

A

Minutes of Meeting of Mid Ulster District Council held on Thursday 28 August 2014 in the Council Offices, Circular Road, Dungannon

Members Present: Councillor Mallaghan, Chair (Presiding Councillor)

Councillors Ashton, Bateson, Bell, Buchanan, Burton, Cuddy, Cuthbertson, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, McAleer, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, McPeake, Molloy, Monteith, Mullen, Mulligan, C O'Neill, J O'Neill, T Quinn, M Quinn, Reid, Robinson, J Shiels, G Shiels and Totten

Officers in Attendance: Mr A Tohill, Chief Executive
Mrs Canavan, Lead HR Officer
Mr Moffett, Change Management Officer
Mrs Mezza, Marketing Communications Manager
Mr O'Hagan, ICT Manager
Mr JJ Tohill, Lead Finance Officer
Mrs Smith, Council Business Manager (Dungannon & South Tyrone Borough Council)

In Attendance: Mrs Campbell (Magherafelt District Council)
Mr Canning (Cookstown District Council)
Ms Linney (Dungannon & South Tyrone Borough Council)

The meeting commenced at 7 pm

C39/14 Apologies

Councillors Clarke, Dillon and Wilson

C40/14 Declarations of Interest

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

C41/14 Chair's Business

The Chair on behalf of the Council congratulated all those who participated in the recent world pipe band championships.

Matters for Decision

C42/14 Receive minutes of matters transacted in "Open Business" at Council meeting held on Thursday 24 July 2014

Proposed by Councillor S McGuigan
Seconded by Councillor Gillespie and

Resolved That the Minutes of the Meeting of the Council held on Thursday 24 July 2014 (C27/14 – C34/14 and C38/14), transacted in open business, were considered and signed as accurate and correct.

C43/14 Receive minutes of the Special Council Meeting held on Thursday 31 July 2014

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

Resolved That the Minutes of the Meeting of the Special Council held on Thursday 31 July 2014, having been printed and circulated be taken as read and signed as correct.

C44/14 Appointment to Policing and Community Safety Partnership Recruitment Panel

The Chief Executive presented a report seeking party nominations to appoint a panel to shortlist and interview applicants to serve as independent PCSP Members. He stated that under legislation Councils are obliged to establish a PCSP structure in their locality. On 1 April 2015 in line with Local Government reorganisation the current 26 PCSPs will be reconstituted as 11 with the recruitment exercise commencing in early autumn. The Department of Justice (DOJ) has requested that recruitment panels be established comprising at least two and up to four Councillors, one of whom would act as Chair and that Councils should seek to ensure that the panel is representative in terms of gender and background. Following a request to DOJ that the Mid Ulster panel comprise of 5 Councillors a response had been received agreeing to this but advising that any additional costs incurred be met by the Council. Additional costs have been estimated at £450 plus travel. Council was asked to agree on the size of the recruitment panel and make nominations for the same.

An UUP Member stated that if the DOJ determine that a panel of 4 is adequate the Council should be financially prudent and that the panel be made up of 4 members. Another Ulster Unionist Member stated that it would be good practice that the process should be inclusive of all parties so therefore should proceed with a 5 member panel.

A DUP member agreed that Council should be prudent, appreciated the issue of inclusiveness but felt that a 4 person panel would be adequate.

An SDLP member stated that at a Party Representatives meeting it had been agreed that the DOJ be asked if a 5 member panel could be facilitated in the interest of inclusivity and regretted the comments made.

The UUP member clarified his statement and said that a panel of 4 would be one from each party represented on the Council.

Proposed by Councillor Reid
Seconded by Councillor McLean

That a 4 person panel be set up which would include one from each party on the Council.

A SF member clarified that if a 4 person panel was set up d'Hondt should be used to allocate positions.

In response to a query from a DUP Member the Chair clarified that as this is a new group d'Hondt would start from position one.

Amendment

Proposed by Councillor McGinley
Seconded by Councillor Bell

That a 5 person panel be set up and that positions be filled using d'Hondt.

The amendment was put to the meeting 20 members voting in favour and 14 against.

Proposal

The proposal was put to the meeting with 14 (members) voting in favour and 20 (twenty) against.

The Chair declared the amendment carried and in turn invited the Nominating Officer from each party to make their required number of nominations.

Councillors Burton, Elattar, Gildernew, T Quinn and Wilson were nominated.

The Chair called for nominations for Chair of the Panel.

Proposed by Councillor McGinley
Seconded by Councillor Bell

That Councillor Gildernew chair the panel.

Proposed by Councillor McLean
Seconded by Councillor Glasgow

That Councillor Wilson chair the panel.

20 (twenty) members voted in favour of Councillor Gildernew and 14 (fourteen) members voted in favour of Councillor Wilson.

The Chair declared Councillor Gildernew nominated to the position of chair of the interview panel.

C45/14 Equality Scheme and Disability Action Plan

Ms Linney presented a report seeking the Council's approval for the Draft Equality Scheme and Disability Duties to proceed to consultation.

Draft documents were provided for consideration which followed the guidelines as recommended by the Equality Commission with the exception that the Mid Ulster District Council will notify consultees of 'Screened Documents' 3 times per year rather than 4 times per year. The report outlined the consultation plan which will last for 12 weeks commencing September and concluding at the end of November 2014. Following from this consultation responses would be analysed and presented to Mid Ulster District Council for consideration as part of the adoption of the Mid Ulster Equality Scheme. The Council will then be required to prepare an Equality Action Plan, to address any inequalities identified through a subsequent audit of inequalities following the

A SF Member stated that an equality scheme was an important foundation stone going forward along with Good Relations, however the primacy of equality was important which would require a decoupling from Good Relations.

Ms Linney stated that she was aware of a proposal offered by the Committee on the Administration of Justice and felt it would be addressed as a consultation response which will be brought back as part of the final review by Members before finalisation of the Scheme.

A DUP Member referred to page 12 item 2.4 of the Draft Equality Scheme and asked that rather than 'respond to as soon as possible' that a time frame should be included as would be indicator that can be monitored.

Ms Linney stated that she would change to reflect 7 days.

Resolved That, subject to the above, approve the 'Draft' Equality Scheme and Disability Plan to proceed to consultation.

Mrs Campbell, Ms Linney and Mr McCanny left the meeting at 7.20 pm.

C46/14 Seminars and Conferences

The Change Management Officer presented a report outlining a number of conferences/ seminars/ events and also referred to an email issued detailing further events. He sought member interest for attendance and approval for officer attendance along with associated expenses, mileage and fees, where applicable.

A DUP Member stated that the Council should look sensibly at this issue, take on board the public perception of such events and that a number of checks and balances should be put in place to control attendance.

The Independent Member stated that there is a policy in Dungannon and South Tyrone Borough Council whereby a maximum budget is allocated to each member and that the new Council should be working to good practice and look at adopting something similar.

Proposed by Councillor Monteith
Seconded by Councillor S McGuigan and

Resolved That a paper on the matter is brought to an appropriate Council committee.

The Chair stated that, until an approach was adopted, any member or officer who has an interest in attending any of the events on the lists presented to put their name forward to officers.

Councillor Bateson arrived at 7.25 pm.

C47/14 Due Diligence Review – Transferring of Functions to Local Government

The Lead Finance Officer presented a report setting out officers' assessment of the ongoing due diligence review of transferring functions and requested members approval for the undernoted:

(a) To authorise the officers to respond to the Deloitte Report and the subsequent RTOB Report (as requested by the RTOB (closing date Sunday, 31 August 2014)) advising that a formal response will be submitted on conclusion of the officers' due diligence review, which requires more time to assess the limited information released to councils to date and to seek further information in relation thereto; and

(b) To authorise the officers to commission, in conjunction with the other new councils, a further review by Deloitte (to a specification agreed by the relevant officers within the new councils) in accordance with the officers' assessment of the minimum information required to form an opinion on the proposed budget allocations. The authorisation should extend to mandating the officers to, in so far as is necessary, to engage with Deloitte, RTOB, central government departments and other bodies as necessary to conduct a 'local' due diligence review of the proposed apportionment of the total budget for transferring functions between the eleven council.

Proposed by Councillor McLean
Seconded by Councillor S McGuigan and

Resolved That Council proceed as outlined by the Lead Finance Officer.

C48/14 Scheme of Allowances for Presiding and Deputy Presiding Councillors

The Lead Finance Officer presented a report setting out information on the allocation of an allowance to the Presiding and Deputy Presiding Councillors (Chair and Vice-chair). The report set out the legislative authority, the provision currently made within each of the Councils, the stipulations within the scheme of allowances, the need for a formal expenses policy and basic parameters which would govern all expenses to be reimbursed.

SF Members stated that; they were in favour of a receipt based allowance; that a precedent had been set in the three existing councils; it would be of great benefit to the Council's reputation; small monetary gestures to local groups would be beneficial; and as we are a number of months into the year should set a reduced amount. It was added that this is an important juncture for Mid Ulster and there is a

need for networking and information sharing, which rests with the Chair and Vice-chair therefore necessitating a budget to enable this to happen.

A DUP Member on behalf of his party stated he did not believe it appropriate to apply such allowances in the shadow term and it was important to protect the council finances, but the situation could be reviewed in the future.

Proposed by Councillor McLean
Seconded by Councillor Ashton

That we do not implement allowances for the shadow year with the situation being reviewed in the future.

UUP Members stated the main role of the council during the shadow period was to establish the organisation. The civic function lies with existing first citizens and it was important that this be respected during their final term. Member who would have access to the referred allowance stated he would not be spending any money in this way.

A SDLP Member stated the party would support allowances to permit the Chair and Vice Chair to carry out the duties of their office.

The Independent Member stated that he was against the proposal to set allowances and that there should be centrally controlled hospitality. He indicated that legislation states that civic responsibility of this organisation does not begin to 1 April 2015, therefore there being no justification for spending money on the roles.

Amendment

Proposed by Councillor McGinley
Seconded by Councillor McPeake

That the allocation of allowances to the Chair and Vice Chair be approved at a reduced rate of Chair £7,000 and Vice Chair £2,000.

The amendment was put to the meeting 20 (twenty) members voted in favour and 15 (fifteen) against.

Proposal

The proposal was put to the meeting 15 (fifteen) members voting in favour and 21 (twenty one) against.

For Information

C49/14 Responses to Public Consultations

Members noted previously submitted responses to consultations.

- (i) Rates Convergence Scheme
- (ii) Standing Orders

(iii) Planning Reform Phase 1 Proposals

C50/14 Notice of Motion

The Chair stated that consideration of Motion would be brought forward before business to be taken In Committee.

Councillor Gildernew in proposing the undernoted motion stated that shale gas exploration was starting in Fermanagh but may move to other areas. He referred to methane gas in water, fracking fluid left in the ground, the damage to the environment and the detrimental effect on neighbouring properties. Councillor Gildernew referred;

“That this Council immediately adopts a position of totally opposing shale gas exploration and extraction by the process of hydraulic fracturing known as fracking on the island of Ireland.”

Councillor Bell seconded the motion.

A DUP Member stated that the party was opposed to the motion as there were benefits to be gained from it. He added that shale gas exploration was in its infancy and it would be wrong to dismiss it at this stage. He also stated that this Council's commitment was to Mid Ulster and not the island of Ireland, and that his party would be opposing the motion.

An UUP Member stated that he shared to some degree the views expressed, but at this stage did not know enough to see if charges made against the system stood up. The Member added that responsibility for exploration of minerals lies with central government and views of Mid Ulster members would not carry much weight.

A SDLP Member stated that the party were totally opposed to fracking as no one had demonstrated that it could be done safely and there was a need to capture and analyse data, after which an informed and responsible decision could be taken. The potential damage to heritage, tourism and agricultural industry is simply too great, therefore the SDLP fully supported the motion.

The proposer of the Motion in reply to comments made stated that any benefits accrued from fracking would not end up with the residents of the area, fracking does not know any borders and while the Council does not have direct authority it should still flag up concerns and make the responsible body aware of these.

The Motion was put to the meeting 22 (twenty two) members voted in favour and 14 (fourteen) against.

The Chair declared the Motion carried.

IN COMMITTEE

Proposed by Councillor McLean
Seconded by Councillor S McGuigan and

Resolved That item C51/14 be taken in committee.

The press in attendance left the meeting at 7.53 pm.

C52/14 Duration of Meeting

The meeting commenced at 7.00 pm and ended at 7.55 pm.

CHAIR (Presiding Councillor) _____

DATE _____

B

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 1 September 2014 at 7 pm, in Magherafelt District Council Offices

Members Present: In the Chair, Councillor Kearney (Chair)

Councillors Bell, Cuthbertson, Gildernew, Glasgow, McElDowney, McPeake, Mallaghan, Mullen, T Quinn, Reid, Robinson and J Shiels

Members in Attendance: Councillors B McGuigan and Wilson

Officers in Attendance: Mr Tohill, Chief Executive
Mrs Grogan, Secretariat (Dungannon & South Tyrone Borough Council)

Others in Attendance: Mr Chris Boomer, Area Planning Manager Mid Ulster
Mrs Deirdre McSorley, Area Planning Manager
Mr Martin McCarroll, Senior Planner, Cookstown

The meeting commenced at 7 pm

P6/14 Apologies

Councillors Bateson, Clarke and McKinney.

P7/14 Declarations of Interest

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

Matters for Decision

P8/14 Receive and Confirm Minutes of the Planning Committee Meeting held on Wednesday 9 July 2014

Proposed by Councillor Gildernew
Seconded by Councillor T Quinn and

Resolved: That the minutes of the meeting of the Planning Committee held on Wednesday 9 July 2014, (P1/14 – P5/14) were considered and signed as accurate and correct.

P9/14 DOE Capacity Building and Training for Elected Members on Planning

The Chief Executive presented a report outlining DoE arrangements to build capacity of new council members on the transferring function of planning. The sessions include: (i) Overview of Planning for Councillors; (ii) Development Plans and Working

with the Community; (iii) Practical Planning; and (iv) Propriety and Outcomes dealing with the Code of Conduct and the role of the Planning Appeals Commission. He advised that attendance is strongly recommended at proposed training events.

A SDLP Member stated that all members of the Council should have the opportunity to attend as every Councillor should be aware of the new Planning structure coming into place in April 2015.

The Chief Executive agreed and asked members to liaise with their parties on encouraging attendance.

Proposed by Councillor Mallaghan
Seconded by Councillor T Quinn and

Resolved: That it be recommended to the Council that all members of the Council attend sessions within the training programme. Names of attendees to be provided to officers.

P10/14 Discuss and Review a Sample of Planning Applications

Mr Chris Boomer, Ms Deirdre McSorley and Mr Martin McCarroll were in attendance and reviewed a sample of planning applications with members.

Councillor Wilson left the meeting at 8.05 pm during above discussion.

P11/14 Duration of Meeting

The meeting commenced at 7.00 pm and ended at 8.25 pm.

CHAIR _____

DATE _____

C

Minutes of Meeting of Policy & Resources Committee of Mid Ulster District Council held on Tuesday 2 September 2014 in Magherafelt District Council Offices

Members Present: In the Chair, Councillor McPeake (Chair)

Councillors Ashton, Bateson, Buchanan, Elattar, Forde, Glasgow, Mallaghan, McFlynn, McGinley, S McGuigan, Molloy, M Quinn, Reid and Totten

Officers in Attendance: Mr A Tohill, Chief Executive
Mrs Canavan, Lead HR Officer
Mrs Mezza, Marketing Communications Manager
Mr O'Hagan, ICT Manager
Mr JJ Tohill, Lead Finance Officer
Mrs Smith, Council Business Manager (Dungannon & South Tyrone Borough Council)

The meeting commenced at 8.05 pm

PR17/14 Apologies

Councillor McLean

PR18/14 Declarations of Interest

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

PR19/14 Receive and confirm minutes of the Policy & Resources Committee held on Wednesday 9 July 2014

Proposed by Councillor Mallaghan
Seconded by Councillor S McGuigan and

Resolved That the Minutes of the Meeting of the Policy & Resources Committee held on Wednesday 9 July 2014 (PR1/14 - PR16/14) were considered and signed as accurate and correct.

Matters for Decision

PR20/14 Off Street Car Parking

The Chief Executive presented a report seeking members' approval for Mid Ulster District Council to participate in the existing DRD arrangements in respect of Off Street Parking enforcement for the period 1 April 2015 to 31 October 2016. He stated DRD currently operate with the aid of two key contracts, an enforcement contract and an electronic processing contract. The logistics of the provision of car parking services include a range of activities and presents a considerable administrative challenge. To participate in existing arrangements will allow a seamless transfer from 1 April and give the Council an opportunity to learn from the operation and prepare alternative arrangements, if required.

SF Members asked if the Council can use this opportunity for further negotiation with DRD in relation to anomalies. They indicated that the proposal was worthy and allowed the Council time to consider the way forward and the car parking pilot scheme in Dungannon should be monitored as something the Council could consider in the future.

A UUP Member stated that the proposal gives the Council breathing space to consider all issues and to put in place a fair process across the district but it was important that updated figures are obtained from the DRD. He also asked if the Council would own the car parks.

DUP Members spoke in relation to the need for a fair policy across all three areas and asked if the £333k included all maintenance costs.

The Chief Executive responded to members stating; assets will transfer to Council; there was an onus on the Council to identify deficiencies in funding to DRD and DSD; and figures include an element of minor maintenance but would not cover any resurfacing that was required. DRD received additional monies for major maintenance works via NI Executive monitoring rounds. Once the Council begins to build budgets and see an emerging financial picture some tough decisions will have to be made regarding car parking tariffs.

Proposed by Councillor Reid
Seconded by Councillor McGuigan and

Resolved That it be recommended to the Council that the Council participate in the existing DRD arrangements in respect of Off Street Car Parking for the period 1 April 2015 to 31 October 2016 based on a service level agreement.

RP21/14 Procurement Thresholds

The Lead Finance Officer presented a report on the proposed procurement approach and requested authorisation to develop a procurement policy on the basis of the report. The procurement practices within the three councils have been reviewed and it is recommended that the Council adopt option 3 within the report. In broad terms this would result in:

- Up to £1,000 – no quotation required but must demonstrate that costs are reasonable
- £1,000 to £5,000 – 2 written price checks required and must demonstrate that costs are reasonable, approved by authorised officer
- £5,000 to £30,000 – a minimum of 4 written quotations, approved by Director
- £30,000 to EU threshold – advertised in regional press – approved by Council
- Single tender actions – request via Director to Chief Executive – up to £30,000 approved by Chief Executive, otherwise approved by Council
- All single tender actions above £1,000 reported to Council or Committee as agreed
- All procurement in excess of £1,000 notified to procurement team.

A SF Member asked where the procurement of consultants would fit in.

DUP Members asked if there will be any built in mechanism to prevent small orders on a consistent basis to keep within threshold and negate the need to go to quotations. They stated that would like to see lower thresholds so the process remains transparent and open.

A UUP Member asked if this approach would leave the process faster and who would be monitoring purchases. He also questioned the need for controls regarding declarations of staff interest.

The Lead Finance Officer responded to Members' questions:

- consultants are usually associated with larger projects and will come under same parameters with guidance in the finer details of the policy
- responsibility of Director to monitor procurement practices making sure no bending of the rules to try to circumvent limits. Directors form part of the governance assurance framework that will come into the council which will motivate directors to closely monitor budgets
- the limits are those recommended by the NI Local Government Procurement Group and in line with local government and central sector
- on a contract of £15,000 could spend up to 10 per cent on advertising
- decentralising and increasing thresholds should expedite the process
- declaration of staff interests will be part of governance arrangements

Proposed by Councillor Mallaghan
Seconded by Councillor Bateson and

Resolved That it be recommended to the Council that the report is adopted and that appropriate policy is developed in line with the recommendations in the report.

RP22/14 Apportionment of Costs for Services Provided by NI Commissioner of Complaints

The Lead Finance Officer presented a report informing members of the DoE consultation exercise on the Apportionment of Costs associated with the Ethical Standards Framework between Councils (the Northern Ireland Commissioner for Complaints) and seeking members' agreement upon a preferred option for the apportionment of costs. He stated it has been estimated that the cost for 2015/16 will be £380,000 with four options on apportioning costs being presented for consultation; number of councils, number of councillors, population and tax base (gross penny product) with the latter being the most economically acceptable to the Council.

Proposed by Councillor S McGuigan
Seconded by Councillor McFlynn and

Resolved That it be recommended to the Council that the preferred option for the apportionment of costs for the Commissioner's Office would be Tax Base (Gross Penny Product).

R23/14 ICT Audit and Analysis

The ICT Manager presented a report which provided update to the Council on the findings and recommendations of the business analysis carried out by Kelway Consultants in respect of converging systems and ICT requirements and sought approval to procure goods and services to build the new ICT service for Mid Ulster District Council.

SF Members stated that this was a comprehensive report and it was always going to be an expensive area that would not have been required if local government reform had not been forced upon local government. They asked if the Council can avail of money for this project from the NI Executive. It was stated that the project was necessary and the three Councils need to be looking at resources which could be diverted to this project.

DUP Members referred to shortfall of £63k in budget and this would be added to the shortfall in budget for the communications system previously reported and felt that recommendations need to be coming from officers on how these projects are going to be financed. It was asked if the three Councils had been approached and given any commitment. It was also asked if officer confident that any tender process would come in at the costs stated.

SDLP Members stated that there is a need for a fully functional ICT system and report highlighted that current three systems lacking in a number of areas. It was asked what software brand would be used.

A UUP Member expressed concern at another deficit in budget and the potential for further when project tendered. He stated that his party could not at the moment support the project, that it should be revisited and asked that this be noted in the minutes. He asked about the longevity of the project. He felt that effect on rates would be tremendous and this should be explained to the DoE.

The Chair stated that this was a complex issue so that is why Consultants were employed, he spoke in relation to the time pressures and asked the Member to outline what he thought the alternative was.

A UUP Member stated that it is a must that the three Councils be approached and asked to put down on paper what financial contribution would be given to support these costs and that there should be a strong lobby to the DoE to release funds.

The ICT Manager in response to questions stated:

- the approach as outlined would leave a system fit for purpose with at least back office requirements for five years
- if all recommendations were adopted it will have a reasonable structure which will be responsive to members, staff and the needs of the public
- Consultants have given us suggestions on what is required and the process will be built around Microsoft Software
- Costs are based on indicative pricing following research

The Lead Finance Officer stated that the matter of finance from the NI Executive continues to be under discussion and that the Finance Officers within the existing

Councils are aware of the situation. He added that the existing Councils will effectively fund the cost of the Shadow Council operating under controls from DoE.

The Chief Executive stated that the DoE has £2m to assist local government ICT systems set up and officers have liaised with DoE Officials to have money released but without success. It would appear that the only recourse is to the DoE Minister

Proposed by Councillor McFlynn
Seconded by Councillor McGuigan and

Resolved It be recommended to Council that the report and recommendations are adopted and that officers are authorised to develop the appropriate documentation. That a letter be sent to the DoE Minister to have money released.

Matters for Information

PR24/14 Branding of Mid Ulster

Mrs Mezza submitted a report on the progress of work to develop a new branding strategy for Mid Ulster District Council. Consultants had been appointed to undertake work associated with the development of a brand. The first phase of the project centres on consultation, work began in early July and should be completed by 12 September. Outcome of all research will be formed into a stakeholder report and inform phase 2, the development of concept and design which will take up to 5 weeks to complete.

SF Members stated that the cultural make-up of the Mid Ulster District Council is similar to Magherafelt and will be of a similar cultural aspiration therefore branding should be bilingual. The Irish Language Policy within Magherafelt has been consulted on, went through all assessments and has been endorsed by the people. This is something that should be given consideration as part of branding.

Proposed by Councillor Bateson
Seconded by Councillor Mallaghan

That it be recommended to the Council that to short circuit part of the work towards developing bilingual branding for the Mid Ulster District Council that the Council adopt the existing Magherafelt District Council Irish language Policy.

DUP Members stated they could not support the proposal, putting two or three languages into branding is not cost effective, the committee cannot agree a policy that it has not seen, which has not been consulted on throughout the whole area or which has not been placed as an item on the agenda. Members will oppose any proposal at this stage.

A SDLP Member stated that she has not seen the policy and therefore it needs to be circulated to all members.

UUP Members asked if the policy takes account of the diverse population of the borough and if it was inclusive of all languages. It was suggested that there was a need for a discussion or workshop to properly discuss this issue.

The Chair asked if the proposer would be prepared to amend proposal to take account of what had been discussed.

Councillor Bateson amended proposal to read

That it be recommended to the Council that the Magherafelt policy be put forward as a discussion document to inform the development of a policy for Mid Ulster.

The proposal as amended was put to the meeting 10 (ten) members voting in favour and 5 (five) against.

The Chair declared the proposal carried.

The Chair stated that a paper and should come to committee as soon as possible so that outcome can be fed into corporate branding exercise.

PR25/14 Mid Ulster District Council Interim Website.

Paper noted.

PR26/14 Draft Employee Code of Conduct and Employee Member Protocol

Paper noted.

PR27/14 Estimated Penny Product for Mid Ulster District Council

Paper noted.

PR28/14 Guidance on the Financial Operation of New Councils during the Shadow Period

The Lead Finance Officer presented a report which considered the contents and implications of circular LG 34/2014.

He discussed with members the implications of capitalisation, capital expenditure, loans and reserves and how all these issues are currently being managed within the three Councils. It was noted that capital expenditure above £250k and any borrowing has to be approved by the Shadow Council.

The Chief Executive stated that more work needed to be completed on the financial position of Councils and a paper would be brought to a future meeting.

PR29/14 Open Consultation List

Draft PPS22 on Affordable Housing, closing on 23 September
Developer Contributions for Affordable Housing, closing on 23 September

PR30/14 Hospitality

A DUP Member stated the Council should be striving to keep costs to a minimum.

Proposed by Councillor Ashton
Seconded by Councillor Buchanan and

Resolved That it be recommended to the Council that hospitality at Council and Committee meetings should be tea, coffee, biscuits and jugs of tap water.

PR31/14 Duration of Meeting

The meeting was called for 8.00 pm and ended at 9.54 pm.

CHAIR _____

DATE _____

D

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Wednesday 3 September 2014 in Magherafelt District Council Offices**

Members Present:	In the Chair, Councillor Cuddy (Chair) Councillors Buchanan, Burton, Cuthbertson, Gillespie, Mallaghan, McAleer, McFlynn, McGinley, B McGuigan, S McGuigan, McNamee, Mullen, Mulligan and Reid
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) Mrs McClements, Acting Director of Environmental Services (DSTBC) Mr Scullion, Head of Technical Services (CDC) Miss Thompson, Secretariat (DSTBC)

The meeting commenced at 7.00 pm

E6/14 Apologies

Councillor J O'Neill.

E7/14 Time of Meeting

A DUP Member stated that there is an overlap of time between this meeting and that of another group which some Members of the committee serve on. The Member asked if the committee start time could be changed to 7.30 pm.

The Chief Executive stated that dates and times for all Mid Ulster meetings had been set until March 2015 and that it would be difficult to avoid clashes with all other meetings.

Members were of the view that to maintain continuity all Mid Ulster District Council meetings should continue to start at 7.00 pm.

E8/14 Declarations of Interest

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

**E9/14 Receive and confirm minutes of the Environment Committee
meeting held on Thursday 10 July 2014**

A SF Member requested that the minute be amended to read –

Item E5/14 Paper on DSD Affordable Warmth Programme – Mid Ulster Cluster (C)

Resolved It was resolved that the Director of Environmental Health & Building Control (Cookstown DC) continues to liaise with DSD in respect of finances for the provision of double glazing in currently single-glazed dwellings for owner occupiers.

Proposed by Councillor S McGuigan
Seconded by Councillor McFlynn and

Resolved That the minutes of the meeting of the Environment Committee held on Thursday 10 July 2014 (E1/14 – E5/14) were considered and signed as accurate and correct, subject to the foregoing amendment.

Matters for Decision

E10/14 Receive and consider paper on future of waste management groups

Mr Cassells presented a report in respect of the future arrangements for waste management groups following Local Government Reform in April 2015. As per report, Mr Cassells set out a number of key issues and highlighted the five options, set out by DoE, in relation to the replacement arrangements for the current waste management groups setting out option 5 as the preferred option, that is, to have no future formal group structure.

An UUP Member enquired as to the future of the existing waste management groups with regards to their financing and staffing.

Mr Cassells advised that, in theory, as both arc21 and SWaMP2008 are corporate bodies they could continue to run post April 2015, as NWRWMG is currently a joint committee it would cease to exist. Staffing issues will be considered in due course.

A SF Member questioned whether ongoing contracts could become a liability for Mid Ulster District Council.

Mr Cassells stated that all current contracts will transfer to Mid Ulster District Council in April 2015 with decisions on whether to re-tender to be taken closer to the time of the contract ending.

Proposed by Councillor S McGuigan
Seconded by Councillor Mallaghan and

Resolved That it be recommended to the Council to adopt option 5 in the DoE paper, “To have no formal trans-council waste management co-operation”, but that this option will include voluntary co-operation between Councils on a project by project basis.

E11/14 Receive and consider paper on Home Accident Prevention Strategy 2014-2024

Mr Kelso presented a report and update in relation to the Home Accident Prevention Programme including a draft response to the Home Accident Prevention Strategy consultation 2014-2024.

A SF Member spoke in relation to comment contained within the consultation response, calling for an introduction of a targeted maintenance requirement on all landlords for all heating appliances to reduce potential for accidental poisonings or fire. The Member enquired how this could be policed.

Mr Kelso advised that there is already legislation in the form of the Private Tenancies Order and if the targeted maintenance requirement should be adopted there may be the potential to extend the remit of this legislation.

In relation to media campaigns and how to raise public awareness of home accident prevention a SF Member enquired if an increased budget would be provided for this.

Mr Kelso advised that he was not aware of any further monies becoming available for public awareness campaigns but if Members were of the view an additional comment could be included in the consultation response suggesting an increased budget for home accident public awareness.

A SDLP Member suggested that Mid Ulster District Council consider holding an open day to highlight home accident prevention as previous events organised by respective Councils have been very successful.

Proposed by Councillor Reid
Seconded by Councillor F Burton and

Resolved That it be recommended to the Council to respond to the Home Accident Prevention Strategy response as per report including additional comment in relation to increased budget for public awareness campaigns.

Matters for Information

E12/14 Receive paper on environmental health and building control contractual commitments

Mr Kelso presented a report on the current contracts facilitated by Environmental Health and Building Control Services for the current year 2014/15. Mr Kelso advised that suitable arrangements will be required within the budget for 2015/16 for continued service delivery and that discussions have already commenced in this regard.

A SF Member queried the expenditure on utility and power supply for Magherafelt District Council.

Mr Kelso advised that a more detailed breakdown of this figure can be provided.

E13/14 Receive paper on coloured collar identification tags for dogs

Mrs McClements presented Members with the response made to the Department of Agriculture and Rural Development request for views on the Dog Licensing and Identification 'Review of Coloured Collar Identification for Dogs'.

Proposed by Councillor B McGuigan
Seconded by Councillor McFlynn and

Resolved That it be recommended to the Council to note option 3 – “To abolish the need for coloured identification tags from January 2015, with compulsory micro-chipping to be the sole method of identification” - as the preferred option moving forward.

A SF Member enquired as to the body responsible for cats.

Mrs McClements advised that there is no legislation with regard to the collection or licensing of cats however if there is welfare issues then this would be covered by animal welfare legislation.

E14/14 Receive paper on waste management and technical services contracts

Mr Cassells presented a report which provided Members with details of the five highest value waste management contracts being operated by the three Councils. He advised that all existing contracts will transfer to Mid Ulster District Council and that a further report will be brought to committee outlining preparations in relation to contractual arrangements post 1 April 2015.

A SF Member commented that this Council is in a good position in that a number of the current contracts have around two years left to run which allows sufficient time for retendering for new contracts.

UUP Members commented on the Tullyvar site and its potential to be used as a waste transfer station in the future. It was suggested that the Council target private businesses and organisations with regard to improving the segregating of waste with a view to increasing recycling rates.

The Chief Executive stated that there is still a massive opportunity to divert more waste for recycling but that there is a job of work to do with regard to raising public awareness of what can be recycled and how it should be disposed of. He suggested that this issue be explored by the Waste and Technical Services Working Group with a report to come back to committee on how best to improve public awareness of recycling.

E15/14 Receive paper on Northern Ireland Landfill Allowance Scheme

Mr Cassells presented a report with regard to proposed changes to the Northern Ireland Landfill Allowance Scheme (NILAS) as a result of Local Government Reform.

With regard to the separate collection of food waste which will be legislated for in 2016 a UUP Member enquired whether it would be feasible to collect such food waste separately in rural areas.

Mr Cassells advised that the collection of food waste in rural areas is unlikely to be cost effective on its own but that bins with separate compartments and combined collections could be looked at for the future.

A SDLP Member enquired as to the predicted life left at each Council's landfill sites.

Members were advised that the Cookstown site is due to close in 2015 and Dungannon's site by 2020. The Magherafelt site has capacity for around 40,000 tonnes although the site is not currently being used.

Mr Cassells commented that there is likely to be a complete ban on landfill by 2025.

In response to a question from a SDLP Member, Mr Cassells advised that the food waste collected by Council would be particularly useful for anaerobic digestion.

An UUP Member spoke in relation to the number of large food processors in the Dungannon area who have invested in their own systems to deal with waste.

E16/14 Receive paper on health and safety provision within Mid Ulster waste and technical services sections

Mr Cassells provided Members with an update on the current health and safety activity within Waste and Technical Services across the cluster of councils and future service requirements.

A SF Member enquired as to the resource implications for the future provision of health and safety requirements.

The Chief Executive advised that the health and safety of staff and customers will be a high priority requiring investment. Costs relating to this will be provided to Members at a later date.

E17/14 Duration of Meeting

The meeting commenced at 7.00 pm and ended at 8.45 pm.

CHAIR _____

DATE _____

E

Minutes of Meeting of the Development Committee of Mid Ulster District Council held on Thursday 4 September 2014 in Magherafelt District Council Offices

Members Present: In the Chair, Councillor Burton (Chair)

Councillors Dillon, Elattar, Mallaghan, McAleer, McEldowney, McNamee, Molloy, C O'Neill, T Quinn, Reid, G Shiels, J Shiels (7.06pm) and Wilson

Officers in Attendance: Mr Tohill, Chief Executive
Mr Cassells, Director of Technical Services and Leisure Services (MDC)
Ms Campbell Director of Policy & Development (MDC)
Mr Glavin, Head of Leisure Services (CDC)
Mrs Forde, Member Support Officer (DSTBC)
Mr Iain Frazer, Director of Development (DSTBC)
Mr Hill, Tourism & Parks Manager (DSTBC)
Mr McCreesh, Acting Chief Executive (CDC)
Mr McShane Head of Sport Services (CDS)

The meeting commenced at 7.00 pm.

D7/14 Apologies

Councillor Monteith.

D8/14 Declaration of Interest

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

D9/14 Receive and confirm minutes of the Development Committee meeting held on Thursday 10 July 2014

An UUP Member requested that the second paragraph of item D4/14 on page two of the minute should read UUP not DUP.

Proposed by Councillor Wilson
Seconded by Councillor McNamee and

Resolved That the minutes of the meeting of the Development Committee held on Thursday 10 July 2014 (D1/14 – D6/14), were considered and signed as accurate and correct, subject to the foregoing amendment.

Councillor J Shiels entered the meeting at 7.06pm

D10/14 Order of Business

The Chair advised that following a request she had agreed to change the order of business to allow item six of the agenda to be considered at this point.

Matters for Decision

D11/14 Receive and Consider Paper on NI Rural Development Programme 2014-2020 within Mid Ulster District Council Area

Mr McCreesh presented a report on Northern Ireland Rural Development Programme 2014-2022 providing a background and briefing on proposed delivery structure and consideration of the transfer of the current programme (2007-2014) contract from SWARD JCC to Mid Ulster District Council. Mr McCreesh outlined the background, highlighted key issues, resource implications and drew attention to the recommendations undernoted:

- (i) Mid Ulster District Council agree to take responsibility for current SWARD JCC contract with DARD for programme closure and administrative expenditure incurred post 31st March 2015, following agreement on a suitable arrangement with Omagh/Fermanagh Council and DARD in relation to any potential clawback within the current programme.
- (ii) Council is asked to adopt the delivery proposal outlined in Appendix 1 as the mechanism for the roll out of rural development funding within the Mid Ulster District Council area for the period 2014-2020.
- (iii) Mid Ulster District Council use the proposed model as a basis for on-going discussions with DARD with a view to having the new programme in place and across Mid Ulster as soon as possible.

Declaration of Interests

Councillors Burton, Reid, G Shiels and Wilson declared an interest as representatives of SWARD and remained in the room.

A UUP Councillor complimented Mr McCreesh and colleagues on the document stating that SWARD was renowned for its excellence out of all the clusters. He then drew attention to the undernoted:

- that in the future LAG's would be comprised of 49% elected representatives and 51% Social Partners drawing attention to the proposed robust SLA;
- that when the new programme rolls out initial staffing costs would be high as they are based on project spend but as the programme progressed the costs would even out;
- Council don't pay out as it is DARD remit to pay the grants thus Council have a safeguard;
- Council should be stressing a seamless transition between programmes but as this was not possible should be endeavouring to ensure the time lapse between the two is as narrow as possible.

Proposed by Councillor Wilson
Seconded by Councillor Forde and

Resolved That it be recommended to the Council that the recommendations outlined at (i), (ii) and (iii) be approved.

The Chief Executive commended officers on the report and the success of SWARD stating that in order to make preparations for post April 2015 the matter would have to be brought to party groupings for consideration.

The Chair made reference to the need for broadband to be upgraded and affordable in rural areas especially for young people attending university and also the needs of women's groups taking applications forward be addressed.

Councillor Wilson left the meeting at 7.23 pm

Mr McCreesh thanked the Councillors and Officers for their positive remarks and referred to broadband provision advising that individual Councils had gathered evidence and communicated same to Department of Enterprise Trade and Industry in the past. He advised that DETI had allocated a contract and that the reality had been that rural communities had not been adequately considered stating that any future contract should be state of the art fibre optic broadband. He added that it was positive that the Minister of DARD had incorporated this into the Rural Development Plan.

D12/14 Receive and Consider Paper on Mid Ulster District Council Sport & Leisure Membership Card Scheme

Mr Cassells presented a paper on the Mid Ulster District Council Sport & Leisure Membership Card Scheme proposals outlining the background, considerations and drew attention to the summary of options on a way forward to achieve the objectives of increasing participation at sport and leisure facilities within the District without increasing the current budgets of the services.

A summary of the options were:

1. Implementation of a harmonised pricing structure across the Mid Ulster District Council area (with the exception of the Greenvale Leisure Centre).
2. A Mid Ulster District Council Sport & Leisure Membership Card to include the Greenvale Leisure Centre, Magherafelt
3. A Mid Ulster District Council Sport & Leisure Membership Card to exclude the Greenvale Leisure Centre, Magherafelt
4. A 'Single Site Package' Mid Ulster District Council Sport & Leisure Membership Card based on the main leisure centres of Cookstown and Dungannon with an option to develop this approach further to include more centres.

Mr Cassells drew attention to the recommendation outlined in the report;

That the Development Committee endorses the recommendation to Council with regard to the introduction of a Mid Ulster Council Sport & Leisure Membership scheme based on the implementation of Options 1 and 4 outlined above.

A SF Member thanked Mr Cassells for the presentation commenting that the current deal with Pulse permitted a review in September 2017, that a financial report should

have been presented stressing that this is one of the first opportunities for people to see the benefit of three Councils coming together. The Member stated option one has to happen regardless with the same pricing structure across Mid Ulster but the process did not seem to be moving forward.

Other SF Members concurred with this making reference to;

- stating that option 2 was the desired position and the sooner it is achieved the better with every rate payer throughout the new district being treated the same.
- Reference was made to the five year review 'get out' clause with Pulse.
- Issues had been brought to Members attention regarding the operation and staffing of Greenvale Leisure Centre;
- As a Party it would not endorse privatisation; and
- Trade Union Membership at Greenvale Leisure Centre.

In concluding, a SF Member stated they would like to see a more detailed proposal together with cost implications.

In response Mr Cassells advised that arrangements had been made with Magherafelt District Council Solicitor to review the implications if Council wanted to opt out of the contract which commenced in 2012 for a period of initially five years noting that the concept had been that if either party were unhappy there was a 'get out clause' after five years. With regard to fees and charges the reporting officers had indicated that they would bring a report to committee but it should be appreciated that it required detailed analysis of every service offered, the process of which was ongoing. The same analysis would also incorporate Pulse and that if there was no detriment to them they would go with the scheme. The overall consensus on option 2 would be that it was preferred and should be accelerated.

A SF Member stated that with regard to the Trade Union issue it had been agreed to have a leisure centre consultative group with Council Officers and operational representatives from Pulse and that although there had been initial difficulties in the early stages it was now working more smoothly.

A SF Member stated that more detail regarding the membership scheme was required together with cost implications.

Mr Cassells further advised Option 2 was deliverable, it would be the preference of the Officers but the real question is the ability to deliver within the timescale. A major stumbling block would be consistent pricing and agreed access control as currently three leisure centres were using one software system but three different versions with the fourth using a different system entirely. Procurement issues would also pose an issue although ultimately option 2 was achievable the timescale of April 2015 could prove difficult.

Councillor G Shiels left the meeting at 7.50pm

A SF Member stated that he was opposed to option 4 and that the recommendation should be amended.

Proposed by Councillor Mallaghan

That it be recommended to the Council that option one be progressed and officers work towards option two and report back to committee with update.

A UUP Member stated that more clarification re Greenvale would be required before the matter could be progressed, that it was imperative that the committee had all costs as the ratepayer must not be affected.

Seconded by Councillor Reid and

Resolved That it be recommended to the Council that option one be progressed and officers work towards option two and report back to committee with update to include cost implications.

A SF Member stated that any sub or contracted work should adhere to same policies as Council especially with regard to Trade Union. The need for cost implications to be brought to committee was emphasised.

Councillor Mallaghan left the meeting at 7.55pm

**D13/14 Receive and Consider Paper on Water Recreation Sites
transferring to Mid Ulster District Council**

Mr Hill presented paper on Water Recreation Sites as undernoted that would be transferring to Mid Ulster District Council with an effective date of 1 April 2015.

Councillors G Shiel and Mallaghan returned to the meeting at 7.57pm

- Ardtrea Bridge (Cookstown District Council)
- Ballysaggart Lough (Dungannon & South Tyrone Borough Council)
- Glenmore (Dungannon & South Tyrone Borough Council)
- Coalisland Canal & Towpath (Dungannon & South Tyrone Borough Council)

Mr Hill in drawing attention to key issues advised that DCAL is to complete the renewal of Lease Agreement for Ardtrea Bridge prior to transfer and that the figures detailed at section 3.1.3 provided by DCAL indicated an expenditure of £28,400 for the period 2006-2013 equating to an average cost of £4057 per annum appeared low.

The Chair made reference to 3.3 of the report in that the legal issue in relation to Ballysaggart Lough had been ongoing for a number of years.

Mr Hill drew attention to the recommendation that the Development Committee endorses the recommendation to Council with regard to initial proceedings to establish a new Service Level Agreement with Rivers Agency for the maintenance of the aforementioned sites.

Proposed by Councillor McNamee
Seconded by Councillor Quinn, and

Resolved That it be recommended that the Council endorses the recommendation with regard to initial proceedings to establish a new

Service Level Agreement with Rivers Agency for the maintenance of the four transferred sites aforementioned.

**D14/14 Receive and Consider Paper on Mid Ulster District Council
Community Planning Progress**

Mr McCreesh presented paper on the Mid Ulster District Council community planning progress drawing particular attention to engagement exercises with statutory agencies, staff and Members scheduled to take place in October 2014, February 2015 and May 2015. He made reference to the planned community engagement events in the new Mid Ulster area scheduled to take place in November/December 2014 in 12 locations with an aim of reporting back to community with a draft plan in May/June 2015.

Mr McCreesh advised that many statutory agencies were not included in the list of those compelled to participate for example DARD, branches of DOE were not specified. Currently being considered for inclusion was the Northern Ireland Housing Executive, Education & Library Boards, Health & Social Care Trusts, Public Health Agency, Invest NI, Northern Ireland Tourist Board and the PSNI.

Approval was sought for the report recommendation to approve the plans detailed in appendices one and Stakeholder Capacity Support and Community Planning Engagement Events.

Mr Tohill advised that NI Local Government Association was meeting with DoE to discuss community planning statutory partners.

A UUP Members asked if it was anticipated that Council would work with two health trusts and if there would be a dedicated officer for both trust areas. Mr McCreesh advised that it is the hope that legislation will dictate that all statutory agencies would be duty bound to participate.

A SDLP Member queried the areas outlined for community planning engagement events expressing the desire to include all small towns and groupings. Mr McCreesh advised that towns that miss out in community planning engagement events would be captured through Rural Development events.

A UUP Member asked how it was planned to capture the views of community and voluntary sectors as their ideas and opinions would be of value.

Mr Tohill advised that it was hoped to do something through the schools and social media as the net needed to be cast as wide as possible and that with regard to community planning partners it is expected that statutory agencies will be required to actively participate not just have regard for Councils community planning.

Resolved That it be recommended to the Council to approve the plans detailed in appendices one and two of report on Stakeholder Capacity Support and Community Planning Engagement Events.

Councillor C O'Neill left the meeting at 8.25pm returning at 8.27pm

D15/14 Receive and Consider Paper on Review of NI Tourist Board and Wider Tourism Structures

Ms Campbell presented the paper on review of NI Tourist Board and wider tourism structures outlining the proposed response on behalf of Council to DETI and stressing that tourism should be linked in with community planning. Ms Campbell also drew attention to the engagement event planned by NILGA scheduled to take place on 16 September.

Ms Campbell recommended that

- (i) Council approve the response to the Consultation to the Review of the Northern Ireland Tourist Board and Wider Tourism Structure detailed at appendix 1 of the report; and
- (ii) Approval for Member attendance at the Tourism Consultation: Key Engagement Event detailed at appendix 2 of the report.

In response to SF Member's request for a breakdown of the figures regarding expenditure of all visitors detailed on page 2 of the report Ms Campbell advised that they were taken directly from NISRA Local Government District Tourism Statistics in Northern Ireland 2011-2012 and that she would contact the NITB to determine how they were arrived at.

Proposed by Councillor Molloy
Seconded by Councillor C O'Neill and

Resolved That it be recommended to the Council that

- (i) Council approve the response to the Consultation to the Review of the Northern Ireland Tourist Board and Wider Tourism Structure detailed at appendix 1 of the report; and
- (ii) Approval for Member attendance at the Tourism Consultation: Key Engagement Event detailed at appendix 2 of the report.

For Information

D16/14 Receive Paper on Development and Regeneration Activity

Ms Campbell drew attention to the report updating Members on progress on the Development and Regeneration Forward Work Plan previously presented advising progress was on target.

A UUP Member stated that the Councils had done excellent work over the years and that the working group progressing the Development and Regeneration Forward Work Plan should consist of Members from each party representing each Council area.

Mr Tohill advised that each party had been asked to nominate Members to the existing Local Economic Development Working Group which would exist throughout the life of the shadow council which would report through the Development Committee.

A SF Member requested the rationale for appointing consultants asking why work could not be undertaken by officers. Ms Campbell advised approval had been sought to appoint consultants as skills were not available within the councils to undertake an economic development strategy and grants and support services in the voluntary sector. It was also important to attain an independent view. A SF Member requested that rationale be included in the future on occasions when consultants were being recommended for use.

D17/14 Receive Paper on Active Communities Programme

Mr Cassells presented paper updating Members on the Active Communities Programme.

A SF Member stated that the facts speak for themselves of the success of the programme and a SDLP Member concurred with this referring of its value to individual lives. A UUP Member spoke of its excellent contribution to over 50's and those rehabilitating following chest, heart and stroke issues.

Proposed by Councillor Mallaghan
Seconded by Councillor Quinn and

Resolved That it be recommended to the Council that a letter is sent to the Minister of Department of Culture Arts & Leisure to seek a continuation of funding and to ascertain the cost implications to Council.

Mr Tohill emphasised that it was vital that any cost implications be considered in setting budgets.

Councillor Mallaghan left the meeting at 8.49pm returning at 8.50pm

D18/14 Receive Paper on Transferring Urban Regeneration and Community Development Functions

Mr McCreesh presented paper on transferring Urban Regeneration and Community Development Functions highlighting;

- Tackling Disadvantage (Neighbourhood Renewal);
- Community Development;
- Physical Regeneration;
- Budget Considerations;
- Resource implications both financial and human; and
- Governance structures and timing.

Mr McCreesh advised that groups needed to know what the future held and it was the duty of the Council to manage the issues and communicate decisions when available.

Mr Tohill stated that the issues would not be resolved overnight but the purpose of the paper was to bring matters to the attention of Members. He recommended that Member workshops would be required to discuss matters further.

A SF Member concurred with the workshop suggestion and expressed concern over Neighbourhood Renewal and areas of deprivation, when health pressures and antisocial behaviour were additional consequences of deprivation.

The Chair concurred with this recommending that workshops be progressed.

A UUP Member further concurred stating that the Council was under the spotlight especially in relation to the public realm schemes.

A SF Member stated that the reality of the budget restrictions needed to be fed back to the three Councils communicate realistic expectations.

In response to the Chair's comments on existing funding of women's groups by DSD, back to work schemes and neighbourhood renewal Mr McCreesh stated that contributions to statutory agencies would have to be identified, following which a better understanding of resources would be available.

D19/14 Duration of Meeting

The meeting was called for 7pm and ended at 9.15pm

CHAIR _____

DATE _____

F

Subject	Planning Function Study Visit
Reporting Officer	Chief Executive

1	Purpose of Report
1.1	This report provides an outline on a proposed planning function study visit. It seeks approval for the participation of members and relevant officers, and associated costs.

2	Background
2.1	Mid Ulster District Council will assume responsibility for the delivery and management of the planning function currently undertaken by the DoE. To build member capacity and knowledge on the delivery of planning the Council established a Planning Committee as part of its governance arrangements for the transitional period to 31 March 2015.
2.2	Identified as a new area of work for local government, provision was made within the Mid Ulster DC Capacity Building and Learning Programme for a study visit to a partner council outside N Ireland, subject to discussion by Planning Committee members. The capacity building and learning programme as referred was considered and agreed by Council at its June 2014 meeting.
2.3	Appendix A sets out an indicative programme for a study visit to a partner local authority. Given the similarities of the Scottish and Welsh Planning models to the one that will be inherited by Mid Ulster DC it would be suggested that councils in these jurisdictions be considered by the Planning Committee.

3	Key Issues
3.1	A series of outcomes would be expected from member and officer participation in a study visit as referred to in Appendix A with a clear focus on building the capacity and knowledge of all attending participants on the planning function.
3.2	Subject to discussion by the Council's Planning Committee the visit may focus on attending a live in session of a planning committee meeting of the host council. For demonstration purposes only, Annex 1 of Appendix A confirms the dates and times of Scottish local authority planning committee meetings in October and November with dates shown for those

	authorities within an estimated 2.5 hour drive of Cairnryan Ferry Terminal.
3.3	In referring to the indicative programme (appendix A) a study visit could involve up to 2 full days with one overnight stay taking place on dates that avoid Mid Ulster District Council business.
3.4	The study visit is targeted at the current members of Councils Planning Committee and relevant officers but could be opened to other interested members to attend. Although the indicative programme and associated costs in Appendix A are based on 20 persons attending this can be increased or decreased to accommodate as many Members as declare an interest and agreed by Council.

4	Resources
4.1	<p><u>Financial</u></p> <p>Approximately £4,750 per study visit as the estimated inclusive cost based on 20 participants</p>
4.2	<p><u>Human</u></p> <p>The Study Visit is being organised from within the Mid Ulster District Council officer team with no further financial resource implications.</p>
4.3	<p><u>Basis for Professional/ Consultancy Support</u></p> <p>N/A</p>
4.4	<p><u>Other</u></p> <p>N/A</p>

5	Other Considerations
5.1	Financial provision has been made for the Study Visit(s) within the Mid Ulster DC Capacity Building Plan and will be paid for on a claim back basis from DoE as part of the Letter of Offer received for Capacity Building Funding from DoE.

6	Recommendations
6.1	That approval is provided to permit member and officer attendance on a study visit and expenditure on the same as outlined.

6.2	That the matter be passed to the Planning Committee to discuss and develop a detailed programme for roll out.
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7	List of Documents Attached
7.1	Appendix A: Planning Study Visit draft Itinerary

Proposed Member & Officer Study Visit Planning Function

The Council will assume operational responsibility for the full delivery of Planning on 1 April 2015. In making preparations for the management and delivery of planning, the council made provision within its capacity building programme for members and relevant officers to participate in a study visit to a partner council, which currently administers Planning as a function within its suite of local government services.

Purpose

The purpose of the Study Visit is would be to build Member capacity and understanding on the delivery of the planning function within a council context. The visit will also enable participants to experience:

- How planning integrates, links with and contributes to other functions of Council
- How planning can impact upon and shape places and communities
- The involvement of the public and communities in the planning process
- The planning application journey from submission to development

Outline Itinerary

Date:	to be determined by Planning Committee
Duration:	2 days
Location:	to be identified by Planning Committee
Participants:	Members, Chief Executive, Area Planning Manager and an Officer

For demonstration purposes only the below is an indicative programme based on visiting a Scottish local authority within 2.5hrs of the Port of Cairnryan (Annex 2 provides dates of planning committee planning meetings for demonstration purposes to be read in conjunction with below).

Day 1	
05.00	Coach departs Cookstown District Council offices
05.30	Pickup at Castledawson Roundabout
07.30	Stena Line Ferry: Belfast to Cairnryan

09.45	Arrive at Cairnryan
11.30	Arrive at Accommodation & Lunch
14:00	Partner Council 1) Council Planning Committee Meeting 2) De-brief and Q&A with Planning Committee Members
19:30	Evening Meal with Partner Council Leader, Council Members, Planning Officials & Chief Executive Roundtable discussion

Day 2	
9:30	Partner Council 1) Briefing on Council, its approach to Planning and contribution to Priorities 2) How Planning has influenced local development 3) The planning application journey in North Ayrshire 4) How Planning integrates and has contributed to Council Area
11.30	Hotel checkout & Lunch
12:30	Partner Council Area 1) Visit to Council signature projects 2) Visit to significant planning application development s
15:30	Depart
19:30	Stena Line Ferry: Belfast to Cairnryan
21:45	Arrive in Belfast

Indicative Costs

Activity	Cost	Commentary
Travel Costs: Coach & Ferry	£1,600	Based on 20
Accommodation B&B plus Evening Meal	£2,500	Based on 20
Lunches and	£500	2 days for 20 people
General Costs	£150	
Total	£4,750	

Annex 1

Scottish Council Planning Committee Meetings: October & November

Council	October Planning Committee	November Planning Committee
Within 2 ½hrs of Cairnryan		
Dumfries & Galloway	Wed 22 October at 10.30am	Wed 26 Nov at 10.30am (Tues 16 Dec at 10.30am)
South Ayrshire	Thurs 2 Oct at 10am	Thurs 20 Nov at 10am
East Ayrshire	Fri 10 October at 10am	Fri 7 November at 10am (Fri 5 December at 10am)
North Ayrshire	Wed 22 Oct at 2pm	Wed 12 Nov at 2pm
Scottish Borders	Mon 6 Oct at 10am	Mon 3 Nov at 10am
East Renfrewshire	Wed 8 Oct at 2pm	Wed 5 Nov at 2pm
Renfrewshire	-	Tues 11 Nov at 3pm
Falkirk	Wed 29 Oct at 9.30am	Thurs 27 Nov at 9.30am
South Lanarkshire	-	Tues 4 Nov at 10am
North Lanarkshire	Wed 22 Oct at 11am	Thurs 20 Nov at 11am
Edinburgh	Thurs 2 Oct at 10am	- Thurs 4 Dec at 10am
East Lothian	Tues 7 Oct at 10am	Tues 4 Nov at 10am
East Dunbartonshire	-	Tues 11 Nov at 5.30pm
West Dunbartonshire	Wed 22 Oct at 2pm	Wed 26 Nov at 2pm
Glasgow	Tues 21 Oct at 11am	Tues 18 Nov at 11am
West Lothian	-	Wed 5 Nov at 11am (Wed 3 Dec at 11am)
Stirling	Tues 7 Oct at 9.30am	Tues 11 Nov at 9.30am
Midlothian	Tues 7 Oct at 2pm	Tues 18 Nov at 2pm
Inverclyde		
Clackmannanshire	Thurs 30 Oct at 9.30am	Thurs 27 Nov at 9.30am
More than 2 ½hrs from Cairnryan		
Aberdeenshire		
Aberdeen City		
Angus		
Argyll & Bute		
Highland Council		
Moray		
Orkney		
Shetland Islands		
Perth & Kinross		
Comhairle nan Eilean Siar		
Dundee		
Fife		

G

Subject	Transfer of Planning Functions
Reporting Officer	Chief Executive

1	Purpose of Report
1.1	To advise Council on developments in respect of the transfer of Planning and to seek Members approval to respond as outlined in Appendix B.

2	Background
2.1	Members will be aware that the transfer of the planning function to local government is one of the main aspects of the current reform process. Planning is currently delivered on a divisional basis by DOE with a central unit dealing with major applications. Under reform, each council will have its own planning section dealing with Area Plan Development, Development Management and Enforcement. Major applications will be assessed at local level with only regionally significant applications processed at Planning Service HQ.
2.2	DOE wrote to councils on 27 August 2014 to set out the position on the financial and other resource consequences of the transfer of planning functions to local government, both for the sector as a whole and for each individual council.
2.3	The paper identifies the proposed resource allocation to each council and seeks comments on the allocation model by 3 October 2014 and noted that final allocations to shadow councils will be confirmed by the end of October 2014 to enable shadow councils to complete their budgetary processes and strike their District Rate for 2015-16.
2.4	The paper is attached at Appendix A for Members information.

3	Key Issues
3.1	Planning expenditure is currently funded from planning fees received from applicants, supplemented by Executive funding allocated through the Department. During 2013-14 DOE Planning received £12.8m in income. Around 80% of Planning expenditure relates to salary costs. General administration costs such as stationery and other Programme costs each accounted for around 10% of expenditure.

3.2	Each year, from April 2015 the Department will provide a grant to councils to support the delivery of planning functions, as part of a wider Transfer of Functions Grant. In 2015-16 the value of this grant will be equal to the amount removed from the DOE baseline.
3.3	The adoption of the draft proposals in the sub-ordinate legislation would result in a number of applications which would currently be handled by Strategic Planning Division within the Department of the Environment also passing to the councils. These recommendations would have the effect of increasing the value of income flowing to the councils.
3.4	The table in section 2.3 of the DOE paper provides the breakdown of projected income figures. Annex A of the paper shows the breakdown at individual council level. The income for Mid Ulster is noted as £1.27m.
3.5	DOE will also provide a total of £2m to local government to cover the cost of processing applications that are currently in the system.
3.6	The Department has developed a workforce planning model which identifies the staff complement required to process a specified number of planning applications. It is assumed that the volume of planning applications received during 2015-16 will be in line with the actual volumes received in 2013-14.
3.7	Annex B sets out what the DOE consider to be the necessary staff requirement per council cluster to deal with the expected volume of applications, and comprises some 396 FTE staff to transfer to councils and 75 FTE posts remaining in the department to deliver residual planning functions. It is suggested that 36.5 FTE staff will transfer to Mid Ulster, 25.5 technical and 11 administrative staff.
3.8	The DOE have advised that Councils will be allocated £10k per year to cover the costs of preparing a Development Plan and £16k per year for associated publishing costs. Members will note that the Department does not intend transferring any budget to cover legal costs.
3.9	It is proposed that DFP will transfer £2k per head to Councils to cover staff overheads.

4	Resources
4.1	<u>Financial</u> As things currently stand there are a number of areas where it would appear that insufficient budget will transfer to Council to enable it to deliver the planning function. These are outlined in more detail in the attached response.
4.2	<u>Human</u>

4.3	As noted above 36.5 FTE staff will transfer to Mid Ulster Council. DOE are currently progressing a staff preference scheme to identify staff who will move to Mid Ulster. These staff will transfer to Council with their existing terms and conditions of employment which are not the same as local government staff.
4.4	<p><u>Basis for Professional/ Consultancy Support</u> N/A</p> <p><u>Other</u> N/A</p>

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	Council notes the content of the paper forwarded by DOE and approves the issue of the draft response attached at Appendix B.

7	List of Documents Attached
7.1	Appendix A – Paper from DOE on Planning Transfer
7.2	Appendix B – Draft Response by Mid Ulster District Council

Linda MacHugh
Director
Local Government Policy Division 1

To: Chief Executives

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BELFAST
BT2 7EG

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Email: Linda.MacHugh@doeni.gov.uk

27th August 2014

Dear Chief Executive,

Over the past months, the department has been working closely with your council to ensure the smooth transition of planning functions. As part of this process, there has been much discussion about the quantum and nature of the resource to transfer to deliver the planning function. Both the department and local government are keen to conclude these discussions in good time to allow the district rate to be struck for 2015/16.

DoE provided indicative costs at the end of July, but further work has been done to quantify a more precise figure. I am now enclosing the latest resource report that details in some depth the allocations by council area. This will form the basis of the final budget allocations to each council, which we have undertaken to confirm by the end of October. Both planning and other local government reform staff will continue to engage with councils on the information contained in the report. Meanwhile, I would be grateful for any comments you have on the information contained in the attached report. Please return any comments by 3rd October to:

Johanne Mullan

Transfer Functions/Community Planning

Local Government Policy Division 1

Email johanne.mullan@doeni.gov.uk

Telephone 028 9051 2629

I am copying this correspondence to all Council Chief Executives, NILGA and the Local Government Staff Commission.

Yours sincerely,

Linda MacHugh
Director Local Government Policy Division 1

Local Government Reform: Transfer of Planning to Local Government

1. Introduction

Purpose of Paper

- 1.1 The purpose of this paper is to set out the position on the financial and other resource consequences of the transfer of planning functions to local government, both for the sector as a whole and for each individual council. The paper will identify the proposed resource allocation to each council. The Department would welcome comments on the proposed resource allocation model by 3rd October 2014 and will confirm final allocations to shadow councils by the end of October 2014 to enable shadow councils to complete their budgetary processes and strike their District Rate for 2015-16.
- 1.2 In March 2014, a paper was presented to the local government sector providing details of the expected income and expenditure associated with those planning functions which are to remain in DOE and those which will transfer to the councils after 1st April 2015, based upon a number of assumptions. Various decisions have been taken in recent months and a clearer picture of the post reform planning structure has emerged. The aim of this paper is update the local government sector how these changes have impacted upon the financial resources transferring in April 2015 and to offer local government the opportunity to interrogate and comment on the proposals.
- 1.3 This paper includes details of the funding that will be transferring to councils to cover accommodation and other NICS-wide corporate costs. The figures used in this report are based upon the information provided by DFP to local government in August 2014.
- 1.4 Further, this paper highlights short term transitional costs that are associated with the transfer to councils, such as the cost of IT connectivity for council staff to the Planning Portal etc. Details of those transitional costs which will be funded by DOE are also included.

Background

1.5 The Northern Ireland Executive has agreed that planning-related functions will transfer from central to local government in April 2015. The key planning-related functions transferring to local government include:

- **Local development plans** – statutory power to make a development plan for an area which defines the local policy framework and land use proposals that will be used to determine development decisions within a specified area.
- **Development management** – regulatory process focused on the scrutiny and determination of the majority of planning applications including pre-application discussions.
- **Planning enforcement** - enforcing against all breaches of planning control, including unauthorised development, breaches of listed building, conservation area, hazardous substances, trees, advertisement control and issuing certificates of lawful use or development.

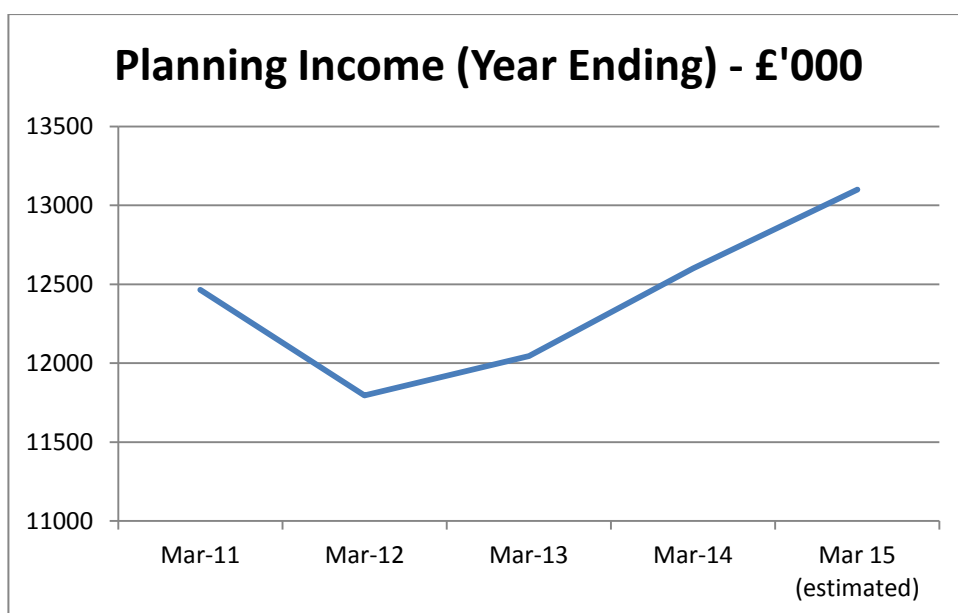
1.6 Planning expenditure is currently funded from planning fees received from applicants, supplemented by Executive funding allocated through the Department. During 2013-14 DOE Planning received £12.8m in income. Around 80% of Planning expenditure relates to salary costs. General administration costs such as stationery and other Programme costs each accounted for around 10% of expenditure.

1.7 By the end of October 2014 the anticipated 2015-16 income & expenditure associated with the planning functions transferring to the councils will be communicated by the Department to local government. The difference between the expected income and the expected expenditure will be removed from the DOE baselines in 2015-16. Each year, from April 2015 the Department will provide a grant to the councils to support the delivery of planning functions, as part of a wider Transfer of Functions Grant. In 2015-16 the value of this grant will be equal to the amount removed from the DOE baseline.

2. Overall Costs and Income

Income

- 2.1 The March paper highlighted potential total income for 2015/16 of £12.6m, with £11.1m associated with those planning functions moving to councils. However, whilst the NI Executive agreed the general functions which will transfer to Local Government, the specific details of those applications which will transfer are being finalised as part of the Public Consultation on “Proposals for Subordinate Legislation”, which was issued at the end of May for public consultation. If accepted, the recommendation in the paper would result in a number of applications which would currently be handled by Strategic Planning Division within the Department of the Environment also passing to the councils. These recommendations would have the effect of increasing the value of income flowing to the councils compared with the amount indicated in the March Finance Paper.
- 2.2 During 2013-14 the value of actual Planning receipts received was £12.8m and growth continues in 2014-15. At present, current forecast of planning income for 2014-15 is circa £13.1m. This paper, however takes a conservative view on income and assumes that £12.8m in fees will be received during 2015-16 and therefore any income above this level will further benefit councils.



- 2.3 Details of the anticipated income set to transfer to Local Government and DOE are set out below.

Forecasted 2015-16 Income:

	Local Government	DOE
Local Applications	£10,600k	£ -
Property Certificates	£1,000k	£ -
Minerals	£200k*	£ -
Other Strategic Applications	£800k*	£200k*
Total	£12,600k	£200k

* These figures are calculated based upon the recommendations in the Public Consultation Document and are subject to the outcome of the public consultation.

- 2.4 **Annex A** shows income allocated to specific council clusters (excluding the proposed shared services of Property Certificates and Minerals). This allocation is based upon an average percentage of planning receipts received by each cluster over a three year period. The income levels have been adjusted to reflect changes to council boundaries.
- 2.5 In addition to the annual income local government will receive there shall also be a one-off payment to fund councils for those applications which are received in DOE during 2014-15 but whose processing has not been completed by 1st April 2015. DOE operate a deferred income system with regards to monies received from planning applications and property certificates where income is 'recognised' as it passes through stages in the planning process. Whilst the final quantum will not be determined until March 2015, it estimated that the amount that will need to be transferred to councils will be circa £2m.

Salaries

- 2.6 The Department has developed a workforce planning model which identifies the staff complement required to process a specified number of planning applications. For the purposes of this paper, it is assumed that the volume of planning applications received

during 2015-16 will be in line with the actual volumes received in 2013-14. **Annex B** sets out the necessary staff requirement per council cluster to deal with the expected volume of applications, and comprises some 396 FTE staff to transfer to councils and 75 FTE posts remaining in the department to deliver residual planning functions.

- 2.7 As stated above, the public consultation, 'Proposals for Subordinate Legislation' (which provides details regarding those application which will transfer to Local Government and those which will remain the responsibility of DOE) recommendations transferring responsibility for a number of functions current performed by Strategic Planning to the councils.
- 2.8 To support the moving from Planning's current model to an 11 council structure will fund changes to staffing structures such as; the creation of additional Grade 6 and Grade 7 posts and a number of promotions to fill vacant posts. This process will be completed before transfer.
- 2.9 DOE will provide funding to cover the actual salary cost of the individuals transferring to each council. The allocation of staff to councils is ongoing, therefore in order to provide indicative figures the salary costs included in this paper are calculated by taking the average salary per grade, plus 30% to cover pensions and Employer's NIC, plus an additional 1.5% to cover a 2014 pay increase.

Administration & Programme Costs

- 2.10 In calculating the expected administration and programme costs for 2015-16 the department has based the calculation on the actual outturn in 2012-13. Since 2012-13 DOE Planning's administration and programme budgets have been reduced by around 7%. Using the historic 2012-13 figures will result in funding in excess of the amount currently consumed by the planning function for transfer to local government.
- 2.11 The majority of costs included within the definition of Administration and Programme are allocated between the councils and DOE based upon the percentage of staff transferring into each area.

- 2.12 A number of costs are not allocated on a 'per head' basis. The largest of these is the annual charge to cover the costs of the Voluntary Early Retirement (VER) scheme which was run in 2014.

Allocation of Administration Costs between DOE & Councils

	DOE £'000	Local Government £'000
Costs Allocated Based Upon Staff Numbers	280	1,410
VER Liability	603	-
Total	883	1,410

Allocation Of Programme Costs Between DOE & Councils

	DOE £'000	Local Government £'000
Costs Allocated Based Upon Staff Numbers	243	1,270
Grants	167	-
Development Plans Consultant Costs	-	110
Development Plans Publishing Costs	-	180
Provisions (including Legal Fees for Judicial reviews)*	480	-
Total	890	1,560

Development Plans

- 2.13 From April 2015 councils will be responsible for preparing development plans for an area which defines the local policy framework and land use proposals that will be used to determine development decisions with a specified area.
- 2.14 To support councils to develop Development Plans the department is proposing staffing resources to local government in excess of the current levels in DOE in order to ensure that councils are appropriately resourced to deliver this function.
- 2.15 In addition to the salary costs of the Plan Teams, the department proposes to provide £110k (i.e. £10k per council) annually in relation to Development Plan consultancy costs as part of the Transfer of Functions Grant. It is expected that the proposed level of funding allowing will cater for annual peaks and troughs in Development Plan expenditure, over the Development Plan life cycle.
- 2.16 It is proposed that the department will also provide funding of £180k annually to fund publishing and printing of development plans. This level of funding is set at a value so that allowing for annual peaks and troughs in Development Plan expenditure.

Habitats Regulation Assessments

- 2.17 NIEA currently undertakes assessments in relation to European sites designated in accordance with the European Habitats and Birds Directive. This includes undertaking the Habitat Regulations Assessments (HRAs) required under The Conservation (Nature Habitats, etc.) Regulations (Northern Ireland) 1995 before the competent authority makes decisions on development management and development plans. The function that will be transferring to councils is the competent authority aspect of HRA work currently carried out by three dedicated scientific staff in an integrated function within the Natural Environment Division of NIEA.
- 2.18 The Department is currently finalising options for transferring the capacity and skills to enable new councils to undertake HRA as competent authority for development management and development plans. It is anticipated that proposals to do so will be communicated to local government shortly.

DOE Corporate Overheads

2.19 On the 28th January 2014 the Transfer of Functions Working Group agreed a number of guiding principles which will underpin the transfer of functions and powers to Local Government. One of the principles agreed by the TFWG related to notional charges and Corporate Overheads. It was agreed that upon transfer, where a notional charge or overhead to a department become a hard charge to the councils, funding will be provided to local government for these costs. It is expected that the transfer of planning functions will result in an overhead budget of £300k to local government.

Total Funding For Corporate Overheads Transferring To Councils

	£'000
Finance	70
HR & Organisational Change	92
Information Management	20
ICT	-
CAL	30
Equality Unit, Carbon Reduction etc.	-
Miscellaneous/legal charges	88
	300

DFP Corporate Overheads

2.20 DFP, through Enterprise Shared Services (ESS), currently provides a number of services to NICS departments in relation to; finance (Account NI), IT (IT Assist), payroll (HR Connect), accommodation (Properties Division) and training (Centre for Applied Learning).

2.21 The shared services in ESS were set up to provide a platform for the large number of users across government departments. As such they make extensive use of shared infrastructure such as IT networks and software as well as shared support and management services within DFP.

- 2.22 DFP is reviewing the costs of providing shared services and identifying potential saving that can be passed to local government. DFP has provided a breakdown of the funding that will transfer to the councils on a cost per person basis in August.
- 2.23 It is expected that DFP will propose offering to the councils around £2k per person to cover the cost of accommodation and the cost of the services provided by ESS.
- 2.24 Included within this £2k per figure is c£400 which relates to HR Connect charges. Currently DOE is hard charged for this service and therefore the department holds the budget for this charge. In 2015-16 it is expected that the DFP HR Connect charge to DOE will reduce by around £160k and DOE will lose £160k DEL cover. As this information has not been confirmed, therefore for the basis of this paper the full £2k per person is show as coming for DFP. The £400 per person is not included in the DOE overhead allocation.

Overall Proposed Resource Allocations

- 2.25 The table below outlines the proposed overall Income and Expenditure Resource allocations between the DOE and the Councils in 2015-16.

	DOE £'000	Councils £'000	Total £'000
Salaries	3,650	15,550	19,200
Administration	883	1,410	2,293
Programme	890	1,560	2,450
DOE Overhead	-	300	300
DFP Notional Costs	-	840*	840
Total Costs	5,423	19,660	25,083
Funded By:			
Income	200	12,600	12,800
DFP Notional Costs	-	840*	840
DEL Funding	5,223	6,220	11,443

	5,423	19,660	25,083
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*This figure includes £160k to cover the cost of HR Connect charges (see section 2.26).

Part 2

Shared Services

- 3.1 Post reform it is proposed that a number of functions which are transferring to new councils will be delivered under shared service arrangements by local government to maintain current expertise and avoid duplication of resources. Some details regarding these arrangements need to be finalised however details on the current position are set out below. In addition, there may be provision of shared services by the Department in support of council's responsibilities (eg Planning Portal).

Property Certificates

- 3.2 A paper regarding the Property Certificate Service was endorsed by the Planning Reform and Transfer Project Board on Thursday 12th June 2014 and is being presented to the Planning Sub-Group at its next meeting on 1st August 2014, with onward transfer to the Transfer of Functions Working Group in August (date to be confirmed). The paper is based on the delivery of the function as a shared service seeking agreement/consideration from councils on location (based on the existing service in Enniskillen) and options for funding.

Minerals

- 3.3 Currently planning applications for mineral extraction & associated development, enforcement and mining waste directive (MWD) compliance are dealt with centrally by a team within Strategic Planning Division based in Belfast (this includes any proposals for hydro-carbon extraction). The specialised team also deals with the small number of Hazardous Substance Consents received annually. There has been ongoing engagement on how this function will be taken forward when planning powers transfer to councils in 2015. Given the specialist nature of minerals planning there has been broad agreement that this function is best carried out by a dedicated team on a shared service basis.
- 3.4 A staff complement of 1 PPTO, 4 x SPTO and 4 x HPTOs has been identified as the optimum structure to deliver this shared service which would entail the team processing all planning applications for mineral extraction and associated development as well as investigating and reporting on enforcement cases. This model

envisages a regional minerals team processing planning applications on behalf of the eleven councils but where the final decision rests with the relevant council. Similarly, the team would carry out initial investigations in terms of enforcement with the final decision being made by the council. In terms of the MWD the team would advise councils on mining waste plans submitted for agreement by the relevant planning authority and continue to process hazardous substance consents.

- 3.5 The Subordinate Legislation Consultation Paper on Planning Reform and Transfer to Local Government proposes that only the most regionally significant applications will be determined by the Department. This reflects one of the key priorities of local government reform to create stronger, more effective local councils making key decisions affecting their local area. Therefore the priority now is to engage with local government to identify one of the eleven councils to manage this team on a shared service basis.

Planning Portal

- 3.6 From 1st April 2015 the Planning Portal will function as a 'shared service' with DOE maintaining the system on behalf of the other planning authorities on a day to day basis. It is proposed that the annual maintenance costs of the planning portal are allocated between DOE and each councils based upon a per head figure.
- 3.7 A written agreement will be required to ensure that all parties are aware of the costs that they are responsible for.
- 3.8 It is proposed that a Planning Portal Board will be established, which will include representation from all 11 councils, and this group will be responsible for the strategic management of the portal.

Part 3

Transitional Costs

Overview

- 4.1 It is recognised that the movement of functions and staff from DOE to councils will result in a number of transitional costs. Part 3 this paper will highlight these areas and the transitional costs that DOE will meet.

IT Setup costs

- 4.2 DOE will cover the cost of connecting one council building per new council to the planning portal. This includes the cost of:
- a network gateway to enable local government employees to use the planning portal,
 - routers, switch costs and network racks.

Connectivity / Security

- 4.3 DOE will procure and fund a network gateway to ensure that planners can access the planning portal from council locations.

Hardware

- 4.4 It is recommended that to ensure that there are no compatibility issues with regards to other council IT hardware and software, transferring staff will have access to two PCs for a transitional period comprising their existing PC (which has access to the planning portal) and a new PC to be financed by councils which will be used to access council systems and the planning portal post 1st April 2015.

Data Transfer

- 4.5 A hand over of relevant electronic records not held on the Planning Portal will also be required at the time of transfer. DOE will meet these costs.

Excess Fares

- 4.6 With the movement of staff to council offices at management's request some staff will be eligible to claim Excess Fares for a three year period following reform. DOE HR are actively seeking to locate staff in the offices of their preference, which may be closer to their homes. This will reduce the numbers eligible to apply for excess fares. However, until the names of staff and their locations are agreed it is not possible to quantify this figure. DOE will meet this cost by making 3 annual payments to each council to cover the actual cost of excess fares to local government.

Relocation Costs

- 4.7 DOE will meet the relocation costs (rent of crates to store any items transferring and the cost of transferring the crates to new premises) incurred before 1st April 2015.

Desks and Chairs etc.

- 4.8 DOE will not pay for any desks, chairs or other office equipment.

Fixtures & Fittings & Structural Changes to Council Buildings

- 4.9 Any costs associated with fixtures and fittings (i.e. carpets) or structural changes to council buildings such as the removal of internal walls will be funded by local government.

Public Liability Insurance

- 4.10 In line with the other NICS departments transferring functions to the councils, DOE will not provide any funding to local government for insurance. This is based on the principle that the councils will already have public liability Insurance and the increase in cost of this service to the councils as a result of employing 30 extra planners is immaterial.

Connectivity to Planning Portal

- 4.11 DOE will meet the cost of connecting one site per council to the planning portal. If councils wish to have planning staff in more than one location the costs of connecting additional sites will be funded by the councils.

Annex A – Income, Costs & DEL Funding Per Council & DOE Function

	ABC Council	Mid & East Antrim	Newtown abbey	Belfast	Causeway Coast & Glens	Derry & Strabane	Fermanagh & Omagh	Mid Ulster	Newry, Mourne & Down	North Down & Ards	Lisburn & Castlereagh	
Expenditure												
Salaries	1,375	1,225	1,245	1,585	1,370	1,335	1,265	1,420	1,420	1,245	1,395	
Other Expenditure	260	230	230	300	250	250	250	280	280	230	270	
Overhead Costs	30	20	20	30	30	30	20	30	30	20	20	
DFP Costs	70	70	70	80	70	70	70	80	70	70	80	
Total Costs	1,735	1,545	1,565	1,995	1,720	1,685	1,605	1,810	1,800	1,565	1,765	
Funded By:												
Income	1,250	810	790	1,390	910	840	1,090	1,270	1,280	720	1,050	
DFP Funding	70	70	70	80	70	70	70	80	70	70	80	
DEL	415	665	705	525	740	775	445	460	450	775	635	
Funding	1,735	1,545	1,565	1,995	1,720	1,685	1,605	1,810	1,800	1,565	1,765	

	Property Certificates	Minerals & Environmental Enforcement	Total
Expenditure			
Salaries	255	415	15,550
Other Expenditure	70	70	2,970
Overhead Costs	10	10	300
DFP Costs	20	20	840
Total Costs	355	515	19,660
Funded By:			
Income	1,000	200	12,600
DFP Funding	20	20	840
DEL	(665)	295	6,220
Funding	355	515	19,660

	Casework & Plan Scrutiny	Policy & Legislation	Performance Management & Continuous Improvement	Chief Planner & Business Support	Total
Expenditure					
Salaries	1,085	1,325	570	670	3,650
Other Expenditure	170	180	80	1,343	1,773
Total Costs	1,255	1,550	650	2,013	5,423
Funded By:					
Income	200	-	-	-	200
DEL Funding	1,055	1,505	650	2,013	5,223
Total Costs	1,255	1,505	650	2,013	5,423

Annex B - FTE Planning Structure In DOE

	Armagh, Banbridge & C'avon	Mid & East Antrim	Newtown abbey	Belfast	Causeway Coast & Glens	Derry & Strabane	Fermanagh & Omagh	Mid Ulste r	Newry, Mourne & Down	North Down & Ards	Lisburn & Castlereagh	
Grade 6	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
PPTO	2.0	2.0	2.0	3.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	
SPTO	5.0	4.0	4.0	6.0	5.0	5.0	4.0	5.0	5.0	4.0	5.0	
HPTO	9.5	7.5	8.0	12.0	10.0	9.0	8.0	10.0	10.0	8.0	10.0	
PTO	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	
DP	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
SO	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
EO2,EO1 or PS	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	
AO	4.0	4.0	4.0	4.0	4.0	4.0	4.0	5.0	4.8	4.0	4.0	
AA	3.0	2.0	2.0	3.0	2.0	2.0	3.0	3.0	3.3	2.0	3.0	
Total	35.0	31.0	31.5	39.5	34.5	33.5	32.5	36.5	36.6	31.5	35.5	

	Property Certificate s	Minerals & Environmental Enforcement	Total
Grade 6	0.0	0.0	11.0
PPTO	0.0	1.0	24.0
SPTO	0.0	4.0	56.0
HPTO	0.0	4.0	106.0
PTO	0.0	0.0	82.5
DP	0.0	0.0	11.0
SO	0.0	0.0	0.0
EO2,EO1 or PS	2.0	0.0	24.0
AO	7.0	0.0	52.8
AA	0.0	0.0	28.3
Total	9.0	9.0	395.6

	Casework & PlanScrutiny		Policy & Legislation	Performance Management & Continuous Improvement	Chief Planner & Business Support	Total
G. 3					1.0	1.0
G. 5	1.0		1.0			2.0
G.6	1.0		1.0			2.0
PPTO	3.0		2.0	1.0	1.0	7.0
SPTO	8.0		6.0	4.0	1.0	19.0
HPTO	5.0		3.0	2.0	1.0	11.0
PTO						0.0
G. 7			3.0	1.0	1.0	5.0
DP	1.0		4.0	2.0	1.0	8.0
SO	1.0		3.0	1.0		5.0
EO1				2.0	1.0	3.0
EO2	1.0			1.0		2.0
AO	1.0			1.0	2.0	4.0
AA					2.0	2.0
PS	2.0		1.0		1.0	4.0
Total	24.0		24.0	15.0	12.0	75

Mid Ulster District Council

Response to Transfer of Planning Proposed Resource Allocation

Introduction

Mid Ulster District Council is looking forward to assuming planning powers on 1 April 2015 and welcomes the opportunity to comment on the proposed resource allocation from DOE.

Council is mindful of the Department's commitment to ensure that functions will transfer fit for purpose and rates neutral at local level. Council has a number of concerns that need to be addressed regarding the current proposals before allocations are finalised.

1 Budget

- 1.1 Council is concerned by the variance in income figures across councils when compared against the proposed staffing numbers and it seems that councils have been allocated a broadly similar staff structure irrespective of workload as reflected in the income figures.
- 1.2 The proposals would lead to a significant variance in the subvention that comes from central government to run each local planning function. With similar staffing levels across the board, it would appear that some councils are in effect subsidising the planning function in other areas.
- 1.3 Council understands that this disparity may be due to the weighting applied to various types of application and would ask for a full breakdown of the weightings used for each application in Mid Ulster over the past 3 years.
- 1.4 Council notes that the weightings and staffing levels are likely to need reviewed to better reflect the actual workload locally,
- 1.5 Council requests that the Department undertake to review the allocation on a regular basis to ensure an equitable split of the DEL subvention across local government.
- 1.6 Please provide the income figures for the existing councils within Mid Ulster for each of the last three years.
- 1.7 Please advise what provision has been made in the budget allocation to cover the cost of staff progression through salary scales. This is likely to have a significant impact on budgets and needs to transfer to local government.

- 1.8 Please identify the costs associated with the “excess fares” due to Mid Ulster planning staff who have to travel to a location further from the home that is currently the case.

2 Staffing

- 2.1 Councils welcomes the move to a plan led system but notes that the new arrangements will place additional resource burden on councils. Council considers that an additional senior planner should be allocated to take forward the development plan work in a timely manner.
- 2.2 It would appear that no resource has been identified to enable council to undertake its conservation function. With a number of conservation areas within Mid Ulster, Council would ask that dedicated resource is provided and that this is shown explicitly in the allocation transferring.
- 2.3 Council is aware that some of the administrative grades in planning are not considered mobile and that there may be some gaps in the complement of staff that will transfer. In order to assist in managing its resources through this period of major change, Council would request that gaps in the administrative staff complement remain unfilled at the point of transfer.

3 Legal Fees

- 3.1 Council notes with concern the proposal not to transfer any funding to local government for legal fees and is of the view that the retained budget of £480k should be devolved to Councils based on income levels at local and HQ level. Without budget transfer for legal fees there will be a direct burden on the ratepayer.

4 Planning Service HQ

- 4.1 Council would question the income levels projected for Planning Service HQ which are stated at £200k and suggests that this is significantly under reported. Councils view is strengthened by the suggested staffing compliment of 24 that will remain at HQ to deal with regionally significant applications and undertake scrutiny of area plans.
- 4.2 Council would expect to see the projected income figures for HQ increased significantly, council's income to drop accordingly and the subvention levels increase when the subordinate legislation is finalised. Until then the allocations should not be finalised.

5 Development Plan

- 5.1 Council considers the proposed budget allocation for Development Plan work to be totally inadequate. The costs of consultant support required to develop the new area plans will dwarf the proposed £10k per annum allocation over the life of an area plan.
- 5.2 Council notes with concern that there is no budget transferring for a range of essential activities including the preparation of Strategic Environmental Assessments, Sustainability Assessments, Habitat Assessments. This needs corrected and an appropriate budget allocated.
- 5.3 In respect of Development Plan publishing costs, Council considers the proposed budget transfer of approximately £16k per year to be totally inadequate given the range of documentation that will be published during the development of the new area plan. The proposed publication budget needs revised to ensure it is adequate with provision included for graphic design work costs.
- 5.4 Please provide details of the costs incurred on area plan development in the existing Mid Ulster Councils in the last three years and full details of the costs associated with the development and production of the last area plan in Magherafelt, Cookstown and Dungannon. These costs should include all specialists support, legal fees and the costs of public inquiries.

6 Enforcement

- 6.1 Council is concerned that insufficient resource will transfer to enable Council to undertake its enforcement function. Please advise what has been spent on enforcement activities, and any income received, in the existing councils within Mid Ulster for each of the last three years.

7 Legacy Planning Applications

- 7.1 All of the deferred income from planning applications currently in the system needs to pass to local councils not just for financial year 14/15 but for all legacy applications.
- 7.2 Please provide details of the number of such applications and the associated deferred income that transfer to Mid Ulster.

8 Equipment

- 8.1 It is essential that planners transferring to local government have the necessary equipment to do their jobs. While desktop PC's are owned by IT Assist and will not transfer, can you please confirm the list of other equipment and software that will transfer to Mid Ulster for general planning activities and for development plan preparation. This list should include plotters, scanners, photocopies, GIS licencing etc. Should DOE not propose to transfer any of this equipment please confirm the budget that will transfer in lieu of same.

9 ICT

- 9.1 Council welcomes the establishment of a Planning Portal Board, with representation of the 11 councils, to consider the future strategic management of the portal.
- 9.2 However, Council is concerned that the only ICT costs that the Department will fund is a single connection and some routers, switch costs and network racks. The transfer of planning to local councils who do not currently have a planning presence in their districts is a considerable challenge with significant financial implications. In order to ensure rates neutrality at local level, Council considers that additional funding should be provided to assist councils who do not have a planning presence in their area currently.
- 9.3 Council notes that the Department have made a budget of £2m available to fund the cost of loans for ICT during this financial year. As the Department is aware it is likely that only a small amount of this budget, if any, will be expended. Council requests that this budget be made available by way of grant assistance to contribute to the costs of essential ICT investment.

10 Property Certificates

- 10.1 Council notes that the Property Certificate Function will be transferred to local government and operated as a shared service based in Fermanagh. There will still be a requirement on the other councils to provide input to property certificate queries. Please advise how the costs of answering property certificates at local council level is to be funded.

11 Minerals

- 11.1 Council notes that consideration is currently being given to the location for the Minerals team and suggests that the team should be located in a central area from where the majority of applications arise. Mid Ulster would like to explore

further with the department the possible location of the Minerals team in its district.

H

Subject	Transfer of Local Economic Development Powers from DETI/Invest NI
Reporting Officer	Chief Executive

1	Purpose of Report
1.1	To seek the approval of Council for an extension to the Regional Start Initiative contract to October 2015.

2	Background
2.1	<p>Members may be aware that there are 3 areas of responsibility transferring from DETI/Invest NI to Councils from 1 April 2015:</p> <ol style="list-style-type: none"> 1. Promotion of entrepreneurship and Encouraging Business Start Up 2. Provision for underrepresented Groups in Entrepreneurship 3. Promotion of Social Enterprise

3	Key Issues
3.1	<u>Promotion of Entrepreneurship & Encouraging Business Start Up</u>
3.1.1	Current provision is via the Regional Start Initiative and the “Go for It” promotional advertising campaigns. The total budget is £2M per annum. There are 5 sub-regional contracts with ENI in place. Invest NI is prepared to extend the contracts which currently run to October 2014 to either end of March 2015 or at the latest October 2015.
3.1.2	Given current circumstance and issues surrounding procurement, it is recommended that Councils have been asked to approve an extension to the contract to October 2015. Beyond this a decision needs to be made in terms of future provision.
3.1.3	Key to this will be a decision “in principle” as to whether Council wishes to proceed sub - regionally or locally. Whilst Invest NI/DETI would like to see a degree of consistency moving forward - this is not essential as long as Council can demonstrate that the transferred functions are delivered and targets are met.
3.1.4	Invest NI also believe that there is merit in tendering regionally for programme so that there is one lead/reporting Council as well as the consistency in delivery already mentioned. It is essential that the new

	programme delivers locally and a one size fits all approach is unlikely to successful given the different needs in local areas.
3.1.5	It should be noted that it is proposed that the funds will be allocated on the same basis that DETI used to determine the allocations to Councils for the ERDF Investment for Growth and Jobs Programme (2014 – 2020).
3.1.6	To ensure that Councils have an adequate lead in time for procurement, it is recommended that a decision “in principle” Is made as soon as possible.
3.1.7	In agreeing a way forward, it is proposed that a review of current provision is conducted which takes account of the limitations and benefits of progressing on a sub -regional basis. It would be important that such a review considers the pros/cons of delivering a local programme. Invest NI has committed to provide the original economic appraisal and any evaluation work to support this exercise. A decision as to how a review will be approached should be made as soon as possible.
3.1.8	The options are to ask Economic Development Officers to complete this exercise however it is considered more appropriate to appoint a consultant to undertake the review to ensure an independent view of the way forward.
3.1.9	Invest NI has also advised that financial assistance to young people and residents of Neighbourhood Renewal areas who start a business through the Regional Start Initiative is provided through an overall Jobs Fund initiative and is not part of the transfer of functions.
3.1.10	The future of this needs to be discussed further and if this support does not continue then Councils may wish to fund this individually or for example make application to the European Social Fund.
3.1.11	The future of the “Go for It” brand also needs to be considered. There is perceived value in the brand and the use of the brand could continue regionally even if Councils decide to procure programmes locally/sub – regionally. Invest NI is investigating whether or not the brand can “legally” be transferred.
3.1.12	It should be noted that DETI will require a level of reporting on progress from Councils against targets and it was suggested that a Memorandum of Understanding / Service Level Agreement between Councils and DETI. It has been recognised that this will be set within the context of a new performance framework for Councils but further discussion is required on this.

3.2	<u>Provision for underrepresented Groups in Entrepreneurship</u>
3.2.1	The current level of funding attached to this function is £100k and given the local nature of delivery i.e. sponsorship of events etc – it is proposed that this transfer to the 11 Councils separately and is delivered locally in the future.
3.2.2	It is anticipated that the type of activity required to support this function would be contained in Community Plans at a local level in any case and should be integrated with other economic development and community support activities.
3.3	<u>Promotion of Social Enterprise</u>
3.3.1	The total budget for this function is £700k and current provision is via 3 contracts with ENI which run to 4 July 2015. Beyond this a decision needs to be made in terms of future provision.
3.3.2	It is proposed that this transfer to the 11 Councils separately and is delivered locally in the future. It is anticipated that the type of activity required to support this function would be contained in Community Plans at a local level in any case and should be integrated with other economic development and community support activities.

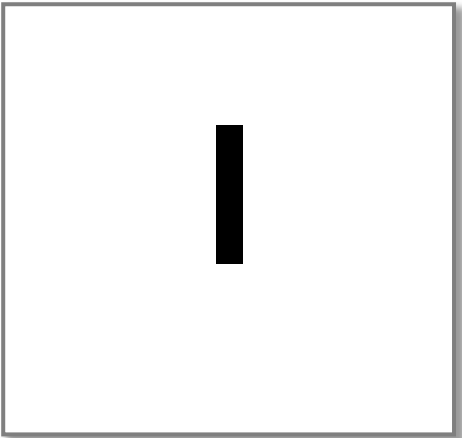
4	Resources
4.1	<u>Financial</u> An independent review of the Regional Start Initiative is likely to cost Mid Ulster District Council £1-2k.
4.2	<u>Human</u> N/A
4.3	<u>Basis for Professional/ Consultancy Support</u> N/A
4.4	<u>Other</u> N/A

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	Council approves an extension to the Regional Start Initiative contract to

	October 2015.
6.2	Local Government commission a review to determine the success of the current programme and agree a way forward in terms of a new programme and brand.
6.3	Council agree that the programmes for Underrepresented Groups in Entrepreneurship and the Promotion of Social Enterprise be delivered in future at local level.

7	List of Documents Attached
7.1	N/A



Subject	Preparation of Minutes & Record of Meetings
Reporting Officer	Chief Executive

1	Purpose of Report
1.1	To consider for approval the style, format and record of council and committee meetings.

2	Background
2.1	Mid Ulster DC has been transacting business through its council and committee meeting system since June 2014. There is an obligation on all local authorities to keep an accurate record of all discussions and decisions taken.
2.2	It is important that all minutes, forming a record of the meeting, are sufficiently self-explanatory to enable the council to refer back to them for decisions made. Section 3.0 details the key principles for future minute taking on council and committee business transacted. The principles have been informed by the Party Representatives Group.

3	Key Issues
3.1	<p>To achieve consistency in taking a record of discussion at meetings the following are proposed as core principles in preparing minutes:</p> <ul style="list-style-type: none"> • Be brief by being precise and concise, recording exactly what was agreed • Be decisive to avoid ambiguity or doubt as to intentions • Will not be a verbatim record but be a summary of proceedings that includes the essence of the discussion and decision, where appropriate • Will only provide a summary of speaker contributions particularly recording the main threads of discussion which led to conclusions and decisions taken • Will be a self-contained record in itself with reference to other documents only in exceptional circumstances in situations where important material cannot be physically made part of the minute

	<ul style="list-style-type: none"> • The names of those speaking (members and officers) will be recorded to personally identify those making contributions. The Local Government Act 2014 will require Council to make audio recordings of all proceedings and as such will identify those making contributions, thus being in order for record keeping. • Reference will be made to every item of business dealt with
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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	N/A

6	Recommendations
6.1	Members approve the core principles as set out in 3.0 above to be applied in the preparation of minutes to form accurate records of meetings.

7	List of Documents Attached
7.1	N/A

J

Subject	Attendance at Seminars & Conference
Reporting Officer	Chief Executive

1	Purpose of Report
1.1	To provide an update on seminars and conference of relevance to members and officers of Mid Ulster District Council.
1.2	To seek approval for the attendance of members and officers, the payment of attendance fees and associated costs, as incurred.

2	Background
2.1	Two conferences/ seminars are presented for consideration to agree member and officer representation from Mid Ulster District Council. They are detailed as follows:
2.1.1	<p>Annual Northern Ireland Economic Conference 2014 <i>At the foothills of recovery: How sustainable & who benefits?</i></p> <ul style="list-style-type: none"> Tuesday 7 October 2014, (9am - 4pm) Culloden Hotel, Belfast <p>Please refer to appendix A for full details.</p>
2.1.2	<p>Planning - the transition to local government</p> <ul style="list-style-type: none"> Tuesday 30 September 2014 (9am - 1pm), Europa Hotel, Belfast <p>Please refer to appendix B for full details.</p>

3	Key Issues
3.1	N/A

4	Resources
4.1	<p><u>Financial</u></p> <ul style="list-style-type: none"> (i) Annual NI Economic Conference 2014: £165 exc. VAT (ii) Planning – the transition to local government: £150 exc. VAT

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	The council considers member and officer representation on behalf of Mid Ulster District Council.

7	List of Documents Attached
7.1	Appendix A: Annual NI Economic Conference 2014 Appendix B: Planning the Transition to Local Government

Annual Northern Ireland Economic Conference 2014

At the foothills of recovery: How sustainable & who benefits?

Tuesday 7th October 2014, Culloden Hotel, Belfast

SPECIAL LOCAL GOVERNMENT OFFER!

The Northern Ireland Economic Conference, now in its 19th year, is Northern Ireland's annual economic summit and is attended each year by economic policy-makers and decision-takers as well as key players in the business and voluntary sectors. This year's conference will look at the future outlook for the local economy as well as wider economic trends by way of an expert panel of local and visiting speakers. **There will be a strong focus on the levers that our local politicians and decision-makers can employ to deliver economic growth, and speakers will address the following key issues:**

- Infrastructure investment
- Strengthening innovation
- Promoting FDI
- Developing skills
- Technology for business growth
- Enhancing competitiveness
- Increasing productivity
- Economic wellbeing

Speakers include:

- Danny Kennedy, MLA, Minister for Regional Development
- Neil Gibson, Director, Northern Ireland Centre for Economic Policy, University of Ulster
- Glenn Barklie, Senior Economist, Financial Times
- Martin Ruppert, Project Manager, World Economic Forum
- Duncan Weldon, Economics Correspondent, BBC Newsnight
- Cathriona Hallahan, Managing Director, Microsoft Ireland
- Cormac Lucey, Author and Financial Analyst
- Alan Cross, Deputy Head of Unit, Horizon 2020 Policy, DG Research & Innovation, European Commission
- John P. Martin, former Director for Employment, Labour and Social Affairs, Organisation for Economic Co-operation and Development (OECD)

Full programme available online at www.agendaNi.com/events

Registration

Negotiated by NILGA, a special discounted rate of £165 ex VAT (full fee £255) is available for local government elected representatives and officers wishing to attend. **This offer is limited**, to secure your place at the discounted rate, contact agendaNi directly on 028 9261 9933 or email

registration@agendaNi.com and reference **NILGA**.

agendaNi
magazine



Planning...The transition to local government

Tuesday 30th September 2014 • Europa Hotel, Belfast

*** LAST CHANCE TO REGISTER ***
FINAL FEW PLACES REMAINING!

Register online

agendaNi is organising a half day seminar to look in detail at the implementation of the new planning process in local government and to answer many of the practical questions around how the new system will operate. The seminar is almost fully booked with just a few places remaining – register now to ensure you don't miss out!

Key issues examined will include:

- ✓ The purpose of planning
- ✓ Relationship between central & local government under the new system
- ✓ Development plan production
- ✓ How local government will organise the planning function
- ✓ The role of Councillors post-transfer
- ✓ Legal issues around deciding planning applications
- ✓ Effective community planning

Speakers include:

<input type="checkbox"/>	Mark H Durkan, MLA Minister for the Environment	<input type="checkbox"/>	Fiona McCandless Chief Planner DoE Planning
<input type="checkbox"/>	Gary McGhee Head of Planning and Environmental Law Carson McDowell	<input type="checkbox"/>	John McNairney Chief Planner Scottish Government
<input type="checkbox"/>	Greg Lloyd Head of School of Built Environment University of Ulster	<input type="checkbox"/>	David McCammick Chair, Planning Transfer Committee, SOLACE
<input type="checkbox"/>	Adam Larkin Planning Consultant Strategic Planning	<input type="checkbox"/>	Stewart Seattie, QC

Programme

Register now

Look who's going - can your organisation afford to miss out?

A&L Goodbody • ABO-Wind NI • AECOM • Antrim & Newtownabbey District Council • Antrim Borough Council • Ards Borough Council • Arqiva • Arthur Cox Solicitors • Atkins • Banbridge District Council • Belfast City Council • Carrickfergus Borough Council • Carson McDowell • Department of Culture, Arts and Leisure • Department of the Environment • Derry City Council • DRD - Transport NI • East Border Region Limited • Fingal County Council • FOLD Housing Association • Gaelectric • Habinteg Housing Association (Ulster) • Hagan Homes • Harlequin Group • Health Estates Investment Group • Henry Brothers • Historic Monuments Council • HP Enterprise Services • Hughes McMichael • Indaver • Institution of Civil Engineers • Kevin Cartin Architects • Land & Property Services • Limavady Borough Council • Linergy • Lisburn City and Castlereagh District Council • Magherafelt District Council • McAdam Design • Moyle District Council • Newry & Mourne District Council • NI Civil Service • NI Federation of Housing Associations • NICCY • North Down Borough Council • Northern Ireland Audit Office • Northern Ireland Environment Agency • Northern Ireland Housing Executive • O'Connor Kennedy Turtle • O'Hare & McGovern • OakleeTrinity • Ove Arup & Partners • ParkerGreen International • PBN Property • Pinsent Masons Belfast LLP • Planning Appeals

K

Subject	Correspondence on Motion Carried on 31 July 2014
Reporting Officer	Chief Executive

1	Purpose of Report
1.1	To update Council on responses received from the British and Irish Governments following notification of the Councils passing of motion taken at special meeting held on 31 July 2014.

2	Background
2.1	Mid Ulster District Council considered a notice of motion moved by Councillor R McGinley at a special meeting of Council held on 31 July 2014.
2.2	Following the meeting the motion as carried was forwarded to all parties referred to in the same.

3	Key Issues
3.1	N/A

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	N/A

6	Recommendations
6.1	Members note the correspondence received from the British and Irish Governments.

7	List of Documents Attached
7.1	Appendix A – Letter from Prime Minister’s Office, 10 Downing Street, London Appendix B – Letter from Taoiseach’s Office, Government Buildings, Dublin



10 DOWNING STREET

LONDON SW1A 2AA

www.gov.uk/Number10

From The Direct Communications Unit

18 August 2014

Dear Mr Tohill

I am writing on behalf of the Prime Minister to thank you for your letter of 4 August.

Yours sincerely

Correspondence Officer

Mr Anthony Tohill

Received
10 SEP 2014
Chief Executive



Oifig an Taoisigh
Office of the Taoiseach

RECEIVED
14 AUG 2014
CHIEF EXECUTIVE

8 August 2014

Mr. Anthony Tohill
Chief Executive
Mid Ulster District Council
Burn Road
Cookstown
BT80 8DT

Dear Mr. Tohill,

Thank you for your recent correspondence concerning the situation in Gaza.

The Government has made public its position on the situation in Gaza on a number of occasions; nationally and jointly with EU partners, and most recently in the statement by Minister Flanagan in the Seanad Éireann debate on the Situation in Gaza and Ukraine, on 31 July. (<https://www.dfa.ie/news-and-media/speeches/>)

I would refer you also to the following key documents, all available online.

- Statement by former Minister for Foreign Affairs and Trade, Eamon Gilmore T.D., on 9 July
- Statement by the Minister for Foreign Affairs and Trade, Charlie Flanagan T.D., 14 July
- Address by Minister Flanagan in the Dáil on 16 July
- Statement on Gaza by the EU Heads of Government at the European Council, 14 July
- Statement on Minister Flanagan's meeting with the Ambassador of Israel, 18 July
- Conclusions of the EU Foreign Affairs Council, 22 July
- Address by Ireland at the Special Session of the UN Human Rights Council in Geneva, 23 July

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In addition, Minister Flanagan has met or spoken on a number of occasions to the Ambassadors of Israel, the Palestinian Mission, Egypt, and the group of Arab resident Ambassadors in Dublin to convey the Government's views and concerns about the crisis. At the international level, the Minister has discussed the response to the crisis with UN Secretary General Ban Ki-moon, the Commissioner General of UNRWA, as well as with other EU Foreign Ministers.

Minister Flanagan has spoken to the Egyptian Foreign Minister, Minister Shoukri, on a number of occasions encouraging the Egyptian efforts to broker a ceasefire. He has welcomed the acceptance of the Egyptian-brokered three day ceasefire effective from 5 August and the accompanying multilateral talks.

At Minister Flanagan's direction, the Irish Ambassador to Israel has had a lengthy meeting at the Israeli Foreign Ministry at which he made clear the Irish Government's grave concerns and our particular appeal that there should be no escalation of the military campaign under way and the need for all violence to cease with immediate effect.

On 21 July Minister Flanagan and Minister of State Sean Sherlock T.D. announced a contribution of €500,000 to the UNRWA flash appeal for humanitarian aid for Gaza. This is on top of substantial Irish Aid assistance to the Palestinian people, which amounted to €10.7 million in 2013. (DFAT website as above)

I would like to take this opportunity to address two specific issues which have been raised in correspondence:

- Ireland's vote on the resolution at the UN Human Rights Council (HRC)

On 23 July there was a vote at the UN Human Rights Council on a resolution entitled: "Ensuring respect for international law in the Occupied Palestinian



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Territory, including East Jerusalem". Ireland, together with our EU partners, abstained on the resolution. Ireland did not oppose the resolution at the HRC, or the establishment of an investigation into breaches of international law in the current conflict in and around Gaza.

It is important to be aware that the day before the vote, EU Foreign Ministers had met in Brussels and, following a lengthy discussion on Gaza, had agreed a set of Conclusions with regard to the Middle East Peace Process. Ireland made a very clear statement at the HRC session (extract below, full statement available online);

Irish people have been appalled by the upsurge of violence in Gaza, and especially the very high and unacceptable level of civilian casualties. Ireland condemns both the firing of missiles from Gaza into Israel by Hamas and other militant groups, and the killing of hundreds of civilians in military attacks by Israel on targets in Gaza which fail to respect the requirement under international law for any military action to be proportionate and discriminate. It is clear to us that neither side is paying adequate regard to the cost of their actions on innocent civilians. (extract from statement by Ireland at the UN Human Rights Council, 23 July 2014)

Ireland further stated that it agreed that any breaches of international law should be investigated. The EU group at the HRC, including Ireland, had however signalled a number of problems with the resolution, and had negotiated with the Palestinian delegation to try and resolve these. These reservations were not about the general substance, but about the precise terms of the resolution we were being asked to agree with – which is something we must always take into account.

The specific issues included: that the resolution should clearly condemn all relevant actions, including firing of rockets at Israeli civilian targets; that any investigation should cover all alleged breaches of international law, by either side; and that the existing UN mechanisms should be used to carry out the investigation, rather than setting up a new mechanism.



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The last point related both to our desire to see a speedy and effective investigation – the Office of the UN High Commissioner for Human Rights is already established on the ground in the West Bank, ready to go – and to a long standing concern which has arisen a number of times at the HRC of establishing new bodies to investigate specific issues rather than using the mechanisms which are already established for the purpose. We had expressed these concerns before, and the sponsors of the resolution were fully aware of them when they drafted their text.

Ireland and the EU group worked hard in negotiations to try and improve the resolution on these points. We hoped until a late point that these negotiations would result in a text that we could vote in favour of. Unfortunately this didn't happen – at a very late stage the Palestinian delegation received new instructions which terminated the ongoing negotiations. This left us with little choice. The problems with the text were not resolved, and so the EU group took a common decision to abstain.

It is important to be aware that abstention on a resolution in an international forum is not the same as a 'no' vote, and nor is it simply 'sitting on the fence'. Countries who abstain are, in most cases, signalling that they are not trying to block the resolution, but they have specific difficulties with it which prevents them supporting it. This was stated directly by the EU at the session, and was fully understood by other countries present. It was also always clear to us that the resolution was going to pass – it did not depend on Ireland's vote.

EU members at the HRC try to vote together where possible, to maximise our influence there. In this case, had the EU not decided on a common abstention, the indications were that no other EU partner was considering a 'yes' vote, while perhaps four of the nine EU members might have voted 'No' instead. This would have resulted in a worse voting outcome for the resolution, and have weakened the EU at the HRC for future occasions.

The resolution having been passed, as we knew it would be, Ireland will fully support the Commission of Inquiry in fulfilling its mandate. Our own focus will continue to be on trying to add to international pressure for an immediate



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cessation of all attacks and a renewed ceasefire. Minister Flanagan has been in regular contact with the Egyptian Foreign Minister, Minister Shoukri, to support and encourage Egyptian efforts to broker a ceasefire and Minister Flanagan has welcomed the three day truce effective from 5 August and the multilateral talks that accompany it. Ireland will also continue to stress, as we have consistently done, that a ceasefire on its own is insufficient, without a resolution of the underlying problems of Gaza and above all the opening of the border to normal civilian activity.

- Calls to expel the Israeli Ambassador

Minister Flanagan referred to this suggestion in his closing remarks in the Seanad. Every Irish Foreign Minister is regularly called upon to expel the Israeli Ambassador, although such a suggestion is almost never made in relation to other representatives. There are many states around the world in relation to which Ireland has serious human rights concerns.

Ireland's foreign policy has always been based above all on the resolution of conflict by dialogue. We do not therefore respond to crises by expelling the interlocutor, except in very exceptional circumstances. In diplomatic language, expelling an Ambassador essentially means you are no longer interested, at least for the moment, in dialogue.

Ambassadors exist to allow clear communication between Governments, and are more necessary in bad times than in good. The Government have continually conveyed our views to the Israeli Government through the Ambassador here, or the Irish Ambassador in Tel Aviv.

The corollary of course would be the recall or expulsion of our Ambassador in Israel, and the crippling of our own Embassy. Our Ambassador in Israel, as well as communicating our views to the Israeli government, reports to the Minister on the Israeli view of and politics around the crisis, and has also been personally engaged in the evacuation of Irish citizens and their families from Gaza. For all of these reasons, no Irish Government has felt it would be a helpful response to



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act in this manner.

I wish to inform you that I have forwarded a copy of your correspondence to the Minister for Foreign Affairs and Trade, Mr. Charlie Flanagan T.D. for his attention.

Yours sincerely,

Michelle McKernan

PP Patricia Collins
Assistant Private Secretary
to the Taoiseach

Telephone: 01-6194021

E-mail: privateoffice@taoiseach.gov.ie