and Exhibition

Election briefing partners breakfast reception,
9:00am, Working Together Hub (Riverview Suite)

Compère: **Paul Clark**, Journalist and presenter,
UTV Live

09:45–10:05 Welcome and opening remarks

Colm McKenna, Chair of NICON and South
Eastern Health and Social Care Trust

Michael O'Higgins, Chair, NHS Confederation

Launch of Challenge 2015 Election Briefing

10:05–10:25 Beyond transforming your care

Reshaping HSC services in Northern Ireland for
the next generation.

Richard Pengelly, Permanent Secretary,
Department of Health, Social Services and Public
Safety (DHSSPS)

10:25–10:50 The Future of the NHS

Same values – different approaches.

Rob Webster, Chief Executive, NHS
Confederation

10:50–11:10 Rethinking health and wellbeing

Threats and opportunities in a time of austerity.

Dr Eddie Rooney, Chief Executive, PHA

11:10–11:20 Q&A

11:20–11:50 Coffee and exhibition

Healthy Break in AHP Village

11:50–12:10 Delivering reform

Valerie Watts, Chief Executive, Health and Social
Care Board (HSCB)

12:10–12:40 Reviewing progress – moving forward

In this session key leaders for change will outline
what have been the most important successes
to date and their views on the next steps for
change.

Dr Tony Stevens, Chief Executive, NHSCT

Kate Fleck, Chair Co3 (Chief Officers of the 3rd
Sector), Health Special Interest Group

Dr Alan Stout, ICP Chair and GP, East Belfast

Colette Goldrick, Northern Ireland Director,
Association of the British Pharmaceutical
Industry (ABPI)

12:40–12:50 Plenary: How can we accelerate the pace of progress?

12:50–14:00 Lunch and exhibition

14:00–15:15 Parallel sessions

Changing culture.

- End-of-life care (Glen Suite)
- Delivering clinical research through collaboration (Glen 1 & 2)
- Café conversations (Milford Suite)

15:15–15:45 Coffee and exhibition

15:45–16:10 A workforce plan

It's all about the people.

Sir Keith Pearson, Chair, Health Education
England

16:10–16:40 Discussion

How can we make progress on workforce
planning in NI?

Heather Stevens, HR Director, DHSSPS

Dr John D Woods, N.I. Council Chair, BMA

Peter McBride, Chief Executive, NIAMH

John Knappe, N.I. Head of Communication, Policy
and Marketing, RCN

16:40–17:10 Health and social care is everyone's business?

Jim Wells, Minister for Health and Social Services
and Public Safety

Mark H Durkan, Minister for the Environment

17:10–17:15 Closing remarks

Gerry Guckian, NICON and Chair, Western Health
and Social Care Trust

Day two: Thursday 23 April

17:30–22:30 Evening programme

17:30–18:30 Specialist sessions

1. **GP Federations – what you need to know** (Glen Suite)
2. **Exploring palliative care for people with dementia** (Glen 1)
3. **Reducing asthma mortality by implementing the Strategic Respiratory Framework** (Glen 2)
4. **Preventing falls, reducing costs, saving lives** (Glen 3)
5. **Population Health – Creating a patient level view of health and well being** (Glen 4)

18:30–19:15 Service user reception (Glen 5)

18:45–19:15 All delegate reception in Ballygowan Foyer

19:15–22:30 Bank of Ireland – Celebrating Success Dinner

Bank of Ireland  **UK**

- Celebrating success in health and social care – hearing from our winners.
- Baroness May Blood – after dinner speaker.

08:30–09:15 Coffee and exhibition

09:15–09:20 Welcome

Heather Moorhead, Director of NICON

09:20–10:10 Technology enabling change

This session will set out the key elements of the emerging N. Ireland eHealth strategy and discuss with guests lessons for how we embrace this agenda.

Sean Donaghy, Director of eHealth and External Collaboration, Health & Social Care Board

Paul Pierotti, Big Data – Head of UK&I Analytics, Accenture Digital

Dr Iain Hennessy, Consultant Paediatric Surgery/Clinical Lead for Innovation, Alder Hey Children's NHS Foundation Trust

10:10–10:40 A call to action – the right time, the right place

Professor Sir Liam Donaldson, Imperial College, London

10:40–10:55 How can we accelerate the pace of change?

10:55–11:25 Coffee and exhibition

11:25–12:30 The big debate – Can we deliver change at pace and scale?

This house believes that fundamental reform is the only way to sustain an excellent health and social care system for future generations

An interactive debate looking at the key challenges in the system.

12:30–13:10 Tapping into patient power

Maeve Hully, Chief Executive, Patient and Client Council

Michael Ryan, patient

13:10–13:15 Closing remarks

Liam McIvor, Vice Chair of NICON and Chief Executive, NI Ambulance Service

Parallel sessions and Café Conversations

Parallel sessions: Wednesday 22 April, 14:00–15:15

Get even more out of your conference

We have a programme of parallel sessions taking place on Wednesday and would love you to come and join us.

Session A: End-of-life care – are we getting it right? (Glen Suite)

“What do we need to do as a society to promote caring and compassionate communities which support people to live and die in their place of choice?”

The session will be chaired by Heather Weir, CEO NI Hospice and have input from patients, carers, Mary Hinds, Director of Nursing and AHPs at the PHA, Mr Brendan O'Hara Transforming Your Palliative and End of Life Care Programme, Marie Curie and Professor Colm Cunningham, Director of Hammond Care's Dementia Centre (Australia).

There are a choice of three sessions, with each one starting at 14:00.

Session B: Delivering clinical research through collaboration (Glen 1 & 2)

This workshop, led by Stephen Kennedy, GSK, chair of the Clinical Research Collaborative Group, will showcase progress over the past year and discuss with delegates how this work can be developed further to transform care and build the profile of N. Ireland as the cutting edge of global innovation.

Session C: Café Conversations (Milford Suite)

Further details about the Café Conversations will be available on the morning of the conference, and you will be asked to sign up when registering. Details are also available at www.nhsconfed.org/NICON15

Members

Treating you at home  Northern Ireland Ambulance Service Health and Social Care Trust

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Transforming Cancer follow up 

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“We need to talk” Podiatry and the Diabetic Foot Care Pathway 

Together For You 

Arthritis Care – Self management for people living with long term conditions 

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Business

Taming Diabetes Using the d-Nav™ Insulin Guidance Service 

“Changing the Game” using FeNO technology to transform the lives of patients living with Asthma 

How to get your message heard – do's and don'ts 

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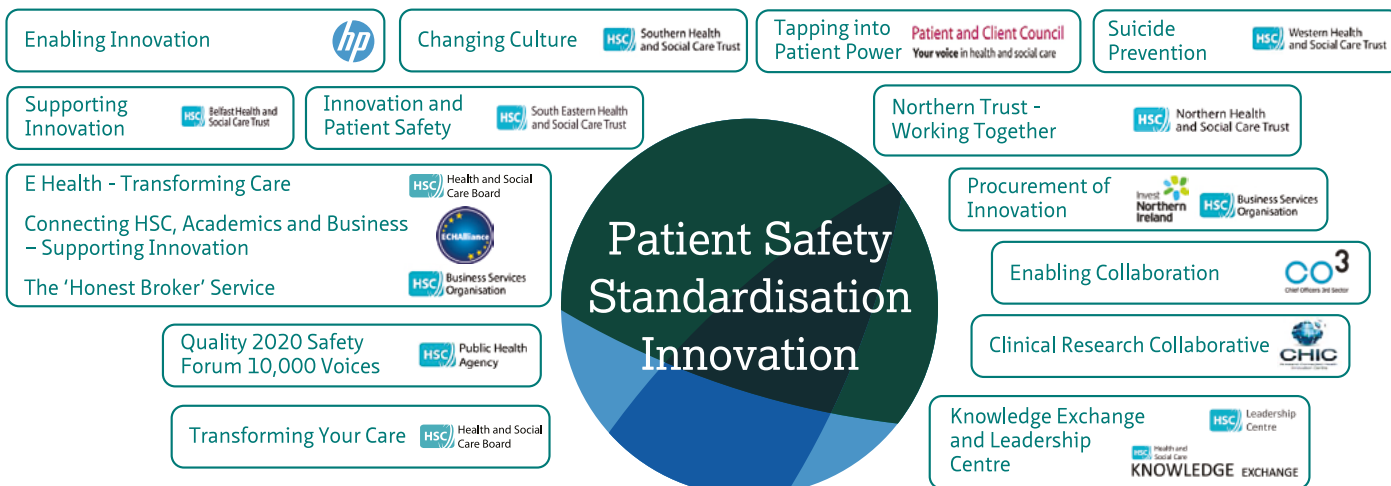
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Working Together Hub (Riverview Suite)

Supported by

In January, following the Donaldson Report, The Right Place, The Right Time as part of a wider response Minister Wells wrote to the HSC Bodies to specifically ask them to work more closely together on Patient Safety, Standardisation and Innovation. Our hub this year, kindly supported by HP, provides an opportunity to showcase the work already ongoing and the early thoughts on how a greater culture of working together and across in the HSC and with our partners can be fostered.



Specialist Sessions: Wednesday 22 April, 17:30–18:30

1. GP Federations – what you need to know (Glen Suite)

BMA Northern Ireland's GP Committee has been supporting the creation, development and implementation of a network of Federations of GP practices. Dr Alan Stout, (Deputy Chair of the Committee) will lead a discussion with key individuals involved in establishing the Federations, to give an overview of what Federations are, how they will operate and what they hope to achieve. There will be ample time to discuss how Federations work in practice and how this model has the potential to support primary care to work at the scale needed to realise the 'shift left' as envisaged by TYC, which will result in better services for patients.

2. Exploring palliative care for people with dementia (Glen 1)

In this specialist session Professor Colm Cunningham, Director Dementia Centre, HammondCare, Loretta Gribben, Director of Nursing and Patient Services, N. I. Hospice and Monique Wijntjes, Dutch Associate Consultant, Dementia Centre, HammondCare will lead a conversation and discuss trends in residential nursing care models and how complex health care needs and behaviours of concerns are shaping the delivery of care, reflecting particularly on experience from both Australia and the Netherlands. This session will be interactive and draw on views and opinions from those attending.

3. Reducing asthma mortality by implementing the Strategic Respiratory Framework (Glen 2)

In this session, Joan O'Hagan NI Director of Asthma UK, will give an overview of how the design and implementation of the Strategic Respiratory Framework has greatly supported work to deliver on the

recommendations in the National Review of Asthma Deaths Audit thus supporting significantly improved outcomes for service users. There will be ample time for delegates to discuss how this work was managed, partnerships built and supported to improve practice to ensure the learning from this process can be shared across other service areas. Joan will be joined by colleagues and service users to contribute to this important discussion.

4. Preventing falls, reducing costs, saving lives (Glen 3)

Falls are a leading cause of mortality in older people and place huge financial pressures on our health and social care system. The Chartered Society of Physiotherapy will host this specialist session and show how 5713 fewer falls (with a cost savings of £8,224,542) can be achieved in N. Ireland by better planning and modeling of health data that identifies people at risk and how many falls could be avoided through improved access to physio-led prevention services. Planners, commissioners and key decision makers can have access to a high-quality tool, designed to input local data that will inform the development of falls prevention pathways.

5. Population Health – Creating a patient level view of health and well being (Glen 4)

Population health management heralds a new era in our understanding of the care we provide for our patients. It is an approach to managing health and wellbeing that incorporates total care costs and outcomes. It provides insight and improvement opportunities for both populations and individual citizens. This session will explore some of the practical approaches to this using international examples and discussing the benefits that can be achieved.



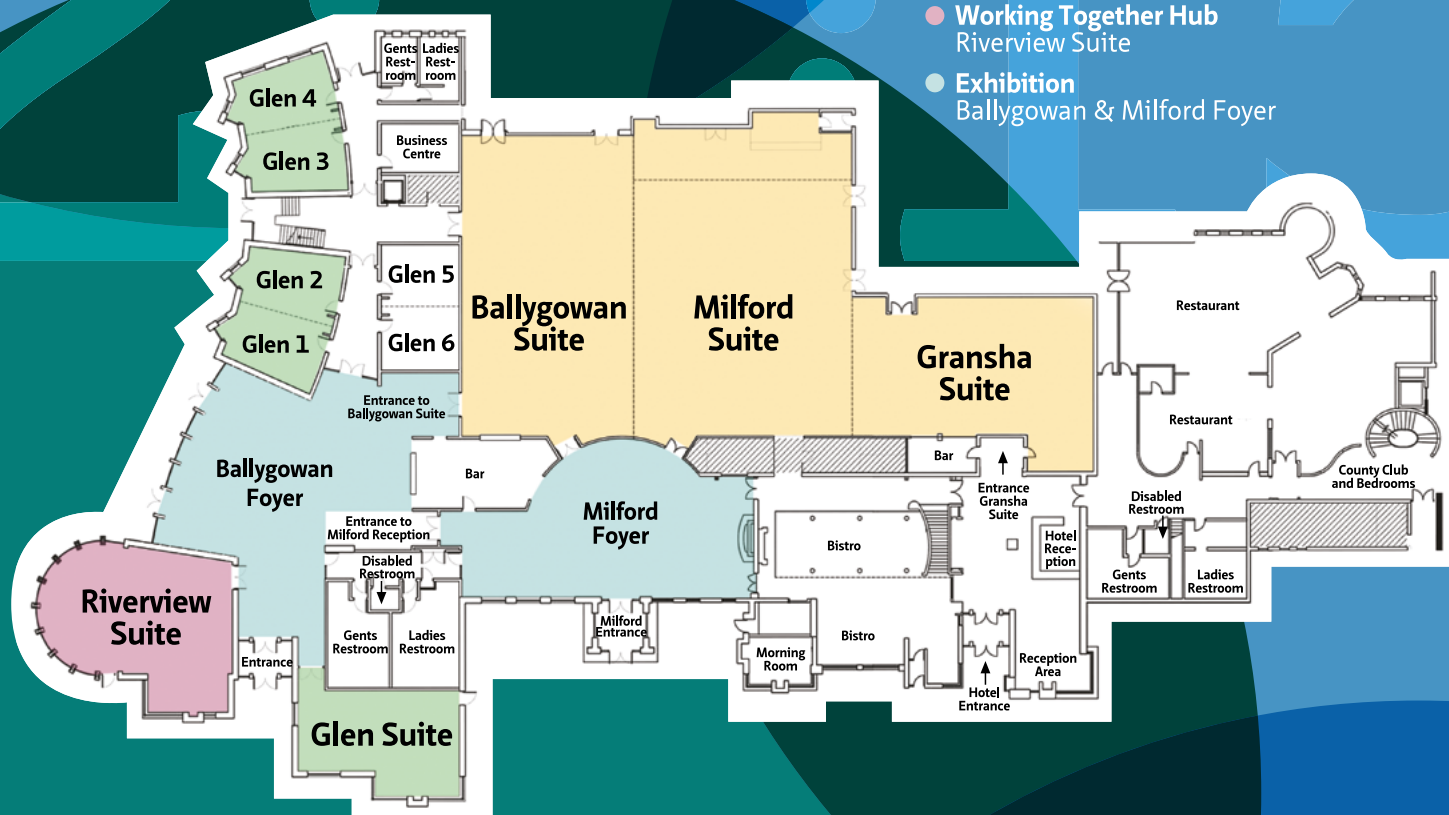
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Floorplan

Information

- **Main Auditorium**
Ballygowan Suite, Milford Suite
- **Specialist Session rooms**
Glen 1&2, 3&4 and Glen Suite
- **Working Together Hub**
Riverview Suite
- **Exhibition**
Ballygowan & Milford Foyer



All conference presentations, biographies of speakers, reports and other information about the 2015 NICON Conference will be available on the Northern Ireland Confederation web pages at www.nhsconfed.org/NICON15