

**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Wednesday 5 November 2014 in Magherafelt District Council Offices**

**Members Present:** In the Chair, Councillor Cuddy (Chair)  
  
Councillors Cuthbertson, Gillespie, Mallaghan, McAleer, McFlynn, B McGuigan, S McGuigan, Mullen, Mulligan (7.22 pm), O'Neill, Reid

**Member in Attendance:** Councillor Forde

**Officers in Attendance:** Mr Tohill, Chief Executive  
Mr Cassells, Director of Technical Services and Leisure Services (MDC)  
Mr Kelso, Director of Environmental Health and Building Control (CDC)  
Mr Law, Head of Waste Services (DSTBC)  
Mr McAdoo, Head of Waste and Contracts Management (CDC)  
Mrs McClements, Director of Environmental Services (DSTBC)  
Mr Young, Director of Environmental Health (MDC)  
Miss Thompson, Committee Services/Senior Admin Officer (DSTBC)

**Others in Attendance:** **Northern Ireland Amenity Council**  
Mr Furphy, Mrs McIlroy, Miss Muskett, Mr Powles

**Lough Neagh Partnership**  
Mr Darby and Mr Monaghan

The meeting commenced at 7.00 pm

**E28/14 Apologies**

Councillors Buchanan, Burton, McGinley and McNamee.

**E29/14 Declarations of Interest**

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

**E30/14 Receive Delegation from Northern Ireland Amenity Council**

The Chair welcomed representatives of the Northern Ireland Amenity Council who provided Members with an overview of its work.

The Northern Ireland Amenity Council is an environmental charity which administers the Best Kept Awards and has been running for 57 years. Some of its aims and objectives include promoting for public benefit the protection, preservation and improvement of the environment in Northern Ireland through the five main categories of Best Kept Awards in Towns, Villages, Housing Areas, Healthcare facilities and Schools.

The Best Kept Awards are a much respected and established brand throughout Northern Ireland which brings together communities and encourages residents and business communities to participate in raising the profile of the area they represent.

The Northern Ireland Amenity Council currently receive contributions from participating Councils, each of the five Education and Library Boards, the Department of Health, Social Services and Public Safety and Northern Ireland Housing Executive. The primary purpose of revenue received is to assist in the promotion and administration of the Best Kept Awards programme.

In December 2013 a long term commercial sponsor to the scheme withdrew their revenue and due to difficult economic times a new sponsor has yet to be found. As a result there is not enough funding to keep the programme going and Northern Ireland Amenity Council could cease to exist within the coming years if adequate financial support cannot be found to keep the competition going for the future.

To ensure the Northern Ireland Amenity Council is able to administer the Best Kept Awards Programme in the future they requested the following from Mid Ulster District Council from April 2015:

- 1 An affiliation fee of £2,300 from each Super Council
- 2 A close working relationship with each council department associated with environmental projects

Councillor Mallaghan asked for the justification in raising the contribution fee to the Northern Ireland Amenity Council. Members were advised that contribution fees have not increased since 2001 and taking into account inflation etc £2,300 is the minimum amount needed from each new Council to remain operational in the future.

The Chair thanked the representatives of the Northern Ireland Amenity Council for their presentation following which they left the meeting at 7.20 pm.

#### **E31/14      Receive Delegation from Lough Neagh Partnership**

The Chair welcomed representatives of the Lough Neagh Partnership to the meeting and invited them to make their presentation.

*Councillor Mulligan entered the meeting at 7.22 pm.*

Mr Monaghan made a presentation to Members outlining the current position of the Lough Neagh Partnership, the benefits of the Partnership and proposals for the future.

Currently the Partnership is responsible for the integrated co-ordination, marketing and development of Lough Neagh in relation to:

- Tourism
- Recreation
- Culture and cultural tourism
- Heritage
- Environment

Mr Monaghan spoke in relation to a report commissioned recommending a new integrated management structure for the Partnership and how this could be funded. The Partnership has also worked with Councils in developing a Destination Management Plan for Lough Neagh and Mr Monaghan advised how this could continue to be delivered.

Mr Monaghan informed Members of the Heritage Lottery Fund Landscape Partnership which offers a whole lough based programme of funding, this programme is currently in a development phase with a five year implementation programme from January 2016 to January 2021.

Mr Monaghan stated that the Partnership, or its successor, will bring about whole lough co-ordination, it will be able to bring funding to Councils and enable and facilitate stakeholders throughout the lough shore area. In return Mr Monaghan asked for the support of Mid Ulster District Council to maintain the core activities of the Lough Neagh Partnership stating that if the Lough Neagh Partnership was to cease then the Landscape Partnership funding from Heritage Lottery would be at risk. Mr Monaghan requested that Mid Ulster District Council financially support the Lough Neagh Partnership, or its successor, by setting aside funding for 2015/16 and thereafter.

Councillor O'Neill felt that Lough Neagh is an important asset to Mid Ulster District Council and it would be important to support the Lough Neagh Partnership in the future.

Councillor Cuddy spoke in relation to the opportunity for Council to tap into Heritage Lottery Funding.

In response to Councillor Reid's question regarding how much financial funding would be required from the Council Mr Monaghan advised it would depend on the number of projects going on within the new District Council area.

Councillor McFlynn felt that Mid Ulster District Council needs to support the Lough Neagh Partnership and going forward should promote the area and its facilities.

Councillor Mallaghan spoke in relation to the amount of money generated from Lough Neagh from sand dredging and asked if any of these companies have ever been approached for funding. Councillor Mallaghan felt it would be important to ask the dredging companies for some financial support.

Mr Monaghan advised that it had been reported that sand dredging is to cease on the lough in the future but confirmed that these dredging companies have not been approached to date. Mr Monaghan also advised that as Lough Neagh is family owned the Partnership has in the past approached the family for support, this request has been refused.

The Chair thanked Messrs Darby and Monaghan for their presentation following which they left the meeting at 7.40 pm.

*Councillor Mallaghan left the meeting at 7.40 pm.*

**E32/14      Receive and confirm minutes of the Environment Committee meeting held on Wednesday 8 October 2014**

**Resolved**      That the Minutes of the Meeting of the Environment Committee held on Wednesday 8 October 2014 (E18/14 – E27/14) were considered and signed as accurate and correct.

**Matters for Decision**

**E33/14      Receive and consider paper on Environmental Health and Building Control Charges, Fees and Fixed Penalties**

Mr Young provided a report with recommended prescribed charges, fees and fixed penalties for adoption to apply within Mid Ulster District Council from 1 April 2015. In making the recommendations Mr Young advised that consideration was given to comments made at the October Environment Committee and that cost recovery and maintenance of income was considered as far as possible along with the existing fees prescribed in the existing councils.

Members discussed the report as detailed.

**CHARGES AND FEES**

**High Hedges Act (Northern Ireland) 2011**

Fee to make a complaint (Maximum permitted £360)	<b>£250</b>
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Proposed by Councillor B McGuigan  
Seconded by Councillor O'Neill and

**Resolved**      That it be recommended to the Council to adopt the fee of £250 to make a complaint under the High Hedges Act (Northern Ireland) 2011.

Repayment of fees staged for early withdrawal of complaint	<b>Yes-50% where work done before service of notice</b>
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Proposed by Councillor S McGuigan  
Seconded by Councillor Reid and

**Resolved** That it be recommended to the Council to repay 50% fees staged for early withdrawal of a complaint where work has been done before notice served.

Fee transfer if remedial notice served <b>(Maximum permitted £360)</b>	<b>£360</b>
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Proposed by Councillor Cuthbertson  
Seconded by Councillor Gillespie and

**Resolved** That it be recommended to the Council to adopt fee transfer of £360 if remedial notice served.

Policy re transfer of fees	<b>Transfer on Remedial Notice taking effect</b>
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Proposed by Councillor Reid  
Seconded by Councillor O'Neill and

**Resolved** That it be recommended to Council to adopt policy of transfer of fees on remedial notice taking effect.

### **Street Trading Act (Northern Ireland) 2001**

Mr Young asked Members to note the proposed fees as listed in the report advising that a further report will be brought back to this committee at a later date to enable a suitable process and case be made for adoption of fees.

Mr Young also asked Members to confirm the existing Councils' designated areas as listed within the report.

### **Cinemas (Northern Ireland) Order 1991**

Cinema licensing	<b>£375</b>
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Proposed by Councillor Mulligan  
Seconded by Councillor Reid and

**Resolved** That it be recommended to Council to adopt the cinema licensing fee of £375. This fee will be reviewed after a year of operation and this

review may consider setting a different fee for small cinemas of less than 100 seats.

## **Schedule 2 – Local Government (Miscellaneous Provisions) (NI) Order 1985 Sex Establishments**

Proposed by Councillor B McGuigan  
Seconded by Councillor S McGuigan and

**Resolved** That it be recommended to Council to adopt Schedule 2 of the Local Government (Miscellaneous Provisions) (NI) Order 1985 with a commencement date of 1 April 2015.

Sex shop licence	<b>Grant £2,000 Renew £1,000 Transfer £375</b>
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**Resolved** That it be recommended to Council to adopt the fee of £2,000 for grant of a sex shop licence, £1,000 to renew and £375 to transfer. These fees to be reviewed after a year of operation.

## **Part V – Local Government (Miscellaneous Provisions) (NI) Order 1985 Acupuncture Etc**

Acupuncture / electrolysis / tattooing/ piercing	<b>£50</b>
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Proposed by Councillor S McGuigan  
Seconded by Councillor Reid and

**Resolved** That it be recommended to Council to adopt the fee of £50 for registration of acupuncture, electrolysis, tattooing and piercing establishments.

## **Private Tenancies Order (NI) 2006 Enforcement Action**

Article 26 – Private Tenancies Order	Power to charge for enforcement action	<b>Notice of disrepair £50 Notice of unfitness £150</b>
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Proposed by Councillor B McGuigan  
Seconded by Councillor Reid and

**Resolved** That it be recommended to Council to adopt fee of £50 for Notice of Disrepair and fee of £150 for Notice of Unfitness.

### **Betting and Gaming (Northern Ireland) Order 2004**

May charge such amount as Council considers necessary to balance income and expenditure	Renew amusement permit (default £250)	<b>£250</b>
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Proposed by Councillor Cuthbertson  
Seconded by Councillor Gillespie and

**Resolved** That it be recommended to Council to adopt fee of £250 for renewal of amusement permit. This fee to be reviewed after a year.

### **Places of Marriage/Civil Partnerships**

Places of marriage /civil partnerships Maximum – costs reasonably incurred	Approval	<b>£400 per three years</b>
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Proposed by Councillor S McGuigan  
Seconded by Councillor B McGuigan and

**Resolved** That it be recommended to Council to adopt the fee of £400 per three years for approval of a place of marriage/civil partnership. This fee to be reviewed after a year.

Councillor Cuthbertson expressed concern and felt that fee should be £400 each year.

### **Dogs (NI) Order 1983**

Collection of unwanted dogs licensed	<b>£15</b>
Collection of unwanted dogs unlicensed	<b>£15</b>
Kennel charges	<b>Same day collection £30 Per overnight stay additional £15</b>

Proposed by Councillor McFlynn  
Seconded by Councillor Gillespie and

**Resolved** That it be recommended to Council to adopt fee of £15 for collection of unwanted dogs, both licensed and unlicensed. Kennel charges to be £30 for same day collection and £15 per additional overnight stay.

## Poisons (NI) Order 1976

Registration of premises selling poisons / Renewal and amendment of registrations	<b>£5</b>
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Proposed by Councillor McAleer  
Seconded by Councillor Reid and

**Resolved** That it be recommended to Council to adopt fee of £5 for registration of premises selling poisons and for renewal and amendment of registrations.

## FIXED PENALTIES – Discretionary

Legislation		
<b>Clean neighbourhoods and Environment Act (N.I.) 2011</b>		
Part 2 Article 29 (A) PCLG (NI) Order 1978 <b>Prescribed £200</b> <b>minimum £60 for early payment</b>	Vehicles – Unauthorised abandonment	£200 prescribed – (within 7 days £120)
Section 3(1) Section 4(1) <b>Prescribed £100</b> <b>minimum £60 for early payment</b>	Nuisance parking Repair of vehicles / sales	£100
Part 3 Article 3(1) Litter (NI) Order 1994 <b>Range £50 to £80 default £75</b> <b>Minimum £40 for early payment</b>	Offence of throw down/drop/deposit and leave litter	£80 (within 7 days £50)
Part 3 Article 12C(1) – Litter Clearing Notice <b>Range £75 to £110</b> <b>minimum £60 for early payment</b>	Failing to comply – Litter Clearing Notice	£110 (within 7 days £70)
Part 3 Article 13 – Street Litter Control Notice <b>Range £75 to £110</b> <b>minimum £60 for early payment</b>	Failing to comply – Street Litter Control Notice	£110 (within 7 days £70)
Part 3 – Article 14B Schedule 1A – Free Distribution of Printed Material <b>Range £50 to £80 default</b>	Unauthorised distribution of printed material	£80 (within 7 days £50)



<b>£75</b> <b>Minimum £40 for early payment</b>		
Part 4 Section 26(1) - Graffiti and Fly-Posting <b>Range £50 to £80 default £75</b> <b>Minimum £40 for early payment</b>	Offence – Graffiti and Fly-posting	£80 (within 7 days £50)
Dog Control Orders <b>Range £50 to £80 default £75</b> <b>Minimum £40 for early payment</b>	Breach of dog control orders	£75
Alarm notification area <b>Range £50 to £80 default £75</b> <b>Minimum £40 for early payment</b>	Failure to nominate key holders in alarm notification area	£75
Section 8(1) Noise Act 1996 <b>as set for district Default £100</b> <b>Council may set lower levels for early repayment</b>	Night time noise from domestic premises	£100
<b><u>Private Tenancies (N.I.)</u></b> <b>Order 2006</b>		
Article 5(B) – PTO (tenancy deposit regs) <b>Maximum one fifth of maximum penalty (i.e.£500)</b>	accepting deposit other than money	£500
Article 65(A)4 –PTO Landlord registration <b>Maximum one fifth of maximum penalty (i.e.£500)</b>	Failure to register /letting without being registered	£500
<b>Dogs order</b> <b>Article 17(1)</b> <b>Range £50 to £80</b> <b>Default £75</b> <b>Early payment minimum £50</b>	Keeping dog without licence	£80 Early payment £50
<b>Dogs order</b> <b>Article 22(1)</b> <b>Range £50 to £80</b> <b>Default £75</b> <b>Early payment minimum £50</b>	Penalty for stray dogs	£80 Early payment £50

<b>Dogs order Article 35(3) Range £50 to £80 Default £75 Early payment minimum £50</b>	Control of dogs on certain roads and land	£80 Early payment £50
<b>Dogs order Article 30 E (5) Range £50 to £80 Default £75 Early payment minimum £50</b>	Failure to notify transfer	£80 Early payment £50
<b>Dogs order Article 30F(1) Range £50 to £80 Default £75 Early payment minimum £50</b>	Failure to comply with control conditions	£80 Early payment £50

Proposed by Councillor S McGuigan  
Seconded by Councillor Mullen and

**Resolved** That it be recommended to Council to adopt fees for fixed penalties as set out in table above.

*Councillor Forde left the meeting at 8.00 pm*

#### **E34/14      Receive and consider paper on Managing and Regulating Waste in Northern Ireland**

Mr Cassells presented a report which informed Members of the publication by the Department of the Environment (NI) of an Operational Plan in relation to Managing and Regulating Waste in Northern Ireland.

The basis of this Operational Plan came about due to the revoking of a waste management licence in the North West by the Northern Ireland Environment Agency (NIEA) following concerns regarding a waste processing operation and the substantial amount of illegally dumped waste which was unearthed adjacent, but not part of, the location of where the licence was based. The NIEA subsequently commissioned a review the results of which were published in December 2013 (The Mills Report). The DOE has now published their Operational Plan which sets out how they intend to implement the recommendations of the Mills Report, the key themes being:

- 1      Enhanced liaison and partnership working between central and local government
- 2      Working with general industry to promote resource efficiency and legitimate waste disposal

- 3 Creating a compliant waste industry
- 4 Ensuring effective and efficient regulation and enforcement

Councillor Cuddy welcomed the Operational Plan but expressed concern at the likely increased cost of processing waste.

Proposed by Councillor S McGuigan  
Seconded by Councillor Reid and

**Resolved** That it be recommended to the Council endorse the actions of the Department of the Environment in tackling illegal activity in the Waste Industry as set out in the Operational Plan.

*Councillor S McGuigan left the meeting at 8.05 pm*

**E35/14      Receive and consider paper on Recycling and Refuse Collection Policy for Mid Ulster District Council**

Mr McAdoo presented the proposed Recycling and Refuse Collection Policy for Mid Ulster District Council. Mr McAdoo highlighted the varying policies and practices currently operated by the existing Councils and how these have been harmonised into a common policy going forward.

Mr McAdoo advised that Cookstown and Dungannon Councils are currently in the process of rolling out the brown bin collection scheme to the remainder of areas without the service. Once this is complete all households in the Mid Ulster District will have the same three bin systems and consideration can then be given to the introduction of a restriction to the size of (new) black bins for residual waste as is currently the case in the Magherafelt District Council area. Mr McAdoo also advised that new waste regulations will have an impact and that this policy should be reviewed annually.

In response to Councillor Reid's question, Mr McAdoo advised that there is no income to Council from brown bin waste.

Councillor McAleer enquired how the public can be made aware of the provision of an extra bin for households with particular requirements for medical reasons.

Mr McAdoo advised that if a household has particular requirements there is an application process for the provision of an additional bin.

Councillor B McGuigan felt that there is still a job of educating the public as to what materials are accepted in each bin. Mr McAdoo agreed that going forward this will be an ongoing process with a common advertising campaign and continued education from the recycling officers.

Proposed by Councillor Reid  
Seconded by Councillor Cuthbertson and

**Resolved** That it be recommended to the Council to adopt the Recycling and Refuse Collection Policy for Mid Ulster District Council for implementation from 1 April 2015.

**E36/14      Receive and consider paper on status of Building Control Service Convergence across existing councils**

Mr Kelso presented a report on the current status of Building Control Service Convergence across Mid Ulster Councils and the key issues arising, in particular the following;

**Document Charging Schemes**

Mr Kelso set out the document charging schemes currently in place across the three councils and the proposed fee structure for Mid Ulster District Council as below;

Re-stamping of Plans	£20
Re-Issue of Approval Certificates	£15
Legal enquiries regarding Work	£25
Postal Address Confirmation	£15
Archive Search	£25
Exemption Letter	£15

Councillor O'Neill made reference to the hand delivering of documents by Council officers.

Mr Kelso advised that he would not be aware of the background to this situation but agreed to follow up on the matter.

Councillor Gillespie expressed concern at the proposed increase in document charges.

Mr Kelso advised that the current charges have not been revised since their introduction around ten years ago.

**Mid Ulster District Council On-Line Applications**

Mr Kelso advised that the current three Councils all operate a hard copy plans based system for all new applications received. To assist in the implementation of an IT focused application process, it is proposed that provision be made available to enable new applications to be digitally submitted from 1 April 2015.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Reid and

**Resolved** That it be recommended to the Council to adopt the proposed document charging scheme as set out above and make appropriate arrangements to pilot the process for receipt of on-line building notices and regularisation applications both from 1 April 2015.

## **Matters for Information**

### **E37/14      Receive paper on Environmental Health and Building Control Risk Register**

Mr Kelso updated Members on the Environmental Health and Building Control Transition Working Group risk register for the transition period 2014-2015.

### **E38/14      Receive paper on Waste and Technical Services Risk Register**

Mr Cassells provided Members with an update on the work of the Waste and Technical Services Transitional Working Group with regards to dealing with the risks identified in the 2014-2015 transition period.

## **IN COMMITTEE**

Proposed by Councillor B McGuigan  
Seconded by Councillor Gillespie and

**Resolved**      That item E39/14 is taken in committee.

### **E40/14      Duration of Meeting**

The meeting was called for 7.00 pm and ended at 8.35 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_