

A

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

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

The meeting commenced at 7 pm.

C20/15 Apologies

Councillor Monteith

C21/15 Declarations of Interest

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

Matters for Decision

C22/15 Receive and consider minutes of matters transacted in “Open Business” at Council meeting held on Thursday 22 January 2015

Proposed by Councillor S McGuigan
Seconded by Councillor Clarke and

Resolved That the Minutes of the Meeting of the Council held on Thursday 22 January 2015 (C1/15 – C10/15 and C19/15), transacted in “Open

Business” having been printed and circulated were considered and signed as accurate and correct.

C23/15 Receive and consider minutes of Special Meeting of the Council held on Thursday 12 February 2015

Proposed by Councillor T Quinn
Seconded by Councillor McGinley and

Resolved That the Minutes of the Special Meeting of the Council held on Thursday 12 February 2015 (SC1/15 – SC4/15), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C24/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee meeting held on Monday 2 February 2015

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved That the Minutes and recommendations of the Planning Committee meeting held on Monday 2 February 2015 (P9/15 – P15/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

C25/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Tuesday 3 February 2015

Proposed by Councillor M Quinn
Seconded by Councillor McFlynn and

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Tuesday 3 February 2015, (PR18/15 – PR30/15 and PR33/15), transacted in “Open Business”, having been printed and circulated were considered and adopted.

C26/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee meeting held on Wednesday 4 February 2015

Proposed by Councillor McNamee
Seconded by Councillor B McGuigan and

Resolved That the Minutes and recommendations of the Environment Committee meeting held on Wednesday 4 February 2015, (E9/15 – E20/15 and E23/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

C27/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 5 February 2015

Proposed by Councillor Wilson
Seconded by Councillor T Quinn and

Resolved That the Minutes and recommendations of the Development Committee meeting held on Thursday 5 February 2015, (D17/15 – D25/15 and D31/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

C28/15 Interim Arrangements for Flags, Emblems and Corporate Branding

Councillor Bateson arrived at 7.05 pm

The Chief Executive presented a report seeking direction on interim arrangements for flags, emblems and corporate branding for Mid Ulster District Council.

He stated that Members would be aware that Section 75 of the Northern Ireland Act 1998 (the Act) requires Council to comply with two statutory duties on equality of opportunity and good relations. In carrying out its functions, Council was required to have due regard to the need to promote equality of opportunity:-

- a. Between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- b. Between men and women generally;
- c. Between persons with a disability and those without; and
- d. Between persons with dependents and persons without.

Without prejudice to the above Council is also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. While the Act contains detail on the equality duty it is essentially silent in relation to defining and creating a framework around the good relations duty.

The Chief Executive stated that a draft equality scheme was presented to the August 2014 Council meeting and subjected to a 12 week public consultation exercise. A number of responses had been received and presented to Council in December 2014 for consideration. Responses were received from the Equality Coalition and the Committee for the Administration of Justice advocating a “decoupling” of the equality and good relations duties. The Council resolved to adopt this approach and submitted its equality scheme to the Equality Commission for approval undertaking to revert in respect of the good relations duty. The equality scheme will not be approved until a suitable methodology for addressing good relations issues is developed.

The Chief Executive further stated that in respect of Regional and Minority Languages, Members would be aware that Council had developed draft language

policies. Council had agreed to go to public consultation on its draft Irish Language Policy and to refine its draft Ulster Scots Language Policy before it went to public consultation. Under its equality scheme the Council would make arrangements for assessing, monitoring and publishing the impact of its policies. Screening will identify those policies that are likely to have an impact on equality of opportunity. If the screening concludes that the likely impact of a policy is “major” on one or more of the stated categories, Council will subject the policy to an equality impact assessment (EQIA). Where the impact is “minor” Council may still conduct an EQIA depending on the policy.

While the majority of Council policies may be screened out there are some policy matters which are likely to require an EQIA and there was a requirement on Council to consult on its EQIAs, with the consultation period being normally twelve weeks.

It is considered that the following may require an EQIA:-

- a. Flags and Emblems Policy
- b. Regional and Minority Language Policies

The Chief Executive said that given the timeframes to 1 April 2015 it would not be possible to have an approved equality scheme in place and to carry out EQIAs on policies, where required. Direction from Council was therefore necessary to ensure clear arrangements were in place to cover a number of matters from 1 April 2015.

In respect of Flags and Emblems, the predecessor councils have the following arrangements in place:

	Cookstown	Dungannon	Magherafelt
Flags	None	Designated days from main council office	None
Emblems	None	Boxes of Poppies are permitted to be placed at reception in the main council office	Boxes of Easter Lilies and Poppies are permitted to be placed at reception in the main council office

The Equality Commission has indicated in the past that the current practice of the predecessor councils in respect of flying no flag or the Union flag on designated days from the main council building were within the range of reasonable options available.

In respect of corporate branding, the predecessor councils currently have the following arrangements:

	Cookstown	Dungannon	Magherafelt*
Headed paper	Trilingual	Trilingual	Bilingual
Vehicles	English	English	English

Signage	English	English	English
Uniforms	English	English	English

*Magherafelt District Council has recently adopted an Irish Language policy which includes bi-lingual branding.

The Chief Executive that the following options were open to Council to address the issues prior to the introduction of formal polices after 1 April 2015:

- a. Continue with the existing policy arrangements of one of the predecessor councils across the entire council area
- b. Continue with the existing policy arrangements of each of the predecessor councils in their previous respective areas
- c. Adopt separate arrangements to cover flags, emblems and corporate branding.

Legal advice was sought on whether the above options would suffice to discharge or manage the Section 75 duty, while the Good Relations element was defined as a strategy formulated, consulted upon, agreed and submitted for approval.

The legal opinion advised against the first option, to adopt the existing scheme of one of the existing councils and apply it to the whole district as this appeared to be arbitrary in approach and would fail to recognise or take account of the range of views of resident in the new district as a whole.

The opinion noted that legally, in default of a decision of the council to make alternative arrangements, allowing the existing arrangements for each of the former districts to continue is the option that would be likely to apply. However the opinion noted that in reality this would be less than practical and even dysfunctional as this would entail three concurrent schemes being applied in the new district at the same time.

The third option, to adopt a separate policy on flags and emblems, the opinion noted that were this to involve a neutral environment on flags and emblems, such a policy insofar as it relates to those issues is acceptable in terms of compliance with the Section 75 duties and has resonance with the position adopted by the Equality Commission relating to flags and emblems. In relation to the administrative arrangements of the new Council a neutral environment falls within the range of reasonable responses taking the circumstances into account.

The legal opinion noted that in the absence of an approved equality scheme, Council would be entitled, as a policy choice, to adopt interim measures to ensure compliance with the duties referred to, provided such measures may be reasonably interpreted as fulfilling that objective.

The opinion concluded that of the three options presented, the third represents the most reasonable and common sense approach and that advice should be sought from the Equality Commission.

In respect of the above matters the Commission noted that Council had elected to remove the good relations questions from the generic equality scheme and that Council would revert regarding its good relations duty. The Commission recognised the difficulties that the Council faced in converging the three predecessor councils into a new organisation and of the different practices adopted in respect of the flags, emblems and the use of regional and minority languages on corporate branding by the predecessor councils.

The paper highlighted that the Commission noted its preference for the existing arrangements of the predecessor councils (where these arrangements comply with the Commission's advice and guidance) to remain in place until such times as all of these issues could be considered under approved equality and good relation frameworks. The Commission however recognised that this approach would create particular difficulties in respect of the development of a new corporate brand.

Members are requested to provide direction on the interim arrangements for the following

- i. Emblems
- ii. Flags
- iii. Use of regional and minority languages in corporate branding on
 - a. Stationery
 - b. Vehicles
 - c. Exterior Signage
 - d. Staff Uniforms

The Chair, Councillor Mallaghan, stated that due to ongoing discussion in relation to the issue of flags he had determined to postpone the discussion to the next council meeting.

Councillor S McGuigan stated that in trying to ensure the Council achieved an outcome that provides for a neutral environment he recommended that the Council move forward with option 3 as an interim measure until all policies have been completed and therefore

Proposed:

That the Council adopts:

- no emblems
- top right design proposal provided by McCadden (logo with Irish followed by English)
- stationery, vehicles and exterior signage use bilingual
- staff uniforms - council crest only

Councillor McGinley seconded the proposal.

Councillor Wilson proposed

That the Council adopts:

- flags should be flown on designated days
- top left design proposal provided by McCadden (logo with English only)

- stationery, vehicle and exterior signage use English only
- staff uniforms - council crest only.

The Chair, Councillor Mallaghan, stated that he had determined that he was not taking the flags issue tonight and asked Councillor Wilson if he wished to amend his proposal to reflect this.

Councillor Wilson stated that he would keep the full proposal.

The Chair did not accept the proposal.

Councillor Kearney stated that there should be no emblems so as to provide a neutral workplace, stationery, vehicle and exterior signage should be bilingual (as set out on top right of design proposal provided by McCadden) and Council crest only on staff uniforms.

Councillor McLean stated that poppies represent both communities therefore

Proposed

That the Council adopts:

- poppies should be available in council properties
- top left proposal by McCadden (logo with English only)
- stationery, vehicles and exterior signage use English only
- uniforms – Council crest only

Councillor Ashton seconded the proposal.

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

Councillor McLean's proposal was put to the meeting 15 (fifteen) Members voted in favour and 24 (twenty four) Members voted against.

The Chair declared Councillor McGuigan's proposal carried.

Councillor Reid stated that the outcome of the vote and decision taken was again not a very promising outcome for both communities living in Mid Ulster. He advised caution in relation to drawing down of the next phase of PEACE money as the Council was not showing the right leadership with the commitment and respect to both cultures. PEACE money was about building relationships and not doing what had been done at the meeting and suspected that when the discussion on flags comes forward the outcome will not be much different.

C29/15 Conferences and Seminars

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

Public Consultation on draft Guidance on Operation of Community Planning (retrospective approval sought). Cost being travel and subsistence where required.

- Monday 23 February, 9.30am-12.10pm
Craigavon Civic & Conference Centre
- Monday 23 February, 4pm-6.40pm
Mossley Mill, Newtownabbey Council Offices
- Tuesday 24 February,
Strule Arts Centre, Omagh
- Tuesday 3 March, 10am-12.40pm
Roe Valley Arts & Cultural Centre, Limavady

Informing Local Development Plans - *Delivering Certainty for Communities and Investors*, Wednesday 18 March, 9.20am - 2pm. Cost being registration fee £135, travel and subsistence where required.

Councillor S McGuigan advised that he had attended the community planning event on Tuesday 24 February in the Strule Arts Centre, Omagh.

Proposed by Councillor McGinley
Seconded by Councillor Gildernew and

Resolved That the attendance of members and officers, the payment of attendance fees and associated costs as incurred be approved and that anyone wishing to attend to contact officers.

Notice of Motions

C30/15 Councillor Cuthbertson to move Motion

Councillor Cuthbertson stated that following the announcement that the planning application, as referred to, will not be presented to Dungannon & South Tyrone Borough Council at its next meeting but rather come before to Mid Ulster Planning Committee the Member withdrew the undernoted motion.

Mid Ulster District Council notes with concern the decision by Planners to approve Planning Application Reference M/2014/0340/F for a 500KW Centralised Anaerobic Digester plant (CAD) located in the village of Ballynakelly; and further notes that 239 residents, who will be most affected by this development, have objected. Council fails to understand the Planners decision to recommend approval believing that this development would have a detrimental impact on the village of Ballynakelly and its residents.

C31/15 Councillor McNamee to move

In proposing the undernoted notice of Councillor McNamee stated that this will be the final opportunity for the Council along with business and community representatives to lobby the Executive to ensure that the right decision is made to site the Desertcreat Community Safety College in Mid Ulster. He said that a meeting

had been arranged with the Justice Minister and asked members to support the motion.

That the Mid Ulster District Council gives its support to Cookstown District Council as it prepares to raise once again the very important issue of the Community Safety College coming to Desertcreat. On Monday the 2nd March Cookstown District Council, its Business Leaders and its Community Leaders will go to Stormont to lobby MLA's and Ministers to ensure that the Programme for Government Commitment is fulfilled and the College is built at Desertcreat. The Mid Ulster Council should assist this by sending a cross party delegation of Councillors and available senior management personnel. That the Presiding Councillor of this council delivers a letter to the Minister of Justice, urging him to ensure a quick decision or recommendation following the completion of the review.

The Chair, Councillor Mallaghan, seconded the motion and stated that it was important that we all get behind this, it is something that Cookstown District Council and others have fought for, it is a huge investment for Mid Ulster and would bring ongoing economic benefit. The Chair urged all those to get behind Cookstown District Council and Mid Ulster Council and attend Stormont on 2 March and to tell those who represent this area to support and deliver this project for Cookstown and Mid Ulster.

Councillor Wilson spoke in support of all that had been said and stated that money had been ring fenced by the Treasury for this project which will not be there for ever and if lost will not just be lost to the college but lost to Northern Ireland as a whole. On behalf of his party he supported the motion and initiative.

Councillor T Quinn stated that he fully supported the motion and was aware of the hard work and commitment that went into this project over the past years, what it means to the citizens and business community and stated that the Council should continue to fight to secure the project.

Councillor Buchanan stated that as the current Chair of Cookstown District Council he supported the motion and was aware of the work put into this issue over the last number of years and hopefully Monday's meeting would change opinions.

Councillor Cuddy declared an interest and stated that he would refrain from any vote. The member did not leave the room.

There being no one speaking against the motion the Chair declared the motion carried.

Confidential Business

Proposed by Councillor J O'Neill
Seconded by Councillor Bell and

Resolved That items C32/15 to C39/15 be taken in committee.

The press left the meeting at 7.30 pm.

C40/15 Duration of Meeting

The meeting was called for 7 pm and ended at 8.15 pm.

CHAIR _____

DATE _____

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Minutes of Annual Meeting of Mid Ulster District Council held on Thursday 12 March 2015 in the Council Offices, Circular Road, Dungannon

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

The meeting commenced at 7 pm.

AC1/15 Chair's Comments

Welcome

The Chair, Councillor Mallaghan, welcomed everyone to the Annual Meeting of Mid Ulster District Council.

Congratulations

The Chair, Councillor Mallaghan, spoke in relation to a poem by Seamus Heaney being chosen as Ireland's best-loved poem of the last one hundred years and stated that it was great that Council was going to highlight this work.

Best Wishes

The Chair, Councillor Mallaghan, extended best wishes to Slaughtneil who would be taking on Corofin, Galway in the All Ireland Club Final on St Patrick's Day in Croke Park.

AC2/15 Apologies

Councillors McNamee and J O'Neill

AC3/15 Declarations of Interest

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

AC4/15 Positions of responsibility for periods 2015/16, 2016/17, 2017/18 and 2018/19

The Chair, Councillor Mallaghan, referred members to a pack that had been circulated containing a grid for 67 Positions of Responsibility for the periods 2015/16, 2016/17, 2017/18 and 2018/19, filled using the d'Hondt method, previously completed between Parties and if no one had any objections called for a proposer and seconder for the adoption of the grid.

Proposed by Councillor Wilson
Seconded by Councillor McGinley and

Resolved That the selected positions of responsibility set out in the grid below be adopted

	Year 1 2015/2016	Year 2 2016/2017	Year 3 2017/2018	Year 4 2018/2019
Council				
Chair	SF	UUP	DUP	SF
Deputy-Chair	DUP	SDLP	UUP	DUP
Audit Committee				
Chair	UUP	SF	SDLP	SF
Deputy-Chair	SF	UUP	SF	DUP
Development Committee				
Chair	DUP	SF	UUP	SF
Deputy-Chair	IND	SDLP	SF	DUP
Environment Committee				
Chair	SDLP	DUP	SF	UUP
Deputy-Chair	SF	SF	SDLP	SF
Planning Committee				
Chair	SDLP	SF	SF	SF
Deputy-Chair	SF	DUP	DUP	UUP
Policy & Resources Committee				
Chair	SF	SF	SF	UUP
Deputy-Chair	DUP	UUP	DUP	SDLP
Housing Council for NI (Note 2)				
1 Representative	SF	SF	SF	SF

Partnership Panel for NI				
1 Representative 4 year term	SDLP			
Reserve Forces & Cadets Association for NI				
1 Representative	UUP	DUP	UUP	DUP
Policing & Community Safety Partnership - Mid Ulster (Note 3)				
10 Representatives 4 year term	SF	DUP		
	SF	DUP		
	SF	UUP		
	SF	UUP		
	SF	SDLP		

**AC5/15 Receive nominations to hold positions of responsibility
commencing April 2015**

The Chair, Councillor Mallaghan, invited nominating officers to nominate members to hold the positions of responsibility, as listed for the period 2015-2016.

Positions of Responsibility	Party	Councillor
Council, Chair	SF	Councillor Linda Dillon
Council, Deputy Chair	DUP	Councillor Kim Ashton
Audit Committee, Chair	UUP	Councillor Trevor Wilson
Audit Committee, Deputy Chair	SF	Councillor Caoimhe O'Neill
Development, Chair	DUP	Councillor Frances Burton
Development, Deputy Chair	IND	Councillor Barry Monteith
Environment Committee, Chair	SDLP	Councillor Christine McFlynn
Environment Committee, Deputy Chair	SF	Councillor John McNamee
Planning Committee, Chair	SDLP	Councillor Martin Kearney
Planning Committee, Deputy Chair	SF	Councillor Gavin Bell
Policy & Resources, Chair	SF	Councillor Sean McGuigan
Policy & Resources, Deputy Chair	DUP	Councillor Anne Forde
Housing Council for NI	SF	Councillor Catherine Elattar

Partnership Panel for NI (2015-2019)	SDLP	Councillor Malachy Quinn
Reserve & Cadets Association for NI	UUP	Councillor Kenneth Reid
Policing & Community Safety Partnership	SF	Councillor Phelim Gildernew
	SF	Councillor Seán McPeake
	SF	Councillor Peter Bateson
	SF	Councillor Cáthal Mallaghan
	SF	Councillor Catherine Elattar
	DUP	Councillor Frances Burton
	DUP	Councillor James Shiels
	UUP	Councillor Robert Mulligan
	UUP	Councillor George Shiels
	SDLP	Councillor Tony Quinn

AC6/15 Appointment of councillors to Audit Committee

The Chair, Councillor Mallaghan, invited nominating officers to nominate members to the Audit Committee:

Audit Committee		
Position	Party	Member
1. Chair	UUP	Councillor Trevor Wilson
2. Vice-Chair	SF	Councillor Caoimhe O'Neill
3. Member	SF	Councillor Ronan McGinley
4. Member	SF	Councillor Barry McGuigan
5. Member	DUP	Councillor Kim Ashton
6. Member	UUP	Councillor George Shiels
7. Member	SDLP	Councillor Christine McFlynn
8. Member	IND	Councillor Barry Monteith

AC7/15 Appointment of councillors to Development Committee

The Chair, Councillor Mallaghan, invited nominating officers to nominate members to the Development Committee:

Development Committee		
Position	Party	Member
1. Chair	DUP	Councillor Frances Burton
2. Vice-Chair	IND	Councillor Barry Monteith

3. Member	SF	Councillor Dominic Molloy
4. Member	SF	Councillor Sean Clarke
5. Member	SF	Councillor Kate McEldowney
6. Member	SF	Councillor Linda Dillon
7. Member	SF	Councillor Catherine Elattar
8. Member	SF	Councillor Caoimhe O'Neill
9. Member	SF	Councillor John McNamee
10. Member	DUP	Councillor Anne Forde
11. Member	DUP	Councillor James Shiels
12. Member	UUP	Councillor Trevor Wilson
13. Member	UUP	Councillor George Shiels
14. Member	UUP	Councillor Kenneth Reid
15. Member	SDLP	Councillor Tony Quinn
16. Member	SDLP	Councillor Sharon McAleer

AC8/15 Appointment of councillors to Environment Committee

The Chair, Councillor Mallaghan, invited nominating officers to nominate members to the Environment Committee:

Environment Committee		
Position	Party	Member
1. Chair	SDLP	Councillor Christine McFlynn
2. Vice-Chair	SF	Councillor John McNamee
3. Member	SF	Councillor Barry McGuigan
4. Member	SF	Councillor Joe O'Neill
5. Member	SF	Councillor Mickey Gillespie
6. Member	SF	Councillor Sean McGuigan
7. Member	SF	Councillor Ronan McGinley
8. Member	SF	Councillor Darren Totten
9. Member	DUP	Councillor Clement Cuthbertson
10. Member	DUP	Councillor William Buchanan
11. Member	DUP	Councillor Frances Burton
12. Member	UUP	Councillor Robert Mulligan
13. Member	UUP	Councillor Mark Glasgow
14. Member	UUP	Councillor Walter Cuddy
15. Member	SDLP	Councillor Denise Mullen
16. Member	SDLP	Councillor Martin Kearney

AC9/15 Appointment of councillors to Planning Committee

The Chair, Councillor Mallaghan, invited nominating officers to nominate members to the Planning Committee:

Planning Committee		
Position	Party	Member
1. Chair	SDLP	Councillor Martin Kearney
2. Vice-Chair	SF	Councillor Gavin Bell
3. Member	SF	Councillor Cáthal Mallaghan
4. Member	SF	Councillor Sean Clarke
5. Member	SF	Councillor Peter Bateson
6. Member	SF	Councillor Kate McEldowney
7. Member	SF	Councillor Phelim Gildernew
8. Member	SF	Councillor Seán McPeake
9. Member	DUP	Councillor James Sheils
10. Member	DUP	Councillor William Robinson
11. Member	DUP	Councillor Clement Cuthbertson
12. Member	UUP	Councillor Mark Glasgow
13. Member	UUP	Councillor Derek McKinney
14. Member	UUP	Councillor Kenneth Reid
15. Member	SDLP	Councillor Sharon McAleer
16. Member	SDLP	Councillor Denise Mullen

AC10/15 Appointment of councillors to Policy & Resources Committee

The Chair, Councillor Mallaghan, invited nominating officers to nominate members to the Policy & Resources Committee:

Policy & Resources Committee		
Position	Party	Member
1. Chair	SF	Councillor Sean McGuigan
2. Vice-Chair	DUP	Councillor Anne Forde
3. Member	SF	Councillor Seán McPeake
4. Member	SF	Councillor Catherine Elattar
5. Member	SF	Councillor Peter Bateson
6. Member	SF	Councillor Dominic Molloy
7. Member	SF	Councillor Darren Totten
8. Member	SF	Councillor Phelim Gildernew
9. Member	SF	Councillor Cáthal Mallaghan
10. Member	DUP	Councillor William Buchanan
11. Member	DUP	Councillor Kim Ashton

12. Member	DUP	Councillor Paul McLean
13. Member	UUP	Councillor Walter Cuddy
14. Member	UUP	Councillor Derek McKinney
15. Member	SDLP	Councillor Malachy Quinn
16. Member	SDLP	Councillor Tony Quinn

AC11/15 2015-2016 Schedule of Meetings for Council and Committee meetings

Schedule of meetings for 2015-16 Council and Committee meetings was presented.

Proposed by Councillor McLean

Seconded by Councillor Clarke and

Resolved That the 2015-2016 Council and Committee Meeting schedule be adopted

MONTH	COMMITTEE	DATE	LOCATION
April	Planning	Mon 13 th at 7pm	Cookstown
	Environment	Tues 14 th at 7pm	
	Policy and Resources	Wed 15 th at 7pm	
	Development	Thurs 16 th at 7pm	
	Council	Thurs 23 rd at 7pm	Dungannon
May	Planning	Tues 5 th at 7pm	Magherafelt
	Policy and Resources	Thurs 7 th at 7pm	
	Environment	Tues 12 th at 7pm	
	Development	Thurs 14 th at 7pm	
	Council	Thurs 28 th at 7pm	Dungannon
June	Planning	Tues 2 nd at 7pm	Cookstown
	Policy and Resources	Thurs 4 th at 7pm	
	Environment	Tues 9 th at 7pm	
	Development	Thurs 11 th at 7pm	
	Council	Thurs 25 th at 7pm	Dungannon
July	Environment	Mon 6 th at 7pm	Magherafelt
	Planning	Tues 7 th at 7pm	
	Development	Wed 8 th at 7pm	
	Policy and Resources	Thurs 9 th at 7pm	
	Council	Thurs 23 rd at 7pm	Dungannon

MONTH	COMMITTEE	DATE	LOCATION
August	Council	Thurs 27 th at 7pm	Dungannon
September	Planning	Tues 1 st at 7pm	Cookstown
	Policy and Resources	Thurs 3 rd at 7pm	
	Environment	Tues 8 th at 7pm	
	Development	Thurs 10 th at 7pm	
	Council	Thurs 24 th at 7pm	Dungannon
October	Planning	Tues 6 th at 7pm	Magherafelt
	Policy and Resources	Thurs 8 th at 7pm	
	Environment	Tues 13 th at 7pm	
	Development	Thurs 15 th at 7pm	
	Council	Thurs 22 nd at 7pm	Dungannon
November	Planning	Tues 3 rd at 7pm	Cookstown
	Policy and Resources	Thurs 5 th at 7pm	
	Environment	Tues 10 th at 7pm	
	Development	Thurs 12 th at 7pm	
	Council	Thurs 26 th at 7pm	Dungannon
December	Planning	Tues 1 st at 7pm	Magherafelt
	Policy and Resources	Thurs 3 rd at 7pm	
	Environment	Tues 8 th at 7pm	
	Development	Thurs 10 th at 7pm	
	Council	Thurs 17 th at 7pm	Dungannon
January	Planning	Mon 11 th at 7pm	Cookstown
	Environment	Tues 12 th at 7pm	
	Policy and Resources	Wed 13 th at 7pm	
	Development	Thurs 14 th at 7pm	
	Council	Thurs 28 th at 7pm	Dungannon
February	Planning	Tues 2 nd at 7pm	Magherafelt
	Policy and Resources	Thurs 4 th at 7pm	
	Environment	Tues 9 th at 7pm	
	Development	Thurs 11 th at 7pm	
	Council	Thurs 25 th at 7pm	Dungannon
March	Planning	Tues 1 st at 7pm	Cookstown
	Policy and Resources	Thurs 3 rd at 7pm	
	Environment	Tues 8 th at 7pm	
	Development	Thurs 10 th at 7pm	
	Council	Thurs 24 th at 7pm	Dungannon

AC12/15 Thanks

The Chair, Councillor Mallaghan, thanked everyone for their co-operation in getting through the business and invited Councillor Dillon, the incoming Chair, to address the meeting.

Councillor Dillon in addressing the meeting said:

'Firstly I would like to say that I am very honoured to have been chosen by my party colleagues, particularly given the depth and strength of all of the councillors in our team, to lead the new Mid-Ulster Council in the first year this is history in the making and I'm delighted to be part of that. I want that history to be a positive one and will work with everyone in this chamber to ensure that it is. I would like to thank my friend and party colleague Cathal Mallaghan for the wonderful job he has done as our Lead Councillor in the transition year of this council working very hard with both Councillors and staff to ensure that the transition would be a success and we could deliver in the new council.

My priority is the people of Mid-Ulster and what it is we need to do as a council to ensure that every person right across this district has a good quality of life and I believe that the community plan is going to be key to this so we need to get it right and we can only do that by working together. We have an opportunity to create change for the better we need to grasp this opportunity and use it as a tool to create a better Mid-Ulster for all.

I have worked with all sectors from community/ voluntary to business, education and health over the past number of years working with the Sinn Féin MLA's across Mid-Ulster and the thread that runs through all is that they want political representatives to show leadership and work for them and with them so that is what I will do and what I would expect every representative in this chamber to do.

I will be doing everything in my power in my role as Chairperson of Mid-Ulster Council to encourage investment in Mid-Ulster we have a responsibility in the positions we hold to create a Mid-Ulster where businesses want to invest and grow, where people want to visit and spend time and most importantly where people want to work and live and raise their family. All of this means supporting businesses, voluntary and community sectors and individuals and I am very willing to put the work, time and effort into ensuring all of this is possible.

Mine will be an open door policy I will accommodate and facilitate any meetings with groupings or individuals that want to meet with me. I will welcome engagement with all sections and sectors across our very varied and diverse society and look forward to such engagements.

I am particularly honoured as a woman to have been selected as the first Chairperson of the new Mid-Ulster Council I think this sets an excellent example across Mid-Ulster and wider society that women are capable and up for the job and I am delighted that my party are again leading the way on this. None of this would be possible as a wife and mother without the support of my husband Gerard and my

wider family circle so I thank them for their ongoing support and in advance for their help and patience in the coming year which will I have no doubt be extremely busy and this role will take up most of my time.

Finally I would like to thank the electorate who voted for me last May I was extremely proud to be elected in the Torrent DEA and have worked with many different groupings and individuals over the past year on numerous issues however I would like to stress that as chair for the district I intend to ensure that I represent all areas and people right across Mid-Ulster.

We as a council are going to create change and I am determined that change will be a positive thing we have a big responsibility as a new council to show leadership this is a challenge but I am up for it as are my party colleagues and I believe all councillors in this chamber stood for election to do the right thing for the people of Mid-Ulster so I intend to lead a council that works hard and works together.'

The Chair, Councillor Mallaghan, in closing the meeting congratulated all those who had been nominated to positions of responsibility.

AC13/15 Duration of Meeting

The meeting was called for 7 pm and ended at 7.25 pm

CHAIR _____

DATE _____

C

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 2 March 2015 in Magherafelt District Council Offices

Members Present

In the Chair, Councillor Kearney (Chair)

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, McEldowney, McPeake, Mallaghan (7.07 pm), Mullen, T Quinn (7.11 pm), Reid, Robinson and J Shiels

Officers in Attendance

Mr Tohill, Chief Executive (7.26 pm)
Mr Melvin Bowman, Senior Planning Officer
Ms Sinead McEvoy, Principle Planning Officer
Ms Maeve McKearney, Senior Planning Officer
Mrs Grogan, Committee Services/Senior Admin Officer (D&STBC)

The meeting commenced at 7.04 pm.

P16/15 Apologies

Councillor Derek McKinney.

P17/15 Declarations of Interest

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

Matters for Decision

P18/15 Receive and Confirm Minutes of the Planning Committee Meeting held on Monday 2 February 2015

Proposed by Councillor Bateson
Seconded by Councillor Gildernew and

Resolved That the minutes of the meeting of the Planning Committee held on Monday 2 February 2015, (P9/15 – P15/15) were considered and signed as accurate and correct.

Councillor J Shiels sought clarification from the Chief Executive on the second last sentence on page 4 of the minute. The Chair advised that this will be given later in the meeting.

P19/15 Planning Enforcement Case Work

Ms Maeve McKearney presented a paper on Planning Enforcement Casework and discussed with members planning enforcement matters.

She advised that the majority of proposals to develop land require permission, with the exception of Permitted Development. She added that enforcement exists to protect the integrity of the planning system and if unauthorised development is not addressed credibility and integrity of the planning system can be undermined.

Ms Sinead McEvoy went through 4 cases studies with members, present as noted:

- 1) Unauthorised fence to the rear of dwelling
- 2) Breach of condition, non-compliance with condition 6 of Planning approval M/2005/0186/F regarding access and visibility splays
- 3) Unauthorised erection of agricultural shed
- 4) Unauthorised use of the land for the storage of plastic pipes, associated materials and equipment

Councillor Cuthbertson enquired about restriction on working hours for engineering firms and shops.

Ms McEvoy stated that the Planning Service work in unison with Environmental Health colleagues and other Government Agencies to try and regulate the site.

Councillor McPeake enquired about the size of dwellings in the countryside and how changes can be made to the design without planning permission being sought.

Councillor Clarke agreed with Councillor McPeake and felt that on numerous occasions dormer windows appear on new buildings when they are not included in the plans. He felt that it would be essential that a system should be in place where no slippage can occur as this would set a precedent and level playing field needed to be adhered to.

Ms McEvoy advised that Planning Service does react to complaints raised through the public, Building Control and Environmental Health. The possibility of working closer with these departments will be looked at.

Councillor Mallaghan left the meeting at 7.24 pm and returned at 7.46 pm

Chief Executive entered the meeting at 7.26 pm.

P20/15 Scheme of Delegation

Ms Sinead McEvoy presented a paper detailing the amended Scheme of Delegation for planning applications and a revised Scheme of Delegation for planning consents, certificates, tree preservation orders and the enforcement of planning control for Mid-Ulster Council from 1 April 2015.

The Officer stated that the paper was being provided following discussion with Members at previous Planning Committee meetings on Monday 12 January and Monday 2 February 2015.

At the meeting on 12 January 2015 a Scheme of Delegation was provided in relation to planning applications. That Scheme has now been updated to reflect subsequent discussions with Members.

At the Planning Committee meeting on 2 February 2015 it was agreed that a revised Scheme of Delegation under Part 4 Section 7 (4) (B) of the Local Government Act (Northern Ireland) 2014 would be provided to reflect Members' discussions on the enforcement of planning control.

The Scheme of Delegation for planning applications, previously presented to the Planning Committee, has been amended to clarify a number of points on officer delegated authority around local applications, development management.

The Scheme of Delegation for planning consents, certificates, tree preservation orders and the enforcement of planning control has been amended following discussion with Members' on the enforcement of planning control.

Ms Sinead McEvoy recommended that members agree the proposed Schemes of Delegation as outlined in Appendix 1 and Appendix 2 of the previously circulated paper, and referenced as:

Draft Scheme of Delegation of Planning Applications

The Scheme of Delegation for planning applications was agreed by Mid Ulster District Council at its meeting of XXX following approval by the Department of the Environment for Northern Ireland on XXX. The approval is in accordance with Section 31 of The Planning Act (NI) 2011. The Scheme of Delegation takes effect from XXX.

Part A – Mandatory applications for determination by the Planning Committee:

Statutory requirements require that certain types of application must be determined by the planning committee and these cannot therefore be delegated to officers:

- Applications which fall within the Major category of development;*
- An application for planning permission where the application is made by the council or an elected member of the council, and*
- The application relates to land in which the council has an interest/estate.*

Part B – Delegated Applications:

The appointed person within the Council is the Planning Manager. To determine all local development applications whether for approval or refusal with the exception of:

- Applications which are significant departures from the Development Plan or planning policy and which are recommended for approval.*
- Applications submitted by the Chief Executive, Directors, planning staff, or their close relatives (parents, partners, siblings, and children).*
- Applications attracting valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.*
- Any application referred to the Planning Committee by a Council Member, subject to a valid planning reason being provided by the Member for the deferral.*

- All refusals of planning permission.
- Applications where the Planning Manager considers that the proposal merits consideration by the Committee, for example an application subject to an Enforcement Notice where the recommendation is to refuse permission.
- Applications where a legal agreement is required.

Part C – Publicity:

On adoption of this scheme of delegation the council made a copy

- available on the councils website at www.midulstercouncil.org.

- available at Mid Ulster Council Offices

Magherafelt Office
50 Ballyronan Road
Magherafelt
BT45 6EN

Draft Scheme of Delegation of planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations

The Scheme of Delegation for planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations was agreed by Mid Ulster District Council at its meeting of XXX following approval by the Department of the Environment for Northern Ireland on XXX. The Scheme of Delegation takes effect from XXX and is in accordance with Section 7 (4) (b) of the Local Government Act 2011.

The Planning Committee shall be required to consider and determine:

- the serving of a Tree Preservation Order
- confirmation of a Provisional Tree Preservation Order.

Delegated planning consents, certificates, orders and other decisions:

The Planning Manager is delegated the authority to:

- serve a Provisional Tree Preservation Order;
- determine an application:
- to carry works to a Protected Trees;
- for Hazardous Substance Consent;
- for a Certificate of Lawful Use of Development and for Non Material Changes.

All applications for listed building consent, conservation area consent and advertisement consent are delegated with the exception of the following which require determination by the Planning Committee:

- The application is made by the council or an elected member of the council.
- The application relates to land in which the council has an interest.
- The application is submitted by the Chief Executive, Director, planning staff, or close relatives (parents, partners, siblings, and children)

- *The application has attracted valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.*
- *The application is recommended for refusal.*
- *Where the Planning Manager considers that the proposal merits consideration by the Committee.*

The Planning Committee reserves the right to request a report for information purposes on any of these delegated matters.

Investigation of Breaches of Planning Control and Enforcement Action:

The Planning Committee shall be required to consider and determine the serving of an Enforcement Notice, Stop Notice, and Listed Building Enforcement Notice.

The Planning Manager is delegated the authority to:

- *investigate all complaints of a breach of planning control and where appropriate may close a case on the grounds that a breach has not occurred or that it is not expedient or in the public interest to take action;*
- *serve of a Breach of Condition or Submission Notice;*
- *instruct the District Solicitor in the pursuit of legal action provided the Committee is aware of the action and may instruct the Planning Manager to cease or to hold in abeyance any legal proceedings.*

The Planning Manager may in exceptional circumstances and where there is a risk to human health or safety serve an enforcement notice or stop notice.

The Planning Committee reserves the right to request a report for information purposes on any of these delegated matters.

Proposed by Councillor Bell
Seconded by Councillor McPeake and

Resolved That it be recommended to the Council to approve Appendix 1 and Appendix 2 on the paper for Schemes of Delegation on Planning matters.

P21/15 Organisational Structure of Planning Service

Mr Bowman presented a paper and advised that the purpose of the report was to seek approval for the organisational structure for the delivery of planning services in Mid Ulster from 1 April 2015.

Mr Bowman advised that members are also asked to agree to the authorisation of officers to sign decisions and Orders in accordance with Schemes of Delegation.

Mr Bowman stated that from 1 April Dr Chris Boomer, Area Planning Manager, and his staff will become Mid Ulster Council Employees. It is proposed that the Planning

function remains under the leadership of Dr Boomer and that Planning Services comprise two sections each headed by a Principal Officer:

(i) Development Management headed by Melvin Bowman

This section will be responsible for processing planning applications, where appropriate presenting recommendations to Planning Committee and making delegated decisions on the local, non-controversial applications. The Section will also deal with other statutory consents including advertisements, demolition within a conservation area and listed building consents. It will also make determinations on what constitutes lawful development or is a non-material change. It is proposed that the section comprise three teams each with a team leader, senior planning officer, geographically defined to coincide with:

- (a) Dungannon and Clogher Valley
- (b) Cookstown and Torrent
- (c) Magherafelt, Carntogher and Moyola.

The benefit of this approach is that officers will become familiar with their area and Members will know which team to contact with regards to an application in their electoral area. It will also allow for a future decentralisation of Planning Services.

(ii) Plan, Environment and Enforcement headed by Sinead McEvoy

This section comprises three centrally based district teams each with a Team Leader, senior planning officer):

- (a) *The Plan Team* is responsible for the preparation of the Local Development Plan and it will undertake most of the evidence gathering and analysis needed to support the Plan Strategy. It will also undertake settlement appraisals to define settlement limits, zonings and policy designations to be contained in the Local Policies Plan. Most of the work of this team will focus on socio economic issues linked to land use needs, together with considering any Equality Impacts of policies in the plan.
- (b) *The Environment Team* will be responsible for overseeing a Strategic Environmental Assessment of the Plan and will also contribute to the identification of environmental designations, relating to natural and built heritage. The team also includes a conservation officer who will advise on matters relating to built heritage and will also undertake work relating to Tree preservation Orders. The environmental specialism of this team also means it will become well equipped to handle strategically important planning applications related to sand and gravel extraction and waste.
- (c) *The Enforcement Team* will be responsible for investigating breaches of planning control arising from complaints received from members of the public. In most instances it is anticipated that most reports may be remedied through submission of a planning application, but in some instances it is necessary to serve an enforcement notice followed by legal action. The Planning Committee will receive reports from this team where the serving of an Enforcement Order is

recommended and will be kept up to date on any investigations or legal proceedings.

Complementing the two Sections is a Business Support Section led by Jean Connelly, Senior Administration Officer. This team will assist in the processing of planning applications, but is also charged with functions including business planning, procurement and financial reporting, customer care including overseeing efficiency in responding to information requests and planning inquiries' including:

- (a) Freedom of Information and Environmental Information Requests;
- (b) Complaints;
- (c) Searches and Property Certificates
- (d) Procurement and Financial Record Keeping

The staff structure was included in appendix one of the report as presented showing the names of all officers and the team to which they are assigned. However, the paper noted that under the Department all planners were generic to their grade meaning they could be assigned to any planning duty. It was not proposed to change this element of their employment contract, and to allow for the running of the service it would be important to allow the Planning Manager flexibility to be able to move staff if gaps arise and equally for the heads of each service to assign work to staff under their line management as needs dictate.

Authorisation and signing of decisions

The report set out the details of those key officers being proposed to be nominated to sign decisions on behalf of Council. It should be noted that signing decisions is not the same as taking the decision. All decisions will be undertaken either by:

- (i) Planning Committee; or
- (ii) Planning Manager under the scheme of delegation.

Where a decision is made under the scheme of delegation it will be the Planning Manager's responsibility to ensure decisions are made in accordance with the policies of the Council and that the right checks and balances are in place. For the Department this meant that all decisions were subject to a recommendation by a group signed by three officers one of which had to be a team Leader or above. The paper proposed that the existing would be maintained, whilst advice was sought in formulating a new system of checks and balances.

At present team leaders and above may sign decisions on behalf of the Department, as follows:

- Planning permissions and refusals
- Notices of intention to enter into planning agreements; ,
- Advertisement consents;
- Hazardous substances;
- Listed building and conservation consents;
- Enforcement related Orders and planning contravention notices;
- Submission and Breach of Condition Notices;

- Tree preservation Orders and consent for works to trees;
- Certificates of Lawful Use;
- Decision to institute prosecutions;
- Applications for registration in the Statutory Charges Register and Land
- Registration Act;
- Authorisation of powers of entry.

It was proposed that the Council operate a similar approach. Planning agreements are made under seal, the signing of which is a matter for wider debate and such were excluded from the report.

Mr Bowman stated that the authorisation of officers should be read in conjunction with the scheme of delegation and all delegated decisions must have a report with three officers signing in agreement, one of which must be authorised to do so.

Mr Bowman recommended that:

- a) Members agree the organisational structure
- b) Dr Chris Boomer be authorised to make planning decisions in accordance with the provisions of the Planning Act (NI) 2011 and Local Government Act 2011 on behalf of the Council in accordance with the schemes of delegation as of 1 April 2015
- c) The following nominated officers are allowed to sign decisions as specified:

Mr Melvin Bowman, Principal Planning Officer
 Ms Sinead McEvoy, Principal Planning Officer
 Mr Phelim Marrion, Senior Planning Officer
 Ms Emma McCullagh, Senior Planning Officer
 Ms Karen Doyle, Senior Planning Officer
 Ms Maeve McKearney, Senior Planning Officer
 Ms Elaine Heagney, Senior Planning Officer
 Mr Michael McGibbon, Senior Planning Officer

Proposed by Councillor J Shiels
 Seconded by Councillor McPeake and

Resolved That it be recommended to the Council to approve the above recommendations as outlined in the Organisational Structure of Planning Service paper.

P22/15 Shared Environmental Services Model

Mr Bowman advised that the paper was to seek agreement that Mid Ulster would use a Shared Environmental Service and that Dr Chris Boomer be identified as the liaison officer to assist in developing a draft Service Level Agreement.

Mr Bowman advised that The European Directive (92/43/EEC) on Habitats requires any competent authority such as Mid Ulster District Council to carry out a Habitats assessment on any plan or project not directly connected or necessary to the

management of any Natura 2000 Sites but within the potential to have a significant effect upon them either individually or in combination with other plans or projects. The report confirmed that this is transposed in the Habitats Regulations for Northern Ireland. Mid Ulster borders Lough Neagh, for the most part sitting in its water catchment and also contains many other Special Areas of Conservation and Special Protected Areas which make up the Natura 2000 network.

The report confirmed that this meant the Council as the competent authority would need to carry out such assessments in formulating a Development Plan and in determining some planning applications. Planning staff do not have the skills needed to carry out such assessments, as historically such assessments were undertaken by NIEA.

The Regional Transition Operational Board (RTOB) agreed that a shared environment service would provide a suitable model for councils to meet their legal obligations and accordingly, Mid & East Antrim Council has agreed to host the Shared Environmental Service for local government.

The Chief Executive of Mid & East Antrim Council has written asking if Mid Ulster District Council would in principle utilise the service and appoint a liaison officer from planning to work on a draft service level agreement.

Mr Bowman stated that presently it would not be feasible for Mid Ulster to undertake Habitat Regulation Assessments on their own.

Mr Bowman advised that the agreement of Mid Ulster District Council is sought, in principle, to this Shared Service Model in which they are asking us to identify a Liaison Officer from Planning to work on a draft Service Level Agreement which could be presented to the Council in the next number of weeks.

He continued to state that The Shared Environmental Service model had been agreed by RTOB to be a suitable model to support local Councils in meeting their legal obligations relating to their enhanced environmental responsibilities arising from the transfer of planning responsibilities to local government.

Overview of the Shared Environmental Service (SES)

The report provided an overview of the Service, which will be based in County Hall Ballymena and comprise eight specialist staff to provide expert advice and support to Councils. Its primary role would be to carry out Habitats Regulations Assessments on planning applications and during the preparation of Local Development Plans to assess and advise on impacts on European Sites such as Special Areas of Conservation and Special Protection Areas. The report indicated that this function was essential to ensure legal requirements would be fully met and to reduce the risk of challenge to planning decisions, development plans and policies. The full costs for delivery of the existing Service will be transferred to Mid and East Antrim Council from DoE and Department for Finance and Personnel, there being no costs to Councils to utilise the service.

Mr Bowman confirmed that the Head of Service, Susanna Allen, was in place and selection of the remaining staff was close to completion ready to commence delivery on 1 April. Work is ongoing with planners to detail the process of service delivery.

Mr Bowman recommended that the committee agree to Mid Ulster using a shared Environmental Service and that Dr Chris Boomer be identified as the liaison officer to assist Draft a Service Level Agreement.

Proposed by Councillor Bateson
Seconded by Councillor McPeake and

Resolved That it be recommended to the Council to agree the recommendations as outlined in the Shared Environment Service paper.

P23/15 Mid Ulster Town Centres and Opportunity Sites

Ms Sinead McEvoy presented a paper informing members on the nature of the current retail offering within Mid Ulster, the take up of town centre development opportunity sites, rental information and vacancy rates.

She stated that the key issues would be:

- Consideration of Mid Ulster Town Centres and Opportunity Sites in the context of existing Area Plans, Master plans and Town Centre Health Checks
- Consideration of whether there is a requirement to redefine town centre boundaries, retail designations and opportunity sites
- Consideration of the retail hierarchy and whether there is a need to alter the status of existing settlements

Councillor McPeake left the meeting at 8.18 pm.

Ms McEvoy recommended that members of the committee give consideration to the recommendations outlined in the paper, as:

- That Cookstown, Dungannon and Magherafelt be reaffirmed as Mid Ulster's three main town centres in the Preferred Options Paper
- That for the Planning Strategy there is no need to redefine the town centre boundaries, retail designations and opportunity sites as these provide an adequate framework up until 2018
- That a retail capacity study be commissioned in Dungannon to establish the capacity of Dungannon to support additional retailing and to update the Magherafelt and Cookstown studies
- The Preferred Options Paper should present Irish Street as a proposed addition to the Dungannon Retail Core and public comment should be invited to suggest where changes be made to town centre boundaries and retail designations or additional town centre opportunities identified
- That an appraisal be carried out to identify whether any settlements should be included in the Preferred Options Paper for reclassification from a village to a town and whether there is a retail offer to warrant the a town centre designation. Candidates could include:

- Fivemiletown

- Moy
 - Moneymore
 - Aughnacloy
 - Draperstown
 - Ballygawley
 - Stewartstown
- That the Oaks Centre be reaffirmed as a District Centre in the Preferred Options Paper and an appraisal be carried out to establish whether a District Centre be defined in southern Cookstown
 - Candidates locations should be appraised to establish whether any existing shopping facilities elsewhere in Cookstown Dungannon and Magherafelt can be identified in the Preferred Options Paper as neighbourhood shopping centres
 - Villages should be appraised to establish whether there is sufficient facilities clustered together to warrant identifying as village centres in the Preferred Options Paper
 - A policy review paper will be brought to the Planning Committee to consider the preferred approach for inclusion in the Preferred Options Paper

Proposed by Councillor Reid

Seconded by Councillor T Quinn and

Resolved That it be recommended to the Council to approve the recommendations as outlined in the Mid Ulster Town Centres and Opportunity Sites Paper.

Councillor McEldowney sought clarification from the Chief Executive on 2nd last sentence on page 4 of Planning Committee Minutes 2 February 2015.

The Chief Executive advised that it was his understanding that members should be present for the whole discussion before voting on an application can be made.

Councillor Gildernew felt that if a member left and returned within a few moments it should be at the discretion of the Chair whether a member can vote or not.

In response to a query about whether the Chair's decision can be overturned, the Chief Executive stated that the authority of the Chair cannot be challenged.

The Chairman advised that this meeting concludes the shadow Planning Committee period and thanked Senior Officers for their training which was very beneficial.

Councillor Glasgow agreed and advised that the Committee had come a long way from the start.

P24/15 DURATION OF MEETING

The meeting was called for 7.00 pm and ended at 8.30 pm.

Chair _____

Date _____

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Minutes of Meeting of Policy & Resources Committee of Mid Ulster District Council held on Tuesday 3 March 2015 in Magherafelt District Council Offices

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

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

Officers in Attendance: Mr A Tohill, Chief Executive
Mrs Campbell, Director of Policy and Development (MD)
Mrs Canavan, Lead HR Officer
Mrs Mezza, Marketing Communications Manager
Mr Moffett, Change Management Officer
Mrs McKernan, Committee Services/Senior Admin Officer (D&STBC)
Mr O'Hagan, ICT Manager
Mrs Smith, Council Business Manager (D&STBC)

In Attendance: **Ulster Scots Agency**
Mr Ian Crozier, Chief Executive

The meeting commenced at 7.00 pm

PR34/15 Apologies

Councillors Elattar and Mallaghan
Mr JJ Tohill, Lead Finance Officer

PR35/15 Declarations of Interest

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

PR36/15 Deputation – Ulster-Scots Agency

Councillors Glasgow and M Quinn arrived at 7.08 pm

The Chair welcomed Mr Crozier from the Ulster-Scots Agency and invited him to make his presentation.

Mr Crozier thanked the Council for the opportunity to make a presentation and with the use of a power point stated that the Ulster-Scots language, heritage and culture was around all of us in Mid Ulster.

He stated that the language is in the speech of the people, in the writing of the poets and in the name of places. The heritage is rich stretching back over 400 years and there are strong connections to the USA through the Ulster-Scots (Scots-Irish) migration. There is a vibrant Ulster-Scots cultural community with 60 registered member groups. In the last 3 years, in the Mid Ulster area, the Ulster-Scots Agency

has funded music and dance tuition programmes in 28 groups, summer schools in 5 groups, 3 schools are on the Ulster-Scots flagship school programme, funding is currently being provided for piping and drumming tuition in 4 schools and 60 per cent of the Ulster-Scots Agency Juvenile Pipe Band comes from the Mid Ulster area.

Mr Crozier stated that in the short term to promote and develop Ulster-Scots in the area the Council could:

- commission research to identify the true extent of Ulster-Scots in the area
- organise programmes to raise awareness of Ulster-Scots language, heritage and culture
- redevelop the Grant Homestead
- include Ulster-Scots content at Bellaghy Bawn
- public art reflecting Ulster-Scots heritage

Councillor Forde thanked Mr Crozier for the presentation and stated that she had participated in summer schools in the past and hopefully the Council would continue to promote Ulster-Scots in the future.

The Chair, Councillor McPeake, thanked Mr Crozier for the detailed presentation following which he left the meeting at 7.20 pm.

PR37/15 Receive and confirm minutes of the Policy & Resources Committee held on Tuesday 3 February 2015

Resolved That the Minutes of the Meeting of the Policy & Resources Committee held on Tuesday 3 February 2015 (PR18/15 – PR30/15 & PR33/15) were considered and were signed as accurate and correct.

Matters for Decision

PR38/15 Child Protection Policy and Safeguarding Vulnerable Adults Policy

Mrs Campbell presented a report seeking approval for the Mid Ulster District Council Child Protection Policy and Safeguarding Vulnerable Adults Policy.

Outlining the background Mrs Campbell stated that everybody had a responsibility for the safety of children in accordance with relevant legislation. Everybody also had a responsibility for the safeguarding of vulnerable adults. She stated that Mid Ulster District Council as an organisation which has significant contacts with children and vulnerable adults across its services has both a moral and legal obligation to ensure abuse and exploitation does not occur and that its duty of care is fully exercised.

The purpose of the Child Protection Policy is to help protect the children who use our services and to ensure that Mid Ulster District Council staff, elected members and volunteers are aware of issues that can cause children harm.

The purpose of the Safeguarding Vulnerable Adults Policy is to help safeguard vulnerable adults and to ensure that Mid Ulster District Council staff, elected

members and volunteers are aware of issues that can cause vulnerable adults harm.

Mrs Campbell referred to the key issues:

Child Protection Policy

Children have the right to live their lives to the fullest potential, to be protected, to be able to participate in and enjoy activities and to be treated with dignity and respect. There is a considerable body of legislation, government guidance and standards designed to ensure that children are protected from harm.

A Code of Conduct had been developed that all Councillors, employees and groups or individuals acting on behalf of the Council, must adhere to. In order to comply with our legal responsibilities, procedural and reporting arrangements have been put in place to deal with reports of abuse.

The Council will apply safe recruitment and selection practices to comply with the Protection of Children and Vulnerable Adults (NI) Order 2003 and the guidelines issued by the Department of Health, Social Services and Public Safety. Once appointed, those individuals with access to children will undertake extensive child protection training, supervision standards and health and safety training specific to the needs of children.

The Council has a duty of care to children in order to protect them from harm. This policy also outlines the Council's expectations of groups who use or hire council premises.

Vulnerable Adults Policy

Vulnerable adults have the right to live their lives to the fullest potential, to be safeguarded, to be able to participate in and enjoy activities and to be treated with dignity and respect. Whilst there is no specific legislation relating to the abuse of vulnerable adults, the following range of legislation is directly applicable to the protection of vulnerable adults

- Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (2007 Order)
- Human Rights Act 1998
- Health and Personal Social Services (N.I.) Order 1972
- Sexual Offences (N.I.) Order 2008
- Mental Health (N.I.) Order 1986
- Police and Criminal Evidence (N.I.) Order 1989

The Council will protect vulnerable adults by implementing a code of behaviour for staff and volunteers and will have in place clear reporting procedures to report concerns to the relevant statutory agencies while involving vulnerable adults and carers appropriately. It will also have in place clear procedures for dealing with complaints and grievances.

The Council will raise the awareness of the need to safeguard vulnerable adults throughout the Council and will actively encourage good practice amongst all staff, elected members and volunteers by promoting wider awareness wherever possible, i.e. partnership organisations and user groups.

In response to queries from Councillors McLean and Ashton in relation to 'policing' these issues and obtaining parental consent forms particularly at public events Mrs Campbell stated that there will be two lead officers in the new Council, Head of HR and the Health & Safety Officer and safeguarding officers will be identified within each centre. She added that the Council will have its own photographer at events and literature promoting events will highlight the need for completion of parental consent forms. An extensive programme of training will be provided to staff and all reasonable steps taken to safeguard and promote the well-being of children and protection of vulnerable adults.

Proposed by Councillor McLean
Seconded by Councillor Reid and

Resolved: That it be recommended to the Council to adopt the Child Protection Policy and Safeguarding Vulnerable Adults Policy.

PR39/15 Policy for Recruitment Advertising

The Marketing Communications Manager presented a report which provided further information in relation to the element of the advertising policy relating to the placement of recruitment advertisements.

Outlining the background the Officer stated that in February, the Policy & Resources Committee considered the introduction of a policy to guide the placement of public notices in newspapers circulating in its district, as well as the placement of tender and recruitment advertisements.

The policy proposed the use of the Belfast Telegraph for recruitment advertising for posts at SO1 and above, and specialist publications where appropriate, and the Committee wished to understand the cost implications of broadening the policy to include both the Irish News and the News Letter.

Drawing attention to the key issues the Marketing Communications Manager stated that the proposed approach to recruitment advertising reflects the policy of one of the three existing councils, and acknowledges that the Belfast Telegraph is considered to have a balanced readership.

The Officer further stated that using the example of the most recently advertised external post, which would be representative of a typical recruitment advertisement for a single post in terms of size the costs were:

Belfast Telegraph: £1,366.62
News Letter: £677.57
Irish News: £573.70

The report referred that while the cost will always depend on the size of an advertisement, based on the example, advertising in all 3 regional newspapers would increase the cost per advertisement by approximately 90%.

Councillor McLean was alarmed at the costs, asked how often recruitment at this level be taking place, he noted that it had been previously agreed that situation would be monitored and reviewed and stated that the Newsletter and Irish News were the papers which reached the rural community.

Councillor S McGuigan concurred with comments made.

The Chief Executive stated that the Belfast Telegraph would be the main publication in relation to public sector jobs and in order to attract the best possible candidate he would be concerned if the Belfast Telegraph was left out completely. Due to local government reform it was unlikely that there would be significant recruitment advertising in the short term.

Proposed by Councillor McLean
Seconded by Councillor Reid and

Resolved That it be recommended to Council that the advertising policy relating to the placement of recruitment advertisements, for posts at SO1 and above, should reflect that adverts be placed in all three regional papers, the Belfast Telegraph, Irish News and Newsletter.

PR40/15 Social Media Policy

The Marketing Communications Manager presented a report on the introduction of a policy to establish procedures and guidance on the use of social media by Council employees and recommended adoption.

The Officer referred to the extensive use of social media by council employees personally and the opportunities provided by social media for the Council to communicate and engage with a variety of stakeholders at a range of levels. She added that the use of social media does, however, have risks and a policy is required to assist in the management of those risks and provide clear information, guidance and support to ensure all employees are aware of their responsibilities in their use of social media personally and professionally.

Drawing attention to key issues the Marketing Communications Manager stated that the policy outlines key areas of risk, including to the Council's reputation, to the retention of confidential and proprietary information and to compliance with legal obligations, as well as highlighting the implications for lost productivity and the appropriate use of the Council's ICT resources and systems.

Guidelines for the use of social media as part of a job role emphasise the need for any employee in this position to be aware of the responsibilities associated with representing the Council. Further guidelines centre on the need for employees who use social media in a private capacity to make clear distinctions between the personal and professional; to avoid any social media communications which could

damage or potentially damage the Council's reputation; and to ensure that no confidential or proprietary information or intellectual property is communicated using social media channels.

Training in the social media policy will be provided as part of the Council's training and development programme.

Proposed by Councillor McLean
Seconded by Councillor Buchanan and

Resolved That it is recommended to the Council to adopt the Social Media Policy

PR41/15 Uniform Policy

The Marketing Communications Manager presented a report regarding the introduction of a uniform policy for Mid Ulster District Council.

Outlining the background the Officer stated that the three existing councils each have different approaches to the provision of uniforms to employees, the type of uniform worn and the employees who are designated as 'uniform wearing'. There is also a tax implication for employees, as clothing supplied as a corporate uniform or as protective clothing (not Personal Protective Equipment (PPE)) is considered a benefit in kind and must be prominently and permanently labelled to identify the wearer as an employee of the organisation.

Drawing attention to the key issues the Marketing Communications Manager stated that the draft uniform policy seeks to provide a consistent approach to the procurement, provision and wearing of uniforms throughout the organisation and to ensure branding is applied in line with the branding guidelines which are under development.

Work is on-going to identify those primarily front-facing employee posts which will be designated as 'uniform wearing', as well as to specify the nature of the uniforms to be worn. When complete, these designations will be appended to the policy and reviewed to take account of any relevant service changes.

The Marketing Communications Manager further stated that on the establishment and agreement of full uniform requirements, a procurement process to appoint a suitable provider(s) will be undertaken which may result in economies of scale. However, uniforms will continue to be purchased via existing departmental and service budgets.

Proposed by Councillor S McGuigan
Seconded by Councillor Bateson and

Resolved That it be recommended to the Council that the uniform policy is adopted

PR42/15 Good Relations Working Group

The Chief Executive presented a report seeking Members agreement to the establishment of a Good Relations Working Group.

Outlining the background the Chief Executive stated that Members would be aware that Section 75 of the Northern Ireland Act 1998 (Act) requires Council to comply with two statutory duties on equality of opportunity and good relations.

In carrying out its functions, Council is required to have due regard to the need to promote equality of opportunity:

- a. Between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- b. Between men and women generally;
- c. Between persons with a disability and those without; and
- d. Between persons with dependents and persons without.

Without prejudice to a - d Council is also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

While the Act contains detail on the equality duty it is essentially silent in relation to defining and creating a framework around the good relations duty.

Council resolved to decouple Good Relations from its Equality Scheme and submitted its scheme to the Equality Commission for approval undertaking to revert in respect of the good relations duty.

Drawing attention to the key issues the Chief Executive stated that the Council was required to come up with an alternative methodology for Good Relations. The Councils Equality Scheme will not be approved until a suitable methodology for addressing Good Relations issues is developed.

The Chief Executive made a proposal to establish a Good Relations Working Group which would agree a definition for Good Relations, assist policy development and monitor the implementation of Councils arrangements for Good Relations. A draft Terms of Reference for the Group was provided and subject to Member approval the Terms of Reference of the Good Relations Working Group will be submitted to the Equality Commission for consideration.

Councillor McGinley asked how the 10 elected members will be appointed to the working group.

The Chief Executive stated that it would be a matter for the Council to determine how those members would be appointed.

Councillor McLean stated that he would have a problem with the working group as he did not see the benefit to any unionist on it if it is only going to pay lip service, then it would be a waste of time. Decisions in relation to flags, language and emblems have already been covered with no benefit to the unionist community. The

Member stated that he would be minded to let it run, monitor and see what comes from group.

The Chair, Councillor McPeake, stated that Councillor McLean was entitled to make comments and would be disappointed if he did not contribute to good relations.

Councillor McLean stated that as a minority party it appears that nothing is being taken on board and there is a challenge for SF as the largest group on the Council to demonstrate that they are serious about good relations.

The Chair, Councillor McPeake, stated that members needed to give things a chance and there were challenges in this for all parties, some of which have been implemented such as power sharing.

Councillor Reid stated that his party will be taking a look at this but there was a need for good working relationships with equality and respect to all cultures. The Member further stated that he would monitor forum but there was no point in wasting time if it wasn't going to work.

Councillor McFlynn stated that in Cookstown good relations worked well and with many sensitive issues coming up it is important to be involved to put views across.

Proposed by Councillor McGinley
Seconded by Councillor S McGuigan and

Resolved That it be recommended to the Council to establish a Good Relations Working Group and to adopt the terms of reference for the group

PR43/15 Prudential Code for Capital Finance Indicators and Operational Borrowing Limits

The Chief Executive, on behalf of the Lead Finance Officer presented a report which was to provide Members with sufficient information to enable them to discharge their duties under Regulation 7 of the Local Government (Capital and Accounting) Regulations (Northern Ireland) 2011, which requires councils to have regard to the "Prudential Code for Capital Finance in Local Authorities" published by CIPFA when complying with their duty under Section 13(1) of the Local Government Finance Act (Northern Ireland) 2011 (duty to determine affordable borrowing).

Outlining the background the Chief Executive stated the Prudential Code set out a clear governance procedure for the setting and revising of Prudential Indicators, the key objective of which is to ensure, within a clear framework, that the capital investment plans of councils are affordable, prudent and sustainable and that treasury management decisions are taken in accordance with good practice.

Councils are required to set and monitor indicators under the following headings:

- Capital expenditure
- Affordability
- Prudence

- External debt
- Treasury management

The Prudential indicator in respect of treasury management is that the council has adopted the CIPFA “Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes”. Mid Ulster District Council is required to adopt this Code.

Drawing attention to key issues the Chief Executive stated that although the Council must determine affordable and operational borrowing limits to enable it to draw down loan finance, the calculation of these limits will be kept under review throughout 2015/16 to ensure that they continue to be appropriate and are not breached.

The calculation of the Prudential Indicators is based on the best available information at this time. However, officers would draw Members’ attention to the fact that the proposed Indicators in the first year of calculation may be subject to slightly more uncertainty than they might normally be, given the degree of uncertainty there is in relation to certain figures, e.g. the extent to which the Department will make funds available to honour the Minister’s commitment in relation to ICT systems convergence.

The Chief Executive stated that the capital finance may look high for 2015/16 but it included £7.5 million for the Earls Project, costs for shadow Council and the Heaney Centre.

Councillor Reid referred to letter dated 24 February 2015 from the Minister of Finance and Personnel, addressed to him as Deputy Presiding Councillor. The letter expressed concern that the Environment Minister had misled the Council on the DoE’s budgets. Councillor Reid asked if the Chief Executive was aware of this and what affect this would have on the estimates previously agreed.

The Chief Executive stated he was aware of the content of the letter and it was up to the Minister for the Environment to answer to what has been said in the letter. In terms of the budget setting process officers made the only decision that we could and used figures provided by DoE officials.

The Chair, Councillor McPeake, stated that, he also got the same letter and it would appear that the DoE Minister had written ahead of the Executive’s agreement of its final budget for 2015-16.

Proposed by Councillor Bateson
Seconded by Councillor McGinley and

Resolved That it be recommended to the Council to accept the officers’ recommendations in relation to the Prudential Indicators and adopts the proposed Prudential Indicators and the associated Treasury Management Policy and Annual Strategy (2015/16).

PR44/15 Councillors Allowances and Support

The Chief Executive presented a report, on behalf of the lead Finance Officer, updating Members in relation to correspondence recently received from the Department in relation to Members' Allowances.

Outlining the background the Chief Executive stated that the Council previously adopted a Scheme of Allowances which has been published on the Council's website in accordance with the legislative requirements. Periodically the Department will issue an update in relation to Members' Allowances, the most recent having been issued on Tuesday, 24 February 2015. The Council's Scheme of Allowance already makes provision for the amounts paid to Members to be uplifted to the maximum permitted by the Department (where appropriate) such as increased travel and subsistence or Basic Allowance rates.

Drawing attention to the key issues the Chief Executive stated that the correspondence indicates that legislation to be consulted upon later this year may remove the restriction on Members being paid for attending site meetings. However, the Scheme of Allowance will not be adjusted in this regard until the legislation is operative and Council has decided to change its practice in this regard.

Apart from the proposed increases actually notified in the correspondence it is not proposed to vary the Scheme of Allowances in relation to amounts paid.

However, although the correspondence refers to some discretion on the part of Councils in relation to what it considers to be consumables (as relevant to the purpose of the Basic Allowance), it is still unclear what local government audit will deem as acceptable to treat as consumables.

The correspondence is clear that the cost of mobile telephone calls is to be covered by the Basic Allowance which means Members must continue to pay for their telephone calls. However, it is significant that the correspondence does appear to permit Councils to provide Members with mobile devices and Members' views were sought.

The Chief Executive stated that some Members have queried whether it is possible for broadband connections to be paid for or reimbursed by the Council. It was stated that initial discussions with the local government auditor suggested that this could not be done.

As a final point, attention was drawn to a section in correspondence which stated that a Chair in receipt of a Chairman's Allowance (as would be the case in Mid Ulster District Council) is not (except in exceptional circumstances) entitled to a Special Responsibility Allowance. Officers are in discussion with the Department on this matter and believe that, when the Department realise that the Chairman's Allowance is a receipt based allowance for the purpose of defraying the costs of office and not a form of remuneration, it will confirm that the Mid Ulster situation qualifies as an 'exceptional circumstance'.

It was recommended that the Council:

- (1) Notes the correspondence and authorises the officers to update the Scheme of Allowances as appropriate;
- (2) Authorises the officers to continue discussions with the local government auditor in relation to the definition of 'consumables'; and
- (3) Gives consideration to what it considers to be 'consumables' and whether it considers it appropriate to provide Members with mobile devices

In relation to queries by members with regard to mobile phones and broadband it was confirmed that the Council can provide a standard mobile phone device and that broadband would not be provided. Those Members getting mobile phone tariff and broadband paid in the legacy councils would cease to receive this come 1 April.

In response to further queries the ICT Manager stated that Members may be able to avail of group benefit for sim cards, although there may be reception/ coverage issues in different parts of the new District, but there would be no economic benefit with regard to group Broadband.

Proposed by Councillor S McGuigan
Seconded by Councillor McGinley and

Resolved That it be recommended to the Council that the recommendations are adopted and that each member is contacted to see if they wish to avail of mobile phone handset and group tariff

PR45/15 2015-2019 Corporate Plan for Mid Ulster

The Change Management Officer presented a report which provided an update on the development and completion of a corporate plan specific to Mid Ulster District Council, for the period 2015-2019 and recommended the consideration and approval of the draft plan.

Outlining the background, the officer stated that to inform and act as a framework within which Mid Ulster Council's services and functions will be delivered a draft corporate plan had been developed to take effect from 1 April 2015. The duration of the plan would coincide with the term of the council with a formal mid-term review in 2017. The report outlined that the plan was not an all-embracing document detailing everything the council does within and across the district but rather, a means of communication with council ratepayers and customers on what the Council does and confirmation of key commitments around which service plans will be developed and implemented, ensuring a culture of performance and continuous improvement is embedded within the organisation.

The report added that a corporate plan is deemed a requirement by the DoE Programme Office to be in place for 1 April 2015.

Drawing attention to the key issues the Change Management Officer stated that drawing upon various strands of work and forms of engagement undertaken throughout the transitional period, the Corporate Plan, as circulated, has been devised as a high level plan around which all council's services/ functions will be

delivered. The plan does not detail everything the Council will be do throughout its first term, 2015-2019, but provides a blue print around which all services/ functions will be delivered. The corporate plan is written to be a concise document written to provide our ratepayers and customers information on who the council is, what it does and how it's going to do it. It's structured around;

- (i) Overview of the district
- (ii) Council's New Focus
- (iii) Vision for Mid Ulster Council
- (iv) Values at the core of council's business for employees and members
- (v) Our Themes
- (vi) Corporate Objectives
- (vii) Delivering our Services
- (viii) A focus on performance
- (ix) Representation

The report added that council is bound by the Local Government (NI) Act 2014 to make arrangements to secure continuous improvement in the undertaking of its functions. 2015-16 will be the first year within which the Council must set Performance Improvement Objectives within the context of the corporate plan and a performance improvement framework designed into the structure and business of the new council. This activity will commence following consideration of the corporate plan.

Councillor Ashton stated that the only capital scheme listed under Creating Growth, priorities was the Seamus Heaney Centre and asked why other schemes were not included and felt it would be important to show in the plan other schemes across the district. She added that under Building Unity the Member stated that the promotion of Irish Language was not a priority from her Party's perspective.

Councillors McPeake and McFlynn stated that it would be important that the promotion of minority languages within the district remains as a priority in the plan.

The Change Management Officer stated that would take comments on board.

Proposed by Councillor McFlynn
Seconded by Councillor McGinley and

Resolved That it be recommended to the Council that the draft Mid Ulster Corporate Plan is adopted

PR46/15 Occupational Health Provision

The Lead HR Officer presented a report which provided a rationale to consider temporarily extending the existing occupational healthcare utilised by Dungannon and Cookstown to include Magherafelt and planning employees.

Outlining the legal requirement in relation to the matter the Officer stated that health surveillance is the regular review of the health of employees exposed to various forms of health risk as a result of working on specific work processes, eg hazardous

substances including dust and fumes, noise and vibration. Health Surveillance must be carried out by suitably qualified people with a specialist qualification in occupational health. Occupational Health also had a pivotal role in assisting council's in managing sickness absence. The Lead Human Resources Officer outlined other key issues as contained within the report:

Current Services Provided

The current occupational health provision within Dungannon and Cookstown Councils is provided on a shared arrangement utilising the same clinics to ensure best use of clinics provided and filling of slots allocated and paid for. Magherafelt make use of GP practice to fulfil any requirement for Occupational Health provision.

The joint services utilised by Dungannon and Cookstown are pre-employment screening, occupational health consultant clinic and nurse-led clinic, absence management, health surveillance, rehabilitation, fitness for work and ill health retirement assessment. They have also been used for Flu vaccinations and training. Additional services are available but not currently utilised by either Council.

Useage

In 2014 Cookstown made 45 referrals and Dungannon made 120 to be seen by an occupational health professional. These were made up of a mixture of nurse-led clinics, consultant appointments, pre-employment screening and occupational health surveillance.

Facilities

To keep costs at a minimum the shared nurse-led clinic is operated from Council premises and the Consultant appointments are held at South Tyrone Hospital.

Existing Costs

In 2014 Dungannon costs were £4223.97 and Cookstown's were £3,300.98.

Strategic Context

This scheme for Mid Ulster aligns with two of the corporate priorities: Resources in place to deliver services, and systems to underpin and deliver services.

Proposed by Councillor Buchanan
Seconded by Councillor Bateson and

Resolved That it be recommended to the Council that the existing occupational healthcare provision currently shared between Dungannon and Cookstown is temporarily extended to include Magherafelt-based employees.

PR47/15 RPA Staff Severance Scheme

The Lead HR Officer presented a report asking Council to consider and approve RPA Severance Scheme for Local Government LGRJF/11.

Outlining the background the Officer stated that the RPA Severance Scheme for Local Government had been agreed between the Employers' and Trade Union side of the LGRJF in April 2013 (LGRJF/05). This scheme was adopted at Council on 25 September 2014.

A revised RPA Severance Scheme for Local Government has been agreed between the Employers' and Trade Union Side of the Local Government Reform Joint Forum (Joint Forum) and is recommended for adoption by councils (LGRJF/11). This revised Circular replaces Circular LGRJF/05 issued in April 2013.

The Lead HR Officer outlined the revisions which take account of:
The provisions contained within Section 123 of the Local Government (NI) Act 2014
The provisions of the Local Government Pension Scheme Regulations (NI) 2015 which will take effect from April 2015

Other general revisions include:

- Deletion of the tapering provision and related reference to a 'Default Retirement Age'
- Deletion of reference to Transition Committees/Statutory Transition Committees
- Deletion of the requirement to use a Standard Approval Form
- Clarification that the calculation for the Statutory Redundancy Payment is based on a contractual week's pay

The Officer further stated that a robust business case has to be compiled before approval of each application identifying the costs associated with the severance package which must not exceed the individual's annual salary multiplied by 3.25.

Proposed by Councillor S McGuigan
Seconded by Councillor McFlynn and

Resolved That it be recommended to the Council that the RPA Severance Scheme for Local Government LGRJF/11 is adopted

PR48/15 Domain Names Regulations Consultation

The ICT Manager presented a report which recommended to Council that it adopts the response to Draft Local Government (Domain Names) Regulations (Northern Ireland) 2015 which had been circulated to members.

The Officer stated that The Department of the Environment was seeking comment on its proposal to make the Local Government (Domain Names) Regulations (Northern Ireland) 2015 (the 2015 Regulations). The proposed Regulations specify the range of domain names that councils may use which are used to establish an organisation's unique identity, in terms of websites and email. The report added that organisations usually choose a domain name which corresponds with their business name, helping internet users to easily find their website.

He confirmed that a domain name consists of one or more parts, technically called labels which are conventionally joined up and separated by dots, such as -

example.com. The top level domains listed for suggested format for local government are

- .gov.uk; .org; .com; and .net.

The report added that the regulations allow the decisions taken by Mid Ulster Statutory Transition Committee in December 2013 and carried on by Mid Ulster Council to be maintained.

Proposed by Councillor McGinley
Seconded by Councillor Molloy and

Resolved That it be recommended to the Council to adopt the officer's draft response to the consultation exercise

Matters for Information

PR49/15 Draft Information Security and ICT Governance Policy

A report was circulated on the draft Information security and ICT Governance policy for Mid Ulster District Council as part of new policy development and adoption.

The council in line with HMG Information Security Framework guidelines 2014, industry standards and good practice will establish policies that govern and set the standards for the protection of the information it handles and processes, in particular how over 90% of that information is protected through its ICT systems.

The policy aims to;

Protect information from these threats and aims to preserve the confidentiality, integrity and availability of that information.

Confidentiality: ensure that information is accessible only to those authorised to have access;

Integrity: safeguard the accuracy and completeness of information and processing methods;

Availability: ensure that authorised users have access to information and associated assets when required.

As part of developing an Information Security Management system (ISMS) the policy presented is based on ISO 27001 Information Security Policy and COBIT (The COBIT 5 framework for the governance and management of enterprise IT is a leading business optimisation and growth roadmap that leverages proven practices).

Members were requested to note for information and forward any comment to the ICT Manager.

PR50/15 Business Continuity Plan

A report was circulated the purpose of which was to update committee members on the development of a Business Continuity Plan for Mid Ulster Council with it being operational from 1 April 2015. A business continuity plan is a functional plan of action to facilitate the continuation of critical services or allow them to be recovered in a timely manner following an unexpected disruption to their delivery.

The existing councils currently have Business Continuity Plans in place the tenure of which will come to an end on 31 March 2015 following their winding up to make way for Mid Ulster Council on 1 April.

It is accepted that an unavoidable disruption to the delivery of council services could occur which council will have little, if any, control over. It is therefore important that Council has a Business Continuity Plan (disaster recovery plan) in place to ensure critical services can continue, or be recovered in a timely manner following a disruption. Such a plan will promote council resilience to ensure:

- **Protection** of council staff at all times
- **Statutory** obligations continue to be met in line with Council's responsibilities
- **Customer** expectations and quality of services continue to be met, or managed, in a way that they are not adversely affected and relationships are maintained with our external agencies
- **Reputation** and image of the council is maintained and not affected as of result of, or following the disruption

The plan in itself is a powerful business tool to permit the Council to respond to any significant incident which may threaten to interrupt normal operations.

It is a comprehensive document which provides sufficient detail on practical steps to take in responding to incidents, no matter their severity. In this sense the plan is presented and works at the 'worst loss' level, with only relevant sections of the plan being followed for less severe incidents.

Due to the level of detail and sensitive nature of the information, which includes telephone number and points of contact for staff, contained within the plan it is held as a 'controlled document' in the possession of the Chief Executive, his senior management and others as deemed appropriate on his approval. Those designated as members of the Crisis Management Team have direct access to the plan.

The plan is however summarised as having (i) an Emergency Response Phase; (ii) a Crisis Management Phase; and (iii) a Business Recovery Phase. The three time phased categories are focused on helping the management team to deal with issues that may arise after an incident has occurred resulting in denial of access to any of its facilities within the district, irrespective of the nature of the incident.

The plan covers the entire response from the initial emergency through to the resumption of normal or near normal services. The following provides a high level overview of the plan:

- *The Emergency Response Phase*: covers the minutes and hours immediately following an incident and immediate actions which are likely to be required, dependent on the situation
- *The Crisis management Phase*: is only activated where the situation requires it, to make sure action is taken to minimise as much as possible the effects of a major incident
- *Plan activation*: The Chief Exec or his designated deputy on business continuity will only invoke the plan if there is potential for a loss of life or serious injury; dependent on the scale of the incident; or the need to protect the council reputation and meet its statutory obligations. In this case the crisis management team is convened and be chaired by the Chief Executive.
- *Business Recovery*: Plans have been developed to recover and deliver essential and statutory services by utilising the facilities at the disposal of Mid Ulster Council on a targeted recovery basis on a scale of 24 hours; within 1 week; within 2 weeks and within more than one week
- The coming together of the 3 councils to form Mid Ulster Council will increase the building estate and hence its organisational resilience to respond to a potential disruption, with a choice of buildings from which to deliver affected essential services

The plan will be underpinned with an ICT Business Recovery Plan

A business continuity plan is separate to the requirement of council to have an Emergency Plan. An Emergency Plan is one which deals with external incidents within or across districts which Council may or may not become involved in a response to same. Involvement will be dependent of the nature of the incident and its role in responding to the incident. The council's business continuity approach will however complement and inform/ integrate with its emergency plan.

The plan will be tested for its robustness by the senior management team (crisis management team, in the case of Mid Ulster Council) for its deployment, if required. A copy will be held by each member of the senior management team.

Members were asked to note the completion of a Business Continuity Plan for Mid Ulster Council, which will be effective from 1 April 2015.

PR51/15 Draft Guidance Local Government Performance Improvement

A report was circulated informing members of the Department of the Environment's consultation on draft Guidance for Local Government Performance Improvement and draft response on the guidance as being consulted on by the Department.

The Department for the Environment (DoE) has issued draft guidance for councils to refer to during the first year of its operation throughout 2015-16. The aim of the guidance is to provide statutory guidance to assist councils in complying with performance improvement duties under the Local Government Act 2014.

Part 12 of the Local Government Act (NI) 2014 puts in place a new duty on Mid Ulster Council to develop and implement a performance improvement framework which supports continuous improvement in the delivery of council services.

The Act specifies that the Council must make arrangements to secure continuous improvement in the delivery of its functions and in so doing have regard to (a) strategic effectiveness; (b) service quality; (c) service availability; (d) fairness; (e) sustainability; (f) efficiency; and (g) innovation.

Council must now annually set improvement objectives to continually improve the exercise of its functions throughout the year, and consequently make arrangements to work towards and secure their achievement.

The Act also provides for the Local Government Auditor to:

- (i) carry out an annual audit to identify if the council meets its requirements on continuous improvement as part of its performance improvement regime in line with Section 92 of the Act - make available an assessment report on how the requirements have been met and published by 30 September each year;
- (ii) carry out forward looking and retrospective assessments of councils performance and its arrangements; and
- (iii) initiate special inspections

The DoE's draft guidance on the applicability of the Act is specific to 2015-16 only. A draft response has been prepared focusing on; (i) usefulness of aspects of the guidance around continuous improvement; (ii) the role of the auditor; and (iii) the timetable as proposed for 2015-16.

The DoE has issued draft performance indicators and accompanying standards for Economic Development, Planning and Waste Management. The Local Government (Performance Indicators and Standards) Order 2015 will specify these indicators and standards which council will be measured on for each of these functions.

Members were asked to review the consultation document, note and provide commentary on the draft response as presented and circulated to the Change Manager.

PR52/15 LGSC People and Organisation Development Strategic Framework

A report was presented informing members that the Local Government Staff Commission for Northern Ireland (LGSC) had revised the initial framework which was launched in December 2011, and re-launched a revised framework in November 2014.

The People and Organisation Development Strategic Framework (the Strategic Framework) was developed as a partnership arrangement by a range of stakeholders in local government, with the aim to providing a common platform for workforce development across the local government sector and supporting individual councils in achieving the objectives as detailed in their Corporate Plans. It is a comprehensive approach to integrating all organisation development activity in supporting delivery of council objectives.

It has now been revised and re-launched to support the 11 new councils established.

The objective of the revised framework is *“to provide a route map to enable local government to develop its most valuable resource in a changing environment and ensure the ongoing provision of excellent services which are responsive to the needs of local communities”*

Since the initial launch, the six strategic pillars are now paired as follows;

Pillar 1: Leadership and Talent Management

Pillar 2: Performance culture and Learning Organisation

Pillar 3: Employee Relations and Pay & Reward.

Members were asked to review the consultation document, note and provide commentary on the draft response as presented and circulated.

Confidential Business

Proposed by Councillor McGinley

Seconded by Councillor McGuigan and

Resolved Items PR53/15 and PR54/15 be taken as confidential business.

PR55/15 Duration of Meeting

The meeting was called for 7 pm and ended at 8.30 pm.

CHAIR _____

DATE _____

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**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Wednesday 4 March 2015 in Magherafelt District Council Offices**

Members Present

In the Chair, Councillor Cuddy (Chair)

Councillors Buchanan, Burton, Cuthbertson, Gillespie, Mallaghan, McFlynn, B McGuigan, S McGuigan, McNamee, Mullen (7.08 pm), Mulligan, J O'Neill, Reid (7.11 pm)

**Officers in
Attendance**

Mr Tohill, Chief Executive
Mrs Caldwell, Head of Environmental Health (CDC)
Mr Cassells, Director of Technical Services and Leisure Services (MDC)
Mr Kelso, Director of Environmental Health and Building Control (CDC)
Mr Lowry, Head of Building Services (DSTBC)
Mr McAdoo, Head of Waste and Contracts Management (CDC)
Mrs McClements, Director of Environmental Services (DSTBC)
Mr Scullion, Head of Technical Services (CDC)
Mr Wilkinson, Head of Building Control (CDC)
Miss Thompson, Committee Services/ Senior Admin Officer (DSTBC)

The meeting commenced at 7.02 pm

E24/15 Welcome

The Chair welcomed some of the newly appointed Heads of Service to the meeting.

E25/15 Apologies

Councillors McAleer and McGinley.

E26/15 Declarations of Interest

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

**E27/15 Receive and confirm minutes of the Environment Committee
meeting held on Wednesday 4 February 2015**

Proposed by Councillor B McGuigan
Seconded by Councillor Mallaghan and

Resolved That the Minutes of the Meeting of the Environment Committee held on Wednesday 4 February 2015 (E9/15 - E20/15 and E23/15) were considered and signed as accurate and correct.

Matters for Decision

E28/15 NIEA Northern Ireland Local Authority Municipal Waste Management Statistics Report July to September 2014

Mr McAdoo advised Members on the content of the NIEA Northern Ireland Local Authority Collected Municipal Waste Management Statistics Report, July to September 2014. He indicated that the data in the report was based on returns made to WasteDataFlow, a web based system, used by all local authorities to report on local authority collected (LAC) municipal waste.

The latest figures show that for the first time since 2009/10, Northern Ireland's household dry recycling and composting rate has failed to show any quarter on quarter increase, remaining at 45.6%. The figure is the same as that for July to September 2013. Previous improvements in this quarter have been driven by an increasing proportion of household waste being composted but this has remained static at around 25% since last year. Of all household waste collected 21.0% was recycled and 24.6% was composted. A recycling rate of 45.2% was recorded during the previous quarter, for April to July 2014.

He added that stalled performance in recycling comes despite an overall drop in the tonnage of waste sent to landfill. The total tonnage of household waste sent to landfill for this quarter was 88,511 tonnes, down 13.9% compared with the same period a year earlier (102,854 tonnes). 39.9% of Northern Ireland's household waste was sent to landfill across the quarter.

In total, 53,948 tonnes of biodegradable LAC municipal waste was sent to landfill during the quarter, 11.9% less than in the same quarter the previous year (61,228 tonnes). This equated to 18.5% of the annual Northern Ireland Landfill Allowance Scheme (NILAS) allocation used in this quarter and 37% used in the first half of the year.

According to the Department for Environment, the reduction in landfill has been largely achieved through an increasing proportion of waste being diverted for energy recovery, with much of that material being used in the production of Refuse Derived Fuel (RDF).

Mr McAdoo provided figures relating to recycling/composting performance across the three existing councils, advising that performance has increased overall.

Over the four latest quarters for which data was available, (October 2013 to September 2014) the overall percentage of household waste recycled / composted by the three existing Councils collectively was approximately 47%. He indicated that this met with the Northern Ireland Executive's Programme for Government interim recycling target of 45% by 2015. However, there was further improvement required

to achieve the EU Revised Waste Framework Directive target of recycling 50% of household waste by 2020.

In relation to NILAS performance, Mr McAdoo advised that although one of the three Councils may individually exceed its annual NILAS allocation for 2014/15 the existing councils together will achieve compliance.

The total annual NILAS allocation for Mid Ulster decreases to 21,330 tonnes in 2015/16 and falls progressively to 16,932 tonnes in 2019/20. Again, based on the four latest quarters for which data is available, Mid Ulster as a whole has landfilled 16,390 tonnes of biodegradable LAC municipal waste. Therefore assuming no significant decrease in performance over the next four years NILAS target compliance should be achieved up to 2019.

Mr McAdoo informed Members that there is an expected return to a gate fee for the processing of mixed dry recyclables in 2015/16, in addition, proposed amendments to legislation will mean Mid Ulster District Council will be required to gather information to assess improvements in their services and to issue a report annually on their performances against set indicators.

Councillor Mullen entered the meeting at 7.08 pm during presentation of the report
Councillor Reid entered the meeting at 7.11 pm during presentation of the report

Councillor Burton asked how recycling could be increased and whether educational work in schools will continue in the future. In addition, Councillor Burton asked if Councils work with commercial premises in trying to reduce the waste they produce and encourage recycling.

Mr McAdoo advised that educational visits will continue as they are important and useful way of spreading the message of recycling. In relation to commercial premises, Mr McAdoo advised that a kerbside service is offered by Council in which a large number use the service. He added that there were also private operators who offer a similar service.

Councillor Burton referred to isolated properties not receiving a refuse collection service and asked that as there is a smaller refuse vehicle in use in one of the three current Councils whether this vehicle can be offered throughout the new Council area.

Mr McAdoo stated he was not aware of any properties not receiving a refuse collection service but this would be checked.

Councillor Cuddy enquired if any Council had been fined for not meeting targets set.

Mr McAdoo advised that he is not aware of any Council being fined although some have had to rely on allocations from other Councils.

Councillor B McGuigan asked what happens to waste from brown bins once collected and commented on the potential use of anaerobic systems for the future.

Mr McAdoo advised that brown bin material is sent to a company for composting. In relation to anaerobic systems he advised this was something which consideration could be given to in the future.

In response to Councillor Gillespie's question on gas capture for export at Ballymacombs Landfill Site Mr Cassells advised that for the amount of gas being produced at this site and the prohibitive cost of NIE connection it was found not to be economically viable to proceed.

Councillor McNamee felt it important that kitchen caddies are also issued with the rollout of brown bins as they are a key component in ensuring that the brown bin is used.

Resolved That it be recommended to Council to receive quarterly and annual waste management performance reports.

E29/15 Discharge of Statutory Functions within Public Health and Infrastructure Department from 1 April 2015

Mr Kelso presented a report advising Members on the arrangements for the administration of Statutory and Regulatory functions within the Directorate of Public Health and Infrastructure from 1 April 2015.

Mr Kelso indicated that enforcement and regulatory responsibilities for existing statutory council functions will transfer to Mid Ulster District Council on 1 April and the Council had a duty to make appropriate arrangements for the implementation of these responsibilities from that date. Members were made aware of the range of statutory provisions covered within this remit.

In reference to arrangements for the discharge of functions Mr Kelso advised that under Section 7 (4) b of Local Government Act (NI) 2014 the Committee may delegate responsibility for discharge of relevant statutory function to an officer to act on their behalf. Regulation 9 of The Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (Northern Ireland) 2014, provides the statutory rationale where required for transfer of existing arrangements from predecessor Councils to Mid Ulster.

In accordance with the statutory provisions, Mr Kelso proposed that the Director of Public Health and Infrastructure be authorised to act for and on behalf of Council by delegated authority in the authorisation of staff for in service provision and the regulation and enforcement of relevant statutory powers conferred on Council for this purpose.

Mr Kelso advised that a further paper on authorisation and draft Enforcement Procedures would be brought to the Committee for consideration, once the Council has been statutorily constituted in April.

Proposed by Councillor McGuigan
Seconded by Councillor McNamee and

Resolved That it be recommended to Council that the Director of Public Health and Infrastructure be authorised to act for and on behalf of Mid Ulster District Council by 'delegated authority' in the authorisation of staff in service provision, and the regulation and enforcement of relevant statutory powers conferred on Council for this purpose.

Councillor Burton asked if proceedings under legislation such as High Hedges Act would be affected.

Mr Kelso advised that if proceedings have already commenced before 1 April 2015 then these would be carried through under existing arrangements.

Matters for Information

E30/15 Emergency Planning/Civil Contingency Preparedness

Mrs Caldwell updated Members on Emergency Planning and Civil Contingency preparedness for Mid Ulster District Council.

The Local Government (Northern Ireland) Order 2005 sets out the statutory basis for the implementation of the Northern Ireland Civil Contingencies Framework and its application to local Councils.

The Civil Contingency Framework, Northern Ireland (2005) outlines the arrangements which Public Service Organisations including Police, Fire Service, Health Trusts, Councils and other Statutory Bodies are obliged to make to effectively discharge their Civil Contingency responsibilities in the event of an emergency situation.

The Emergency Planning requirements are outlined in Article 29 of the Local Government (NI) Order 2005. The Order places specific requirements on Councils to:

- Make arrangements (Emergency Plans and Protocols) to deal with emergencies in their areas and to reduce, control or mitigate the effects of any emergencies that might occur. These plans or protocols may include arrangements for Councils to co-ordinate their activities with those of other bodies.
- Implement their arrangements should emergencies occur and take other measures they think are appropriate for reducing, controlling or mitigating the effects of any emergencies;
- Have regard to Departmental Guidance in carrying out their Emergency Planning functions.
- Enable any Northern Ireland Department to make subordinate legislation conferring new functions on Councils relating to emergencies.

The legislation and associated guidance provides the statutory remit for Council in making preparation for events or incidents which require an Emergency Plan response. The functions and duties which are placed upon Councils are specific and

wide-ranging and require sufficient resource to be made available to ensure the necessary preparedness both within Council, partner agencies and the local community.

Each Council is tasked to undertake the following measures:

- Risk Assessment;
- Business Continuity Management;
- Integrated Emergency Management,
- Preparedness;
- Validation;
- Response; and
- Promotion of Recovery and Restoration

The Civil Contingency Framework Guidance provides the reference by which Emergency Planning Protocols are assessed. OFMDFM in conjunction with the Local Government Emergency Management Group have produced additional Guidance to assist in this regard.

In accordance with these arrangements each of the existing Councils have prepared Emergency Plans. Each of the plans have been reviewed and a composite Mid Ulster Emergency Plan based on existing assessments will be in place by 31 March 2015.

In addition to reformatting the relevant documents there will be a need to refine the assessments and the Contact and Mutual Aid Agreements with relevant statutory bodies and community organisations. These arrangements will form an essential part of the wider Planning and Preparations, so as to ensure appropriate Emergency Planning and Civil Contingency Arrangements are in place for Mid Ulster and enable the Council to respond to an emergency incident across the new geographical area.

In response to Councillor S McGuigan's comment, the Chief Executive advised that the Mid Ulster Emergency Plan will be brought before Members when finalised.

Councillor McFlynn felt it important that all statutory agencies have an input into the preparation of the Emergency Plan.

E31/15 Capital Projects and Infrastructure Development

Mr Kelso updated Members on Capital Projects and Infrastructure Developments for Mid Ulster District Council.

Mr Kelso advised that assessment of the current status of the wider Capital Projects Programme has identified a number of Legacy Projects commenced by the constituent Councils which will extend into the 2015/16. Mr Kelso advised Members of the projects and their planned dates of completion as:

Name of Project	Projected Completion Date	Status	Total Cost
Heaney Project	June 2016	On-site	£4,100k
Earls Project	September 2015	On-Site	£7,100k
Ballymacombs Landfill Site (Gas Management)	October 2015	At Tender	£750k
Ballymacombs Landfill Site (Final capping of Phase D)	October 2015	At Tender	£948k
Council Offices – Dungannon (Roof repairs and associated works)	2015/16	At Tender	£559k
Dungannon Park Pavillion (Extension / Improvement)	July 2015	On-Site	£678k
Tullyvar Landfill Site (Closure and capping Phase 1)	2015/16	Design Stage	£275k (Joint Committee)
Drumcoo Civic Amenity Site (Dungannon)	2015/16	Design Stage	£600k
Improvements to Depot Yard - Cookstown	2015/16	At Tender	£109k

Public Realm Schemes

Name of Project	Projected Completion Date	Status	Total Cost
Cookstown Public Realm (Phase 2)	DSD to Confirm	Design Stage	£3,100k
Dungannon Public Realm (Phase 2)	DSD to Confirm	Design Stage	£2,400k
Magherafelt Public Realm (Phase 1)	DSD to Confirm	Design Stage	£2,700k
Coalisland Public Realm	DSD to Confirm	Design Stage	£1000k

The individual project teams involved in the management and supervision of the contracts, as detailed, will be amalgamated for the Capital Projects Team for Mid Ulster within the Directorate of Public Health and Infrastructure from 1 April 2015. Mr Kelso advised that Members will be regularly informed on the status and progress of Capital Projects.

Councillor Reid asked if Council has the relevant expertise in-house to oversee projects.

Mr Kelso advised that Mid Ulster District Council has a strong team in place.

Councillor McNamee enquired if DSD had given an indication of commitment to the Public Realm Schemes.

The Chief Executive advised that no indication of financial commitment had been given as yet and that a meeting with the DSD Minister had been arranged for 16 March.

In relation to the Heaney Project Councillor Cuthbertson questioned why this project is now costing over four million.

The Chief Executive advised that when brought before Council in November 2014 this project was costed at 3.8 million for construction and £300,000 for professional fees bringing the total for the project to £4.1 million.

E32/15 Safety at Sports Grounds (Northern Ireland) Order 2006

Members were updated on the current status regarding the Safety at Sports Grounds (Northern Ireland) Order 2006 and the inclusion of Regulated Stands.

Mrs McClements advised that the Safety at Sports Grounds (Northern Ireland) Order 2006 introduced statutory safety requirements for Sports Grounds accommodating more than 5,000 spectators at sporting events. Sports Grounds which fall into this category must meet specific safety standards, be formally designated for this purpose and be in receipt of a Safety Certificate issued by Council. Members were advised that only one Sports Ground in the Mid Ulster area had to date been formally designated for this purpose and a number of other venues were assessed at the time, however, they did not meet the relevant criteria and therefore not designated.

Mrs McClements advised that the Safety at Sports Grounds (NI) Order 2006 controls, have now been extended with the introduction of new requirements for 'Regulated Stands' in 'non-designated' Sports Grounds. Under these requirements all 'Regulated Stands' have to be assessed and subsequently comply with the statutory safety requirements, as outlined in the legislation. This will apply to all spectator stands that have a capability of holding more than 500 spectators, seated or standing. The legislation does not apply to 'temporary stands' which are in place for less than 28 days.

Councils are required to consult the PSNI and Northern Ireland Fire and Rescue Service in regards to applications for Safety Stand Certification and any Terms and Conditions that may be applied to same.

For certification purposes the Regulated Stands will be required to meet specific Safety Standards regarding:

- Structural stability;

- Safety of installations contained within the Stands, eg. electrical, mechanical or gas;
- The number, size and situation of entrances and exits, including means of escape;
- Safety capacity of each Regulated Stand and how this will be managed;
- First-aid arrangements for the spectators in the Regulated Stands.

Members were advised that a number of Sports Grounds across Mid Ulster Council area have been identified as having spectator stands and will potentially have to meet the new requirements. Mrs McClements advised that officers will be corresponding and visiting local Clubs in the coming weeks to progress this issue and assist with applications, where necessary.

Councillor Cuthbertson expressed concern that the legislation does not apply to temporary stands at sports grounds.

In response to Councillor S McGuigan's comment, Mrs McClements advised that officers can advise individuals and clubs who wish to come forward to start process of complying with new requirements.

The Chief Executive felt it may be worthwhile to write to Department for Culture Arts & Leisure (DCAL) to ascertain the support being offered to clubs as some may have difficulty in meeting the new legislative requirements.

Councillor Cuthbertson felt that this matter should be left for individual clubs to approach DCAL.

Proposed by Councillor McNamee
Seconded by Councillor Reid and

Resolved That it be recommended to Council to write to DCAL enquiring on the support being offered to clubs to meet new requirements in relation to Safety at Sports Grounds (Northern Ireland) Order 2006 and the inclusion of Regulated Stands.

Confidential Business

Proposed by Councillor Mallaghan
Seconded by Councillor Gillespie and

Resolved That items E33/15 and E34/15 be taken as confidential business.

E35/15 Chair's Remarks

The Chair thanked Members and officers for their support, this being his last meeting as Chair of the Environment Committee before the Annual Council Meeting.

E36/15 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.20 pm.

CHAIR _____

DATE _____

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Minutes of Meeting of the Development Committee of Mid Ulster District Council held on Thursday 5 March 2015 in Magherafelt District Council Offices

Members Present

In the Chair, Councillor Burton (Chair)

Councillors Elattar, Forde (7.04), McAleer, McEldowney, McNamee, Mallaghan, Molloy, C O'Neill, T Quinn, Reid (7.19) G Shiels, J Shiels and Wilson

Officers in Attendance

Mr Tohill, Chief Executive
Mr McCreesh, Chief Executive (CDC)
Ms Campbell, Director of Policy and Development
Mrs Forde, Mayor's PA/Member Support Officer (DSTBC)
Ms Linney, Head of Strategy, Policy & Rural Development (DSTBC)

Agenda Item 1 Deputation on Draft Solidarity Charter

Ms Ruth Taillon

Agenda Item 19 Briefing Venturei on Community Planning

Mr Mark Conway, Venturei

The meeting commenced at 7pm

D32/15 Apologies

Councillors Dillon and Monteith.

D33/15 Declaration of Interests

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

*Councillor T Quinn declared an interest in Citizens Advice Bureau in Cookstown.
Councillor Elattar declared an interest in Magherafelt Advice Services.*

D34/15 Deputation on Draft Solidarity Charter

The Chair welcomed Ms Taillon to the meeting.

Councillor Forde entered the meeting at 7.04pm

Ms Taillon made a presentation on the draft Solidarity Charter for the Economic Revitalisation of the Irish Border Development Corridor. Speaking on the need for action Ms Tallion highlighted the history of under-investment, the troubled past and the weak regional development policies. The region had also been hit hard by the economic crisis and high unemployment noting that unemployment in Strabane and

Derry Council areas were the highest in Northern Ireland and the areas were amongst the most deprived. It was also noted that the border regional economy was dependent on agriculture, manufacturing and construction whilst less on services and public sector increasing the urban rural divide.

Outlining the EU Policy and Regional Policy Context such as the action plan for jobs and framework for co-operation Ms Taillon drew attention to the Draft Solidarity Charter which high level themes included key infrastructure, foreign direct investment, SME's with export potential, agriculture, food and fish processing, tourism and recreation, low carbon energy saving and renewables and diaspora.

Ms Taillon drew particular attention to:

- Critical infrastructure – including strategic road projects N2/A5, N16/A4 and the East/West Link. Also broadband to include increased capacity and speed.
- Foreign Direct Investment – currently concentrated in Belfast and Dublin the need for enhanced regional commitments from IDA Ireland and Invest NI.
- SME's with Export Potential – capitalise on clusters of industries and sectors and foster high potential start-ups in the border region.
- Agriculture Food and Fish Processing – encourage greater public and private sector purchasing of local produce and high local producers develop brand and export potential.
- Tourism and Recreation – encourage greater connectivity between tourism assets and imaginatively assist the border region to capitalise in existing 'honey pot' attractions.
- Low Carbon, Energy Saving Renewable for local government to assist in progressing the region as a champion of the green economy and develop an action pack on renewable energy for local community and business.
- Diaspora – capitalise on successful initiatives and engage with National Diasopoa centre.

In conclusion, Ms Taillon advised that the next steps for the draft charter were:

- Seeking approval of County and District Councils together with the cross border networks (NWRCBG, ICBAN & EBR);
- Consultation had been aimed to close on 31 March but this had been extended due to the amalgamation of Councils;
- Formal support would be sought in the future; and
- Champions would be needed to help disseminate and promote the charter and future associated initiatives.

Councillor G Shiels stated that you do not get much more territorial than the border and that he was conscious that south of the border people feel Dublin region gets all

and in relation to hospitals and health service he was conscious that the health service was under strain due to those along the border using the services. In response Ms Taillon stated that some work had already been done in sharing of resources giving Altnagalvin radiography unit as a working example and that with co-operation of both governments and European assistance this could improve.

Councillor Reid entered meeting at 7.19 pm

Councillor Molloy thanked Ms Taillon for the presentation and stated that a co-ordinated approach was needed to draw down funding, for example broadband was a major issue for border region businesses finding it difficult to expand and everyone really needed to prioritise broadband and asked if ICBAN would continue.

Ms Taillon advised that ICBAN had endorsed the charter but local authorities needed to do likewise as it would then carry more influence.

In response to Councillor Wilson's question as to what would happen the charter if local authorities did not sign up Ms Taillon advised that it would sit on the shelf like many other reports. In relation to steering group Ms Taillon advised that ICBAN EDR, CBI, Intertrade Ireland and a few others had been members of the steering group.

Councillor Wilson queried as to why the charter was coming as a fait accompli and why Councils were not approached beforehand.

Ms Taillon advised that some Councils had participated in a conference in January past but it was a framework document which needed to be adopted and built upon to become a reality as for example Mid Ulster actions would be different to those in Donegal.

The Chair Councillor Burton thanked Ms Taillon for the presentation following which she withdrew from the meeting at 7.30pm.

D35/15 Receive and confirm minutes of the Development Committee meeting held on Thursday 5 February 2015

Proposed by Councillor McNamee
Seconded by Councillor Wilson and

Resolved That the minutes of the meeting of the Development Committee held on Thursday 5 February 2015 (items D17/15 to D25/15 & D31/15), were considered and signed as accurate and correct.

Matters for Decision

Declaration of Interest

Councillor Wilson declared an interest in Cookstown Enterprise Centre

D36/15 Service Level Agreement with DETI/ Invest NI

Mr McCreesh advised the purpose of the report was to provide members with an update on the transfer of functions process in relation to the Regional Start Initiative and Social Entrepreneurship Programme.

Outlining the background Mr McCreesh advised that the Northern Ireland Executive had agreed, as part of Local Government Reform, to transfer the undernoted Economic Development functions to Councils;

- Enterprise Awareness
- Start-up provision
- Social Entrepreneurship Programme

Drawing attention to key issues Mr McCreesh reminded Members that:

- (i) all 11 Councils had agreed to the rolling forward of the Regional Start Initiative and Social Entrepreneurship Contracts (Mid Ulster District Council agreed this on 25 September 2014) and as such there was the requirement for Councils to repay from the transferring budgets Invest NI costs relating to each of these Programmes for the periods outlined.
- (ii) Invest NI /DETI had now issued Councils with a Service Level Agreement for the following:
 - Social Entrepreneurship Programme (to July 2015)
 - Regional Start Initiative (to October 2015)
- (iii) Start-up Provision After October 2015 - that officers from the 11 Councils had met in February 2015 to discuss the future delivery process and structure of the Provision (post October 2015). It was agreed that, in order to supplement each Council's transfer of functions budget to deliver this Programme, work should begin on preparing an application to be ready to submit to the new Growth and Jobs Programme when it opens. To assist with this it was proposed that an independent Economic Appraisal should be commissioned on behalf of the 11 Councils (led by Belfast City Council) to scope the business start and enterprise provision and enable Councils to define future delivery and the support offer to be made by them post October 2015. It is anticipated this work should be completed by early April 2015.

Mr McCreesh advised that council was required to commit up to £2,730 plus vat towards the appointment of a service provider to conduct the aforementioned economic appraisal for the 11 Councils and that Belfast would lead the process.

Mr McCreesh also advised that the transferring budget was £300k and MUDC would be required to pay back seven months running costs of approximately £80k. As Omagh and Fermanagh were almost mirror images of Mid Ulster it may be worthwhile to work with them on defining suitable approach for programmes as business needs in the West were somewhat different to other areas.

Concluding Mr McCreesh sought approval for the undernoted recommendations:

- (1) To approve the Service Level Agreement with DETI / Invest NI on behalf of Mid Ulster District Council
- (2) To approve the contribution of up to £2,730 (plus vat) from Mid Ulster Council towards the costs of the Economic Appraisal (being led by Belfast City Council on behalf of the 11 Councils)

Councillor Wilson stated that the last programme had not addressed the issues of small businesses in Mid Ulster region and that the amount of money was greatly reduced and thus Council needed to review to determine best approach for Mid Ulster as 'one size' did not fit all.

Councillor Mallaghan asked if all Councils paid equal. Mr McCreesh advised that each paid the same amount.

Councillor Mallaghan then spoke of the previous programme which revealed that businesses were reluctant to apply due to the 'red tape' and that moving forward this 'red tape' needed to be reduced.

Responding Mr McCreesh advised that Council would be making an application to augment the existing programme through European funding and that the economic development programme would both support and validate through strategy. He also stated that comments in the chamber reflected feelings of the community and that Council needed to attract more funding and offer effective support.

In response to Councillor G Shields' query Mr McCreesh advised that the entrepreneurship programme would continue until July 2015.

Councillor Molloy stated that he welcomed the comments of Mr McCreesh on moving forward and stated that to date both Cookstown and Dungannon Enterprise Centres had done great work in getting businesses on board.

Stating that it was good that it was recognised that Mid Ulster businesses faced different challenges Councillor J Sheils sought clarity to the cost of £2,730 asking if it was the maximum charge. Mr McCreesh stated that Officers were working to ensure it was the maximum but advised that the SLA had not included marketing costs and that a recommendation would be brought to Council in April for approval of same which again would be shared by 11 Councils.

Proposed by Councillor Wilson
Seconded by Councillor Mallaghan and

Resolved That it be recommended to Council that approval be granted to:

- (i) To approve the Service Level Agreement with DETI / Invest NI on behalf of Mid Ulster District Council ;

- (ii) To approve the contribution of up to £2,730 (plus vat) from Mid Ulster Council towards the costs of the Economic Appraisal (being led by Belfast City Council on behalf of the 11 Councils)

D37/15 Submission to Corporation Tax Inquiry

Mr McCreesh advised that the purpose of the report was to present to Members a draft submission to the NI Assembly Inquiry on Corporation Tax outlining the key issues for input and further commentary.

Advising that the response had to be submitted by 10 March 2015 Mr McCreesh advised that the inquiry was to consider how the two-year period leading up to the devolution of Corporation Tax varying powers in April 2017 can be used to maximise NI's potential and determine the key economic drivers that the NI Executive can influence to achieve these outcomes.

Mr McCreesh read the draft letter response as undernoted:

- "Council acknowledges the potential of these new powers to stimulate economic growth. However, it also recognises that a cut in the corporate tax rate from 21% to potentially 12.5% will reduce Northern Ireland's corporate tax receipts by 40%; this reduction in income will be in addition to further planned cuts in public expenditure – as yet unspecified – yet to be announced.
- Furthermore, the impact of the deduction from the annual budget of potentially £300m on public services and, more specifically, frontline services (which are already experiencing severe pressures in advance of further austerity measures) remains a key concern.
- In addition, NI's recovery has been at a much slower rate than the UK average; while economic activity increased by 1.2% relative living standards still remain well below UK average.
- However, the opportunity to create jobs, attract investment and stimulate growth is to be strongly welcomed. Council believes that, if appropriate and targeted measures are deployed, this is a key opportunity for the NI Executive to deliver balanced regional economic growth and address some of the long standing inequalities.

Context

The report indicated that a number of key disparities exist across the Mid Ulster and wider Western region which have long acted as a barrier to sustainable economic growth, including:

- a) Its peripheral and dispersed rural location
- b) High level of micro and small businesses
- c) Need for infrastructure investment in both roads and telecommunications
- d) Little or no foreign direct investment
- e) A number of multiple deprivation and new TSN areas

- f) Higher than average long term unemployment levels
- g) Below average employment in the public sector
- h) Average weekly earnings below the Northern Ireland average
- i) A strong dependency on the agricultural sector which is contracting rapidly.

Growth Drivers

The report further indicated that it would be critical that the income from the devolving of corporate tax setting powers is targeted at delivering real and meaningful change to transform our economy to stimulate investment, job creation as well as broader societal benefits, and Council advises the following as priorities to be addressed:

- The Mid Ulster District Council area has the highest number of businesses (7915) of any Council area outside Belfast; the sub-region is dominated by the small business sector, in that 99% of the area's businesses employ fewer than 50 people.
- The additional income generated from this tax is required to address long term economic imbalances and deliver measures to accelerate business growth in our indigenous businesses which could include e.g. the creation of a Small Business Innovation Fund to provide specialist support this sector to exploit new opportunities in R&D and drive competitiveness and productivity.
- Competing in a global market, NI's smaller businesses face a greater challenge than most of the UK in competing in a global market – need to increase capacity of private sector to export
- Improving skills, employability and job creation are essential to build sustainable economic growth— research estimates that a reduction in NI's Corporation Tax rate is expected to create 58k jobs above the baseline employment levels by 2030. Given the region's problems with long term unemployment it is critical that Mid Ulster is identified as a priority area to address this issue.
- Large scale investment is also required to improve infrastructure in the sub-region (both connectivity and roads); for far too long businesses in Mid Ulster/ West have been prevented from competing on an equal basis with their counterparts in other areas due to poor provision.
- Creation of an Enterprise Zone for the sub-region to create conditions for sustainable balanced growth, support entrepreneurship and facilitate business expansion
- Research has estimated that of the 58k new jobs which could be created, 25k of these may be as a result of new Foreign Direct Investment. To date, the Western sub-region has seen virtually no FDI. If there is to be balanced regional economic development the policy for locating new investment needs to be reviewed.
- Facilitate increased access to finance for our local business sector to support growth and R&D.

Summary

The report in summary that the new Council led Community Planning powers means that Councils are pivotal to the future development of their distinct micro economies and communities; local government is now the 'key driver' to make things happen at local level.

The two tiers of NI government (NI Councils and NI Executive) share the same key economic and social challenges, and a partnership approach should be considered to drive future economic development (in its broadest sense) and address long standing regional economic disparities to achieve greater prosperity for all throughout our society."

Having read the response Mr McCreesh sought approval for it to be submitted to the NI Assembly Committee for Enterprise, Trade and Investment.

Proposed by Councillor Mallaghan
Seconded by Councillor T Quinn and

Resolved That it be recommended to Council that the response be submitted to the NI Assembly Committee for Enterprise, Trade and Investment.

D38/15 Mid Ulster Good Relations Strategy and Action Plan

Mr McCreesh advised that the report was to provide Members with the draft Mid Ulster Good Relations Strategy & Action Plan in line with OFM/DFM policy framework and guidelines. He drew attention to the background and advised that the proposed Mid Ulster Good Relations Strategy and Action Plan presented sets out the Together Building United Communities (TBUC) thematic approach with 5 priority areas undernoted, focusing predominately on external actions as the Community Relations Unit within OFM/DFM will lead in the implementation of GR actions for members and senior management within Mid Ulster Council. Central to the GR programme delivery will be the establishment of a Mid Ulster All Party member Good Relations Member Forum which will scrutinise and approve all operational activities and initiatives as outlined within the Action Plan. It is proposed that this forum will meet on a quarterly basis. The Action Plan will be a working document and have the inbuilt flexibility to adapt and respond to issues as they arise across Mid Ulster. Mr McCreesh advised that the action plan had been equality screened internally and focus on:

- **Our Children And Young People** – To continue to improve attitudes amongst our young people and to build a community where they can play a full role and active role in building Good Relations.
- **Our Shared Community** – To create a community where division does not restrict the life opportunities of individuals and where all areas are open and accessible to everyone.
- **Our Safe Community** – To create a community where everyone feels safe in moving around and where life choices are not inhibited by fears around safety.

- **Our Cultural Expression** – To create a community which promotes mutual respect and understanding is strengthened by Diversity, and where cultural expression is celebrated and embraced.
- **Program Actions** – To develop support programs, at both Council and Community level, to increase and improve leadership, capacity, organisation and capital building skills in order to support Good Relations outcomes.

Mr McCreesh stated that the Good Relations Strategy and Action Plan had been developed for the new Mid Ulster Council by converging best practice initiatives from the three legacy Councils. Although the plan has been submitted to the Community Relations Unit at OFM/DFM to meet its deadline of the 20th February it carried the caveat of still requiring Mid Ulster Council approval. Mr McCreesh reminded Members that OFM/DFM provide 75% funding for the staff and programme cost with Mid Ulster Council supporting the matching 25%. The amount applied from OFM/DFM will be £406,500 requiring match funding from Mid Ulster District Council of £135,500 which has been agreed within the Mid-Ulster budget setting process.

Advising Members that the policy was aligned with recommendation at the Policy and Resources Committee to establish a Good Relations Working Group which would meet quarterly to update Members on progress.

The Chief Executive advised Members that the paper presented to the Policy and Resources Committee had outlined that whilst the NI Act 1998 provided a framework for equality, good relations had been decoupled and thus Council had proposed this mechanism. The Chief Executive further advised that the terms of reference had been presented, there would be up to ten Members on the Working Group and the recommendation was to be ratified by Council at its next meeting.

In response to question from the Chair, Councillor Burton the Chief Executive clarified that Members would be from all parties and that the working group was not a sub committee of Policy and Resources.

Councillor Reid emphasised that the working group must be a shared group and that the recommendation still had to be ratified at Council especially as to how the membership would be made up.

Councillor T Quinn stated that he believed good relations to be a major topic with many difficulties such as racism, sectarianism etc and that existing officers dealt with some very sensitive issues. Councillor T Quinn stated that it was essential to get the working group formation right and sought clarity on how Members would be put in place and how long it would meet for.

The Chief Executive advised that the terms of reference indicated that the working group would meet every two months and be established for the full term of Council with arrangements reviewed on an annual basis. He further stated that the crux of what the working group had to look at was policies on dealing with flags, emblems, street naming etc.

In response Councillor T Quinn stated he did not agree with ten Members for a four year period as people need to want to be there and be fully engaged. He further

stated that ten Members was very limited and asked if it was expected to ratify the recommendation at the next Mid Ulster Council meeting.

The Chief Executive clarified that all recommendations are presented to Council for ratification and then the Council decides.

Councillor T Quinn left the meeting at 7.53pm returning at 7.55pm

Councillor J Shiels sought clarity regarding the clergy forum asking if for example Free Presbyterians or Reformed Presbyterians who did not wish to participate in Clergy Forums were excluded. Mr McCreesh advised that from experience in Cookstown Council that the policy was all inclusive and Good Relations Officers had endeavoured to both include and work with all.

In response to a question from Councillor J Shiels, Mr McCreesh advised that within the report examples had been used and behind each there were multiple projects. Mr McCreesh also clarified Councillor Ellatar's query advising that the groups and organisations listed again were only a sample. He further stated that within the strategy was a grant element. In response to Councillor Molloy's query Mr McCreesh confirmed that the budget included a funding element.

Mr McCreesh reminded Members that the draft presented had been submitted to OFM/DFM subject to Council approval.

Proposed by Councillor T Quinn
Seconded by Councillor Molloy and

Resolved That it be recommended to the Council that the Mid Ulster Good Relations Transitional Programme Action Plan be approved.

D39/15 Mid Ulster Community Plan

Mr McCreesh advised that the purpose of the report was to provide an update on progress in the development of a Mid Ulster Community Plan.

Councillor Forde left the meeting at 7.58pm

Mr McCreesh emphasised that it was essential to re-engage with the community, to have statutory agency roles determined and drew attention to key issues as undernoted:

Councillor McAleer left the meeting at 7.59pm returning at 8.01pm

- Mid Ulster wide Community Planning Engagement - Compilation of all the engagement sessions has been completed;
- Mid Ulster Data Analysis Study - The statistical data analysis is finalised and a report would be issued to all members;
 - Mark Conway (Venturei) who supported with the engagement analysis will present the findings of the report later in the meeting and key outcomes for going forward. Following the presentation of the reports to members a

- further meeting will be scheduled with the key Government stakeholders to support discussion on the future planning.
 - A summary version of the Engagement Report will be issued to all the community representatives who attended the engagement events.
 - The reports will be important for Mid Ulster in commencing the development of a Community Plan in partnership with the local community and government departments/agencies.
- Community Planning Capacity Building Programme, general community planning capacity building sessions for Mid Ulster have been scheduled

With regard to Local Government Community Planning Guidance Mr McCreesh advised that the legislation remains outstanding and the guidance was currently out to formal consultation. He drew attention to the proposed Mid Ulster Council response a copy of which was provided to Members and sought approval for same.

Councillor Wilson stated he supported the draft but felt that it should be more robust and state clearly how Council felt that statutory agencies have no clear role detailed and it should be clearly detailed to ensure the onus is on them to fill it 100%. Councillor Mallaghan concurred with the comments and further stated that there was an expectation to re-engage with the community and this is something that should continue as the community engagement had been very positive. Mr McCreesh advised that legislatively Council had 12 months to prepare, it should not be rushed and that the engagement with community was essential and Council should use the plan to engage with statutory agencies to determine how they are going to commit noting that there would always be contention between meeting Stormont remit or community plan.

Councillor G Shiels left the meeting at 8.03pm

Proposed by Councillor Wilson
Seconded by Councillor T Quinn and

Resolved That it be recommended to the Council

- (i) To note the update on the Mid Ulster Community Planning process as outlined and presentation by Mark Conway; and
- (ii) Subject to foregoing comments approve the proposed Mid Ulster Council response to the DoE Community Planning Operational Guidance.

Declaration of Interest

Councillor Burton and Reid declared an interest being members of Dungannon PCSP.

D40/15 Mid Ulster PCSP Draft Action Plan 2015/2016

Mr McCreesh advised that the purpose of the report was to seek approval for the draft Transitional Mid Ulster Policing and Community Safety (PCSP) Action Plan 2015-2016. Advising that the plan reflected the successful outcomes of the existing

PCSPs and the latest statistical research and consultation he advised that it is a requirement by the Dept of Justice and the NI Policing Board to have an action plan to cover the transition period until the new Mid Ulster PCSP is in place. Mr McCreesh emphasised that once established the new Mid Ulster PCSP can amend the plan or develop a new one.

Councillor G Shields returned at 8.09pm

Mr McCreesh drew attention to the key issues as undernoted:

- The draft Mid Ulster Action Plan 2015/2016 has been developed in line with the following Joint Committee Strategic Objectives –
 - To successfully deliver the functions of the PCSP,
 - To improve community safety by tackling crime and anti-social behaviour and
 - To improve community confidence in policingWithin each of above objectives are measures for delivery.

- The Plan details the major policing and community safety issues across the Mid Ulster area (PSNI Statistics). The findings of the Mid Ulster wide Community Planning consultation have been used to identify priority community concerns about policing and community safety.

Utilising this information, the draft Action Plan sets out a programme for operational delivery during the first year of the PCSP that addresses priorities and local needs, reflects good practice, and is evidentially robust.

- The Joint Committee's 20% cap on administration costs has been adhered to, with the remainder of staff salaries (80%) allocated to project delivery.

Councillor T Quinn stated that he proposed the recommendation but had difficulty with the financial restraints especially with forthcoming PSNI personnel cuts. He stated it was a massive challenge and there was a case to re-establish Community Police Liaison Committees (CPLCs).

Proposed by Councillor T Quinn
Seconded by Councillor McNamee and

Resolved That it be recommended to the Council to approve the draft Transitional Mid Ulster PCSP Action Plan 2015/2016 for submission to the Joint Committee

Councillor Reid agreed with what was presented but stated that it was a pity that cuts could not be addressed as the PCSPs had been working effectively.

The Chair, Councillor Burton stated that with regard to the community safety warden within Dungannon PCSP the employee had done a marvellous work, that the PSNI should recognise the work and suggested that Council should meet with the PSNI to establish if they could identify funding. Mr McCreesh stated that in Cookstown there

was a similar post but it was not a direct PCSP post, acknowledging that it was difficult to establish a common approach he stated that he would discuss the matter with officers of Dungannon PCSP. However, erring caution Mr McCreesh advised that Council should not make exception for any particular individuals as many groups/organisations had to lay people off and were experiencing difficulty with the forthcoming cuts. He reminded Members that many staff members were at risk and as an employer Council had responsibility to its own staff.

Councillor Reid advised he had made mention of the situation whilst attending a launch in Belfast at which representative of Department of Justice had stated they would look at this. Mr McCreesh reiterated that he would follow up with officers from Dungannon PCSP.

Councillor C O'Neill left the meeting at 8.10pm returning at 8.11pm

Councillor T Quinn whilst stating it was good to look into the matter, emphasised that Council needed to look at volunteers and CPLCs to support PCSP work.

D41/15 Transfer of Water Recreational Facilities

Ms Campbell advised that the purpose of the report was to update the Development Committee in relation to the forthcoming inspection and maintenance arrangements associated to the transfer of DCAL Water Recreation Facilities to Mid Ulster District Council as from 1 April 2015.

Members were reminded that the four sites included:

- 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)

Drawing attention to key issues Ms Campbell highlighted the undernoted:

- Site inspections attended by DCAL /Rivers Agency and Council officials to all four locations in January 2015 agreed that no significant maintenance issues existed that would impede transfer.
- DCAL is to complete renewal of the Lease Agreement for Ardtrea Bridge prior to transfer (expiry date 31st December 2014).DCAL have agreement on a new lease for a period of 20 years dating from 1st January 2015.
- DCAL is resolving a lessor's outstanding issue in relation to a Ballysaggart Lough landowner prior to transfer. It remains an outstanding issue however a resolution remains the responsibility of DCAL post transfer of assets.
- Negotiations with River's Agency on an amended Service Level Agreement for the continuation of routine maintenance works at all transferred sites was not successful. The River's Agency has declined to enter into any extended arrangements with Mid Ulster District Council. Council will be required to undertake the routine maintenance work associated with transferred sites.

Outlining cost resource implications Ms Campbell advised that DCAL has confirmed a transfer of £20,424 p.a., factored into the council grant from DoE, which represents the average annual cost of maintenance across all four sites (taking into account imposed cuts of 11.2%) and that transferring annual lease payments, equalling £1,335.00 (subject to periodic review).

Ms Campbell advised that Council would undertake all routine maintenance on all four sites as from 1st April 2015. Estimated annual labour cost £28,845, based on a four person squad/ fifteen week per annum maintenance programme and that there may be requirement to hire or procure specific grounds maintenance/ grass cutting equipment to facilitate the increased number of sites and frequency of maintenance.

In response to Councillor Wilson's comments Ms Campbell advised that Council had no alternative but to accept the sites and that maintenance costs had been set and Council would have to cope with work load. Councillor Wilson voiced concerns that work had not been completed before transfer and proposed writing to DCAL to express dissatisfaction.

Proposed by Councillor Wilson
Seconded by Councillor J Shiels and

Resolved That it be recommended to the Council to write to DCAL and express dissatisfaction with regard to transfer of sites without works complete.

Councillor Mallaghan stated that in moving forward there was good examples of community groups and local people agreeing service level agreements to maintain sites on behalf of Council. Stating that this promoted civic pride and gave ownership to sites that it provided a more valuable service than Council could provide.

Proposed by Councillor Reid
Seconded by Councillor Mallaghan and

Resolved That it be recommended to the Council that Mid Ulster District Council undertake maintenance of the four transferred sites as from 1st April 2015.

D42/15 Harmonisation of Operational Arrangements for Leisure Facilities

Ms Campbell advised that the purpose of the report was to seek approval for the introduction of harmonized Opening hours, Public Holiday Closures, Commercial Hire Fees and Charges and discounted rates for Member and Staff use of Leisure and Parks Facilities.

Ms Campbell drew attention to background noting that:

- Opening hours - All Facilities across the three existing Councils have varied opening hours and thus it is believed prudent to consider these Opening Hours across Mid Ulster District Council.

- Public Holiday Closures - All Facilities across the three existing Councils have varied Public Holiday Closures. It is believed prudent to harmonize these Public Holiday Closures across Council.
- Commercial Hire Fees and Charges - All Facilities across the three existing Councils have varied Commercial Fees and Charges. It is believed prudent to harmonize these Commercial Fees and Charges across Council.
- Discounted Rates for Member and Staff Use of Leisure and Parks Facilities - There are various approaches to discounted rates for Member and Staff use of Leisure and Parks facilities across the three existing Councils. It is believed prudent to harmonize these and to propose a new approach.

Ms Campbell presented the undernoted areas and recommendations to on harmonization:

Opening Hours

- Indoor and Outdoor Recreation Facilities
 - It is proposed that Cookstown Leisure Centre and Maghera Recreation Centre have the following general Opening Hours:

Day	Times	
Monday	6.30am – 10.00pm	*
Tuesday	6.30am – 10.00pm	*
Wednesday	6.30am – 10.00pm	*
Thursday	6.30am – 10.00pm	*
Friday	6.30am – 10.00pm	*
Saturday	9.00am – 5.30pm	
Sunday	2.00pm – 6.00pm	**

*Dungannon Leisure Centre will open at 07:00 as there is no public demand to open earlier but be kept under review.

*Gym, Pool (CLC and DLC) and Classes only rest of facilities do not open until 7.30am

**Maghera Recreation Centre will open at 11.30am

It is proposed that Meadowbank Sports Arena, Mid Ulster Sports Arena and Moneymore Recreation Centre have the following general Opening Hours:

Day	Times	
Monday	9.00am – 10.00pm	*
Tuesday	9.00am – 10.00pm	*
Wednesday	9.00am – 10.00pm	*
Thursday	9.00am – 10.00pm	*
Friday	9.00am – 10.00pm	*
Saturday	9.00am – 5.00pm	*
Sunday	Subject to bookings	**

*Moneymore Recreation Centre may close at other times subject to bookings. (Moneymore Recreation Centre will close during 2015/16 for refurbishment work)

**Meadowbank Sports Arena will open on Sundays

- Caravan Parks/Bowling Greens
 - It is proposed that Ballyronan, Dungannon , Fivemiletown Caravan Parks open on 1st March and close on 31st October annually.
 - It is proposed that Drumcoo, Fairhill, Fivemiletown and Magherafelt Bowling Greens open on 1st April and close on 30th September annually.
- Public Holiday Closures
 - Indoor and Outdoor Recreation Facilities
It is proposed that Cookstown Leisure Centre, Dungannon Leisure Centre, Greenvale Leisure Centre, Maghera Recreation Centre, Meadowbank Sports Arena, Mid Ulster Sports Arena and Moneymore Recreation Centre are closed on Public Holidays as follows:

Bank/Public Holiday	Facility
New Year's Day	All facilities closed
Easter Sunday	All facilities closed (not PH/BH)
Easter Monday	All facilities closed
12 th July	All facilities closed
13 th July	All facilities closed
25 th December	All facilities closed
26 th December	All facilities closed

All Facilities may be required to open on any Public Holiday due to specific one-off bookings. When Greenvale Leisure Centre is open on a Bank/Public holiday it is not envisaged that Maghera Recreation is also required to be open.

- Commercial Hire Fees and Charges
 - It is proposed that organisations who are charging a fee for their service should themselves be charged 50% on top of the normal hire charge for the facility. Examples of such organisations are: Slimming Clubs, External Pilates and Yoga. Other external Group Class provision may need to be considered e.g. Martial Arts. There may be an element of Sports Development in a particular activity, the provision of which could be seen as beneficial to the locality. The delivery of such an activity may attract a favourable tariff.
 - Large event promotions e.g. Concerts are negotiated with the promoters on an individual basis. Consideration given to type of event, duration of, staff involved and any special requirements.
- Discounted Member and Staff Use of Leisure and Parks Facilities
 - By providing employees with discounted access to sport and leisure facilities, MUDC may improve staff wellbeing and job satisfaction, as well as raise retention rates. The welfare of members and employees

has a direct impact on the success of the council. Because of these MUDC benefits from lower absenteeism levels, happier, more productive members and staff, in particular Leisure and Parks staff, it is proposed that members and staff are offered a 50% discount on the full Facility Membership card. This will cost members and staff who wish to take up the offer £15.00 per month for full membership of all following facilities: Cookstown Leisure Centre, Dungannon Leisure Centre, Greenvale Leisure Centre, Maghera Recreation Centre, Mid Ulster Sports Arena, Meadowbank Sports Arena and Moneymore Recreation Centre. Use of the Greenvale Leisure Centre by staff and members forms part of the Leisure Services Management Service Agreement. The cost to individual members and staff is £12.50 per month. It is proposed that due to the contractual arrangements, Mid Ulster Staff can take up this offer for £12.50 per month to use the Greenvale Leisure Centre only. MUDC Finance Department will take the necessary fee per month from the salaries of staff who wish to take up the offer. Members will pay the Finance Department the necessary fee per month on invoice. Members and staff will be informed that Inland Revenue may view this as a benefit in kind and at some point may wish to tax the benefit as such. This discount will be offered to MUDC Members, Full time, Part time and Casual staff who have worked more than 20 hours in the previous month.

Ms Campbell sought approval for the harmonization as outlined in the foregoing.

Councillor Mallaghan stated that consideration needed to be given to those services facing 50% increase as it may put groups off from renting the facilities. In response Ms Campbell said it was hoped that although some costs would rise others would be reduced and it was hoped it would balance out and each group would have to consider their own position.

Councillor Mallaghan stated that he would be happy to propose the recommendation but in terms of Members the matter needed to be brought to the party leaders for consideration.

In response to a question from the Chair Councillor Burton, Ms Campbell advised that the proposed changes had not yet been communicated to service users. The Chair said that Council did not want a negative start.

Councillor J Shiels sought clarity as to how the charges related to charity events to which Ms Campbell advised the proposals were for commercial business operations.

Councillor Wilson stated that he felt more work needed to be done on the proposals as Council could price themselves out of the market and requested a report on facts and figures for example money brought in in previous year.

Councillor T Quinn sought clarity as to whether staff who used bowling greens would receive discounted rates. In response Ms Campbell advised they would.

In endeavouring to move forward Councillor Mallaghan stated he would propose that managers are given discretion that providers are given a transition period. In response to Councillor Wilson's request for a report Ms Campbell advised it would be presented at the next Council meeting.

Proposed by Councillor Mallaghan
Seconded by Councillor T Quinn and

Resolved That it be recommended to the Council that the proposal is approved subject to

- (i) Members discounts being discussed at party leaders meeting;
- (ii) Report detailing facts and figures presented to Council meeting.

For Information

D43/15 Sport and Leisure Transition Working Group Update

Ms Campbell advised that the report related to priority areas identified by the Sport and Leisure Transition Working Group.

Members noted progress as undernoted:

- Health and Safety - After a recent Health and Safety report to Committee, a Sub Group has been established within Sport and Leisure in order to address a number of highlighted issues. Risk assessments and action lists are being reviewed and an accident reporting system, in liaison with IT, is being established. A separate report to Committee is being presented on this.
- Sports Development Baseline - Information has been compiled to provide indication of the scope of the Sports Development programme that is currently being delivered across the Mid Ulster area. It includes an analysis of Sports Development activities across Mid Ulster and possibilities for future development. A further paper will be presented to Council with recommendations for integrating existing programmes.
- Audit of Outdoor and Indoor Recreation Facilities - An exercise is currently being completed to identify and categorise all provision within the existing Council areas, including parks, play areas, trails, walks, water recreation etc. It is planned that a GPS mapping exercise can be produced providing an overall picture of the facilities within Council and the operational management arrangement associated with each facility.
- Harmonisation - A separate paper has been submitted with recommendations in the following areas: opening times, bank/public holidays; commercial hire and discounted fees for Members and staff.

- Service Level Agreements and Maintenance Contracts - Information on same is currently being collated. It is anticipated that, eventually many of these will be streamlined which may provide greater efficiencies within the new Council.
- DCAL Water Recreation Sites - Further to previous information, the Rivers Agency has indicated that service support should be provided by Council. A separate report has been presented to Committee.

Councillor Mallaghan left the meeting at 8.32pm

D44/15 Development and Regeneration Update

Mr McCreesh advised that the report was to provide an update regarding progress on the Development and Regeneration Forward Work Plan.

Mr McCreesh drew attention to the progress report highlighting that the Local Economic Development Plan (2015-2018) in draft form had been formulated and presented by RSM McClure Watters Consultants to the Mid Ulster Council Local Economic Development Plan Working Group on Thursday 29 January in Cookstown Council Offices, and Mid Ulster Council Development Committee on 5 February in Cookstown District Council Offices. Members provided feedback and comments at each meeting with an updated presentation subsequently circulated via email to Development Committee Members for review. Further consultation can be facilitated if requested by Members. Following Members' review, it is proposed that the Draft Plan is then presented back to the public, including those key stakeholders and businesses who contributed to the economic development consultations in Autumn 2014, for their input. Work is ongoing on a range of economic development initiatives as outlined within the progress report.

Members noted that progress was being made.

D45/15 Northern Ireland Rural Development Programme 2014-2020

Mr McCreesh advised that the purpose of the report was to provide an update to members on the new Local Action Group formation process in Mid Ulster relating to the 2014-2020 NI Rural Development Programme and also to inform members on programme closure arrangements for the closure of the current RDP Programme 2007-13.

Mr McCreesh advised that in relation to the Local Action Group Formation that Members would be aware from previous reports that a new Local Action Group (LAG) for Mid Ulster would be established responsible for the delivery of funding within Mid Ulster through the 2014-2020 Rural Development Programme. The new LAG will form as a limited company with directors comprised of elected members and social partners.

The 2007-2013 Rural Development Programme current status and closure process Mr McCreesh advised that SWARD (South West Action for Rural Development) received an allocation of £20.5m under the current RDP (2007-2013) that included administration funding. Of the £17.1m allocated against project funding, almost

£17m had been spent to date across over 300 projects funded with the remaining spend expected to be achieved by March 2015. An exit strategy has now been drafted which will be implemented for programme closure activities.

Mr McCreesh further reported that social partner and elected member (on an interim basis) representation to the new Local Action Group for Mid Ulster was now complete. He reminded Members that as per January report DARD would now issue a competitive call for applications to select the new LAGs. Mr McCreesh advised that it was envisaged this process would be completed by early March. Appointed LAG's will then be instructed to develop draft interim Local Development Strategies. DARD has indicated that Councils will assist the LAG's in the preparation of their Local Development Strategy and with applicant animation through a Service Level Agreement between DARD and Councils. A draft of the Service Level Agreement has been forwarded to Council officers. DARD has also issued for review a draft Contract between the LAG and Council for administrative and financial services for the duration of the 2014-2020 programme period. Mr McCreesh stated that both of these documents are being reviewed as clarification will be needed from DARD on a number of issues.

Mr McCreesh stated that a workshop with the 11 Councils would be helpful to agree an approach for all between DARD, Councils and Action Groups.

Members noted progress.

CONFIDENTIAL BUSINESS

Proposed by Councillor J Shiels
Seconded by Councillor T Quinn and

Resolved That items D46/15 – D50/15 be taken as confidential business.

D51/15 Duration of Meeting

The meeting was called for 7pm and ended at 9.38pm

CHAIR _____

DATE _____

G

Subject	Special Responsibility Allowances and Chair/Deputy Chair Allowances
Reporting Officer	Lead Officer for Finance

1	Purpose of Report
1.1	To request that Council consider and adopt the attached recommended amounts of Special Responsibility Allowances and Chair/Deputy Chair Allowances to be paid to qualifying Members in 2015/16.

2	Background
2.1	Members of the Policy & Resources committee received and considered a paper with respect Members Allowances at their meeting on 3 March, the minutes of which have been previously considered. The paper made particular reference to the payment of Special Responsibility Allowances, subject to departmental guidance issued under the cover of Circular LG 05/2015. Chair and Deputy Chair Allowances are subject to Departmental Guidance issued under cover of Circular LG 04/2015.
2.2	The maximum total amount of SRA payable by Mid Ulster District Council to qualifying Members has been notified as £70,000. The maximum amount payable to any single Member has been notified as £14,000 (being 20% of the total) and only 50% of the Members may receive an SRA.
2.3	<p>In considering the potential allocation of SRA and Chair/Deputy Allowances, the officers have considered the relevant legislation, i.e.:</p> <ul style="list-style-type: none"> • Sections 31, 32 and 33 of the Local Government Finance Act (Northern Ireland) 2011; • Regulation 5 of the Local Government (Payments to Councillors) Regulations (Northern Ireland) 2012; • Other relevant statutory authorities, including Section 79 of the Local Government (Northern Ireland) Act 2014 which relates to the General Power of Competence

3	Key Issues
3.1	<p>Council should have regard to the following:</p> <ol style="list-style-type: none"> 1. The overall limit for SRA is £70,000 2. Each individual Member receiving SRA can receive no more than £14,000 3. Each Member receiving SRA may only receive one SRA 4. The Shadow Council made provision for the Presiding and Deputy Presiding Councillors to each have a receipted expenditure allowance in

	<p>the amount of £7,000 and £2,000 respectively</p> <p>5. There is likely to be an expectation that the Chair and Deputy Chair of Mid Ulster District Council will have a receipted expenditure allowance</p> <p>6. Discussion with the Department has confirmed that sections 31, 32 and 33 of the Local Government Finance Act (Northern Ireland) 2011 does not empower the Chair/Deputy Chair to make donations. However, donations may be paid under other statutory authorities, such as the power to provide leisure and recreation facilities (donations to sporting organisations) or the General Power of Competence (where there is no specific authority available)</p> <p>7. The Council may wish to also consider allocating a budget towards Civic and Chair/Deputy Chair receptions at this time.</p>
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4	Resources
4.1	<p><u>Financial</u></p> <p>The proposed allocations are within Council's 2015/16 budgetary provision.</p>
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	That the Council considers and accepts the officers' recommendations in relation to quantum as detailed on the attached paper

7	List of Documents Attached
7.1	Appendix 1 - Paper proposing amounts of SRA and Chair/Deputy Chair Allowances and Receptions for 2015/16.

**Recommendations re amounts to be paid
Re Special Responsibility Allowance and Chair/Deputy Chair Allowances in
2015/16**

Chair/Deputy Chair Allowances

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

Special Responsibility Allowance (Taxable)

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

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

Other comments:

The officers will prepare and submit to the Policy and Resources Committee a report recommending detailed eligibility criteria and guidance in relation to all receptions, i.e. Civic, Chair and Deputy Chair.

The above amounts are within Mid Ulster District Council's 2015/16 budget provisions and comply with relevant guidance issued by the Department.

H

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

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

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

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

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

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

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

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

7	List of Documents Attached
7.1	Appendix A: Standing Orders



Standing Orders

March 2015

MODEL STANDING ORDERS FOR COUNCILS

Definitions

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

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

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

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

In Standing Order 21

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

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

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

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

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

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

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

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

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

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

“member” means a member of the council; and

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

In Standing Order 23

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

“member” means councillor;

“nominating officer” in relation to a party, means

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

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

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

INDEX

	Page
1 Annual and Monthly Meetings	5
2 Time and Place of Meetings	5
3 Convening Special Meetings	5
4 Notice and Summons of Meetings	5
5 Chair to be taken	6
6 Chair of Meeting	6
7 Quorum	6
8 Admission to meetings	7
9 Record of attendances at meetings	7
10 Exclusion of the public	7
11 Deputations	8
12 Order of Business	8
13 Minutes of the Council	9
14 Submission of Minutes	9
15 Minutes of Committees	10
16 Motions	10
17 Amendments	11
18 Amendments to Regulatory Decisions	14
19 Rules of Debate	14
20 Voting	17
21 Call-in Process	17
22 Positions of responsibility, etc. – Time Limits	21
23 Appointment of more than one committee	21
24 Rescission of a preceding resolution	22
25 Members conduct	22
26 Disturbance by public	23
27 Committees	23
28 Planning Committee Protocol	25
29 Council Seal	25
30 Suspension and amendment of Standing Orders	25
31 Interpretation of Standing Orders	25
Annex A Protocol for the Operation of Planning Committees	26

1. Annual and Monthly Meetings

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

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

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

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

2. Time and place of meetings

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

3. Convening Special Meetings

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

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

4. Notice and Summons of Meetings

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

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

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

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

5. Chair to be taken

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

6. Chair of Meeting

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

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

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

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

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

7. Quorum

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

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

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

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

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

8. Admission to meetings

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

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

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

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

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

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

9. Record of attendances at meetings

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

10. Exclusion of the public

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

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

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

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

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

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

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

11. Deputations

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

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

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

12. Order of Business

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

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

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

13. Minutes of the Council

13.1 Keeping of; as evidence; etc

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

13.2 Signing of

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

14. Submission of Minutes

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

15. Minutes of Committees

- (1) A motion or amendment shall not be made or proposed, or any discussion allowed on the proceedings of committees with reference to any matter within the remit of a committee which does not appear on the minutes submitted to the Meeting of the Council.
- (2) Any member wishing to raise an issue regarding any matters appearing in the minutes submitted to the Council for approval and who states his/her request in writing to the Chair of the committee forty-eight hours before the commencement of the Meeting of the Council shall be entitled to a reply when the proceedings of the particular committee are submitted for approval.
- (3) A reply to an issue raised at the meeting regarding any matter in the minutes, without written notice, shall be at the discretion of the Chair of the committee.
- (4) Any matter in the minutes of a committee on which a request for reconsideration, under section 41 of the 2014 Act, has been lodged with the clerk of the Council shall be identified, and may not be the subject of discussion at that meeting.

16. Motions

- (1) Every motion shall be relevant to some matter:
 - i) in relation to which the Council:
 - a) has power or duties;
 - b) is not prevented from taking action on by other legislation;
 - ii) which directly affects the local government district or its residents; and
 - iii) for which the Council is legally competent.

16.1 On notice

- (1) Notice of every motion, other than a motion which under Standing Order 16.2 may be moved without notice, shall be given in writing, signed by the member or members of the Council giving the notice, to the Clerk not later than at least seven clear days before the next Meeting of the Council. The motion must be clear in meaning otherwise it shall be rejected until such time as it is resubmitted in clear language, and not later than seven clear days before the meeting.
- (2) A motion shall be rejected if the wording or nature of the motion is considered unlawful or improper.
- (3) All notices shall be dated and numbered as received, and entered in a register to be kept for that purpose. This register shall be open to inspection by every Member of the Council.
- (4) Notices of motion shall be entered by the Clerk in their proper place upon the Summons Paper in the order in which they are received.
- (5) If a motion set out in the Summons is not moved either by a member who gave notice, or by some other member on his behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

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

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

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

16.2 Without notice

The following motions may be moved without notice:

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

17. Amendments

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

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

17.1 To amend the Proposal

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

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

- a) to refer a subject of debate to a committee or to an officer for consideration or re-consideration;
- b) to leave out words;
- c) to leave out words and insert or add others; or
- d) to insert or add words

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

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

17.2 That the Council Do Now Adjourn

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

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

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

17.3 That the Debate be Adjourned

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

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

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

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

17.4 That the Question Be Now Put

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

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

(3) A second proposal “that the question be now put” shall not be made on the discussion of the same question within half-an-hour.

(4) A member shall not move or second more than one proposal “that the question be now put” on the discussion of the same question.

17.5 That the Council Do Now Proceed to the Next Business

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

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

(3) When a proposal is carried “that the Council do proceed to the next business”, the question under discussion shall be considered as dropped.

(4) A second proposal “that the Council do proceed to the next business” shall not be made on the same question within half-an-hour.

(5) A member shall not move or second more than one proposal “that the Council do proceed to the next business” on the discussion of the same question.

18. Amendments to Regulatory Decisions

- (1) No amendment may be moved to a minute which is a Regulatory Decision.
- (2) For the purposes of these Standing Orders, a Regulatory Decision is a determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal, or enforcement action in exercise of powers of the Council as the local planning authority [or those powers specified in Executive Arrangements Regulations]; or any application for which the Council is the licensing authority.

19. Rules of Debate

19.1 Motions and amendments to be reduced to writing and seconded

- (1) A Motion or Amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order 16.1, it shall, if required by the Chair presiding, be put into writing and handed to the Chair presiding before it is further discussed or put to the meeting.
- (2) A Member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

19.2 Alteration of motion

- (1) A Member may alter a motion of which he/she has given notice as proposed with the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (3) Only alterations which could be made as an amendment may be made.

19.3 Withdrawal of motion

- (1) A Member may withdraw a motion of which he/she has given notice under Standing Order 16.1 at any time after the meeting has commenced provided that he/she has not moved the motion or spoken on it and has the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may withdraw any other motions which he/she has moved with the consent of both the meeting and seconder. The meeting's consent will be signified without discussion.
- (3) No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

19.4 Mode of address

Members may address the Council's Chair by standing or remaining seated. While a Member is speaking, the other members shall remain seated unless rising to a point of order or in personal explanation.

A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.

19.5 Precedence in speaking

Whenever two or more members rise together to speak, the Chair shall decide who has precedence.

19.6 Place of member speaking

A member when addressing the Chair shall stand in the place allocated to him/her in the Council Chamber.

19.7 Member called to order

If any member, while speaking, be called to order, he/she shall resume his/her seat and shall not again address the Council until the Chair has disposed of the question of order.

19.8 Definition of point of order

A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the member shall specify the Standing Order or provision and the way in which he/she considers it has been broken.

19.9 Member may raise a point of order

A member may raise a point of order and shall be entitled to be heard immediately.

19.10 Ruling of Chair on point of order

The ruling of the Chair on a point of order shall not be open to discussion.

19.11 Member to speak to motion

A member who speaks shall direct his/her speech strictly to the Motion under discussion, or an amendment thereof.

19.12 Member shall not speak more than once

A member who has spoken on any Motion shall not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another member;
- b) if the Motion has been amended since he/she last spoke, to move a further amendment;
- c) if his/her first speech was on an amendment moved by another Member to speak on the main issue whether or not the amendment on which he/she spoke was carried;
- d) in the exercise of a right to reply given by Standing Order 25.4;
- e) on a point of order.

19.13 Duration of speeches

Except with the permission of the Council, a member, in introducing a Motion, shall not speak for more than ten minutes and in replying, for more than five minutes.

19.14 Addressing the Council

The Council during its sitting, shall not, unless with the consent of the Council, be addressed by any person who is not a member of the Council.

19.15 Only one motion / amendment may be moved and discussed at a time

(1) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(2) If an amendment is not carried, other amendments to the original motion may be moved.

(3) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

19.16 When a motion is under debate no other motion shall be moved

When a Motion is under debate no other Motion shall be moved except the following:

- a) to amend the motion;
- b) to adjourn the meeting;
- c) to adjourn the debate;
- d) to proceed to the next business;
- e) that the question be now put;
- f) that a Member be not further heard;
- g) by the Chair under Standing Order 25.4, that a Member do leave the meeting.

19.17 Chair rising during debate

Whenever the Chair rises or otherwise calls the meeting to order during a debate, a Member then speaking shall cease and the Council shall be silent.

19.18 Chair not to receive motion for direct negative

The Chair shall not receive a Motion for a direct negative to a question but, on the conclusion of the debate, the question shall be put and resolved in the affirmative or negative.

19.19 Mover's right of reply

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

20. Voting

20.1 Majority

Subject to any statutory provisions to the contrary, any matter will be decided by a simple majority of those members present and voting.

20.2 Chair's casting vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

20.3 Qualified majority [MANDATORY]

A qualified majority shall be required in relation to a council's decision on:

- (a) the adoption of executive arrangements or prescribed arrangements as the council's form of governance (section 19 of the 2014 Act);
- (b) the method to be adopted for filling positions of responsibility (Schedule 1 of the 2014 Act);
- (c) the method to be adopted for appointing councillors to committees (Schedule 2 of the 2014 Act);
- (d) the exercise of the general power of competence in accordance with section 79 of the 2014 Act;
- (e) a call-in made in accordance with section 41(1)(b) of the 2014 Act; and
- (f) the suspension of standing orders.

20.4 Show of hands

Unless a ballot or recorded vote is demanded under Standing Order 20.5, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

20.5 Recorded vote

If, before a vote is called, any member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

21 'Call-in' Process [MANDATORY]

21.1 Decisions subject to call-in

- (1) The following decisions may be subject to call-in in such manner as is specified in these standing orders:
- (a) a decision of the Council
 - (b) a decision of the executive;
 - (c) an executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
 - (d) a key decision taken by an officer or officers of the council;
 - (e) a decision taken by a committee under delegated authority in accordance with section 7 of the 2014 Act; and

(f) a decision taken by a committee to make a recommendation for ratification by the council.

(2) The following decisions shall not be subject to call-in:

- (a) a decision on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism;
- (b) a decision which is deemed to be a case of special urgency in accordance with regulation 26 of the 2014 Executive Arrangements Regulations;
- (c) a decision where an unreasonable delay could be prejudicial to the council's or the public's interests;
- (d) a decision taken by an officer or officers which is not a key decision;
- (e) a decision by the executive which serves only to note a report from or the actions of an officer or officers.

(3) No decision shall be subject to call-in more than once for each of the reasons specified in section 41(1) of the 2014 Act.

21.2 Call-in procedure

(1) A call-in must be submitted in writing to the clerk by 10am on the fifth working day following:

- (a) in the case of a decision of the council, the date of the Council meeting at which the decision was taken; and
- (b) in the case of a decision of a committee, the date on which the decision to which the call-in relates was published

(2) If a call-in received after the relevant period specified in paragraph (1), it must be deemed inadmissible.

(3) A call-in shall:

- (a) specify the reasons why a decision should be reconsidered; and
- (b) subject to sub-paragraph (5) of this standing order, be deemed to be inadmissible if the reasons are not specified.

(4) In the case of a call-in submitted under section 41(1)(b) of the 2014 Act, members must state in the reasons specified under sub-paragraph (2) of this standing order:

- (a) the community that would be affected by the decision; and
- (b) the nature and extent of the disproportionate adverse impact.

(5) Within one working day of receipt of a call-in, the clerk must confirm that:

- (a) it has the support of 15 per cent of the members of the council; and
- (b) the reasons for the call-in have been specified.

(6) Where the reasons have not been specified on the requisition the clerk must notify the members making the requisition that it must be considered inadmissible if reasons are not specified in writing within the specified deadline.

(7) Where an admissible call in of a council decision has been received under section 41(1)(a) of the 2014 Act, the clerk must include the decision on the agenda for reconsideration at the next available meeting of the council, at which it will be taken by a simple majority.

(8) Within two working day of receipt of an admissible call-in submitted under section 41(1)(b) of the 2014 Act, the clerk must seek the opinion of a practicing solicitor or barrister in accordance with section 41(2) of the 2014 Act.

(9) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act confirms that the call-in has merit, the clerk must:

- (a) furnish the opinion to members; and
- (b) include the decision on the agenda for the next available meeting of the council, at which it will be taken by a qualified majority.

(10) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act indicates that the call-in does not have merit, the clerk must:

- (a) furnish the opinion to members; and
- (b) include the decision on the agenda for the next available meeting of the council, at which it will be taken by a simple majority.

21.3 The call-in process: committee arrangements

(1) For the purposes of reconsideration of a decision pursuant to a call-in the minutes of a committee which record a decision:

- (a) taken under delegated authority; or
- (b) for ratification by the council

must be published within five working days of the conclusion of the meetings. That date of publication must be regarded as the date of publication for the purposes of a call-in.

(2) If a call-in is not received by the deadline specified in paragraph 4(1) of this standing order, the decision specified in:

- (a) paragraph 5(1)(a) of this standing order must be implemented; or
- (b) paragraph 5(1)(b) of this standing order must be tabled for ratification by the council.

(3) The tabling for ratification of a decision specified in paragraph 5(1)(b) of this standing order, or the implementation of a decision specified in paragraph 5(1)(a) of this standing order, must be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision maker may rescind the decision at any time prior to the call-in being resolved.

(4) If an admissible call-in is made in accordance with paragraph 4(2) of this standing order and section 41(1)(a) of the 2014 Act, the council must appoint an ad hoc committee of the council, the membership of which will be:

- (a) the Chairs of all committees of the council; and
- (b) the deputy Chairs of all committees of the council to consider the process adopted by the decision-making committee.

(5) The Chair and deputy Chair of the committee which was responsible for the decision which is the subject of the call-in must not have voting rights at a meeting of the committee appointed in accordance with sub-paragraph (4) of this standing order.

(6) The members who submitted the call-in, or a member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Chair, address the meeting, but must not have voting rights.

(7) A committee appointed in accordance with sub-paragraph (4) of this standing order may:

- (a) refer the decision back to the decision maker;
- (b) in the case of a decision taken under delegated authority, support the decision; or
- (c) in the case of a decision for ratification by the council, refer the decision to the council.

(8) Where a decision has been supported in accordance with sub-paragraph (7) of this standing order, that decision must:

- (a) be approved;
- (b) be inserted in the Register of Decisions; and
- (c) become operative from the date of the meeting at which the committee appointed in accordance with sub-paragraph (4) of this standing order confirmed support for the decision.

21.4 The call-in process: executive arrangements

(1) The proper officer must, within two working days of the production of a statement in accordance with regulations 28 and 29 of the 2014 Regulations, submit to the council a notice detailing the decision(s) recorded in the statement.

(2) The notice prepared in accordance with sub-paragraph (1) of this standing order must specify:

- (a) those decisions that are not subject to call-in;
- (b) the deadline for receipt of a call-in; and
- (c) the overview and scrutiny committee, as determined by the proper officer, that will consider a call-in in accordance with section 41(1)(a) of the 2014 Act.

(3) If a call-in is not received in respect of a decision, that decision may be implemented after the deadline expires.

(4) If a call-in is received which specifies that the decision was not taken in accordance with the budget or policy framework agreed by the council the call-in must be referred to the council for decision.

(5) The implementation of a decision must be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision-maker may rescind the decision at any time prior to the call-in being resolved.

(6) The clerk must place a call-in on the agenda of the overview and scrutiny committee specified in the notice prepared in accordance with subparagraph (2) of this standing order. The overview and scrutiny committee must meet within 5 working days of receipt of the call-in. More than one call-in may be considered at a meeting of an overview and scrutiny committee.

(7) Subject to sub-paragraph (7) of this standing order, the consideration of a matter under subparagraph (5) of this standing order by an overview and scrutiny committee may be adjourned, provided that:

- (a) the Chair presiding at the meeting; and
- (b) the Chair of the executive agree a date for the continuation of the meeting.

(8) A meeting convened in accordance with sub-paragraph (5) of this standing order may only be adjourned under sub-paragraph (6) in order to:

- (a) allow for additional information to be obtained; or
- (b) permit additional witnesses to attend.

(9) The members who submitted the call-in, or a member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Chair, address the meeting, but must not have voting rights.

(10) In response to a call-in made in accordance with section 41(1)(a) of the 2014 Act, an overview and scrutiny committee may:

- (a) support the decision; or
- (b) refer the decision, along with the recommendation of the overview and scrutiny committee, back to the decision maker.

(11) Where a decision has been supported in accordance with sub-paragraph (9) of this standing order, that decision must:

- (a) be approved;
- (b) be inserted in the Register of Decisions; and
- (c) become operative from the date of the meeting at which the overview and scrutiny committee confirmed support for the decision.

(12) Where a decision has been referred back to a decision maker in accordance with sub-paragraph (9)(b) of this standing order, the decision maker must:

- (a) consider the recommendation of the overview and scrutiny committee; and
- (b) reconsider the original decision.

22 Positions of responsibility, etc. – Time Limits [mandatory]

(1) Subject to sub-paragraph (2) of this standing order, in relation to positions of responsibility selected in accordance with paragraphs 2(1) and 2(2) of Schedule 1 to the 2014 Act, the period specified for:

- (a) the nominating officer to select a position of responsibility and the term for which it must be held; and
- (b) the person nominated to accept the selected position is 15 minutes.

(2) An extension to the period specified in sub-paragraph (1) of this standing order may be granted subject to the approval of the council. Such an extension may be requested by:

- (a) the nominating officer;
- (b) the person nominated to hold the selected position; or
- (c) another member.

23 Appointment of more than one committee [MANDATORY]

(1) Where the Council appoints more than one committee at the same meeting in accordance with paragraph 5 of Schedule 2 to the 2014 Act, for the purposes of determining the number of

places that must be allocated across the parties and independent members of the Council, it must agree:

- (a) the number of committees to be appointed; and
- (b) the number of councillors that shall constitute the membership of each committee.

(2) The total number of places to which a nominating officer of a party may nominate members who stood in the name of that party when elected must be calculated in accordance with paragraphs 2 to 4 of Schedule 2 to the 2014 Act and any resolution of the Council made thereunder.

(3) A nominating officer's function under paragraph 2(1)(b) of Schedule 2 to the 2014 Act shall be exercised in such manner as to ensure that:

- (a) all members of a committee are not nominated by the same nominating officer;
- (b) a nominating officer of a party may nominate members who stood in the name of that party to fill the majority of places on a committee, if the majority of members stood in the name of that party; and
- (c) subject to (a) and (b), the number of members nominated by each nominating officer of a party, in so far as is reasonably practicable, bear the same proportion to the number of places on that committee as is borne by the number of members who stood in the name of that party.

(4) Nominations made in accordance with sub-paragraph (3) of this standing order shall take into account any positions of responsibility on a committee held by a member who stood in the name of a party.

24 Rescission of a preceding resolution

(1) No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed by a member unless the notice thereof given in pursuance of Standing Order 17.1 bears the names of at least 15% of the members of the Council.

(2) When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months.

(3) This Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee [or a Call-in]

25 Members conduct

25.1 Addressing the Meeting

When a member speaks at the Council they may remain seated or stand to address the meeting through the Chair. If more than one member stands, the Chair will ask one to speak and the others must sit, should they be standing when addressing the meeting.

25.2 Chair standing

When the Chair stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

25.3 Member not to be heard further

If at a meeting any Member of the Council, misconducts himself/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively or by willfully obstructing the business of the Council, the Chair or any other Member may move “that the Member named be not further heard”. The Motion, if seconded, shall be put and determined without discussion.

25.4 Member to leave the meeting

If the Member named continues to behave improperly after such a motion is carried, the Chair or any other Member may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

25.5 General disturbance

When the Chair is of the opinion that the due and orderly dispatch of business is impossible, he/she in addition to any other powers vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

26 Disturbance by public

26.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

26.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

27 Committees

27.1 Appointment of Committees

The Council shall at the annual meeting appoint such Committees as it is required to appoint under any statute or any Standing Order and may appoint at any time such other Committees as are necessary to carry out the work of the Council.

Subject to any statutory provision in that behalf the Council shall not appoint any member to a Committee so as to hold office later than the next annual meeting of the Council.

27.2 Committees

The following Committees shall be appointed:

- (a) Audit Committee - up to eight elected members
- (b) Policy and Resource Committee – up to 16 elected members
- (c) Environment Committee – up to 16 elected members
- (d) Development Committee – up to 16 elected members
- (e) Planning Committee – up to 16 elected members.

27.3 Duties of Committees

The Committees shall have charge of and be responsible to the Council for the undertakings and matters outlined within the constitution.

27.4 Standing Orders of Committees

All Standing Orders of the Council shall, where appropriate and with necessary modification, apply to Committee and Sub-Committee meetings.

27.5 Quorum at Committees and Sub Committees

Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee or Sub Committee unless at least one third of the whole number of the Committee is present.

27.6 Day and Hour of Committee Meetings

Each Committee may from time to time fix its own day and hour of meeting and shall notify the Council accordingly.

27.7 Special Meetings of Committees

The Chair of the Council or of a Committee may call a special meeting of a Committee at any time. Subject to any statutory provision in that behalf a special meeting shall also be called on the requisition of not less than three members of the Committee, delivered in writing to the Clerk, provided always that no two Committees shall sit at the same time.

27.8 Sub-Committees

Each Committee may appoint Sub-Committees for specific purposes. A Sub-Committee shall meet as often as necessary for the transaction of the business for which it was appointed. The minute of the Sub-Committee shall, whether appointed under this Standing Order or otherwise, be submitted to the parent Committee for confirmation previous to being brought before the Council.

27.9 Attendance at Committees and Sub-Committees

Every member of the Council may attend meetings of any Committee or Sub-Committee and shall be heard on any matter but shall not, unless they are a member of the Committee or Sub-Committee vote on any matter or propose any resolution or amendment.

27.10 Inspection of Documents

A member of the Council may, for purposes of their duty but not otherwise, on application to the Clerk, inspect any document which has been submitted to a Committee or to the Council and shall, on request, be supplied for the like purposes with a copy of such a document. Provided that a member shall not knowingly inspect and shall not call for a copy of any such document which relates to a matter in which they are professionally interested or in which they have directly or indirectly any pecuniary interest as defined in the Councillors Code of Conduct and that this Standing Order shall not preclude the Clerk from declining to allow inspection of any document which is, or in the event of legal proceedings, would be protected by privilege.

Subject to any statutory provision in that behalf, no member of the Council shall, without the consent of the Council, be entitled to inspect any document in the custody of any officer of the Council if, in the opinion of that officer and of the Clerk, the document is of a confidential nature.

28 Planning Committee Protocol

Members shall make reference to and observe the protocol resolved by Council for the regulation and transaction of Planning Committee business. The protocol is detailed in Annex A.

29 Council Seal

29.1 Sealing of Documents

The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of a Committee having lawful powers or to which the Council have delegated their powers in this behalf.

29.2 Record of Documents Sealed to be Kept

Where the Common Seal shall have been affixed at any meeting of the Council and entry of the sealing of every deed and other document shall be made in the minutes of the Meeting of the Council at which the affixing of the Seal took place.

A record of all documents sealed shall be kept in a book containing particulars of such documents and signed by the Chair and Clerk who attested the sealing.

30 Suspension and amendment of Standing Orders

30.1 Suspension

A member may move a motion for the suspension of one or more of these Council Standing Orders. A motion under this Standing Order shall require the support of a qualified majority vote within the meaning of section 40 of the 2014 Act. Suspension can only be for the duration of the meeting. The Minutes of the meeting must record the reason for the suspension. Mandatory standing orders may not be suspended by a council.

30.2 Amendment

Any motion to, add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

31 Interpretation of Standing Orders

The ruling of the Chair as to the interpretation, construction or application of any of these Standing Orders or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.



PROTOCOL FOR THE OPERATION OF PLANNING COMMITTEES

January 2015

INDEX

	Page
Purpose of the protocol	28
Remit of the planning committee	28
Size of committee	30
Frequency of meetings	31
Enforcement	31
Schemes of delegation	31
Referral of delegated application to committee	32
Format of committee meetings	33
Pre-determination hearings	34
Public speaking	35
Decisions contrary to officer recommendation	36
Decisions contrary to local development plan	38
Deferrals	39
Site visits	39
Training	40
Network	40
Review of decisions	40
Legal adviser	40

PURPOSE OF THE PROTOCOL

1. This protocol has been drafted by the Department of the Environment to assist the 11 new councils in setting up and running planning committees. This advice and guidance is not mandatory (although it does refer to a number of statutory requirements); rather it highlights what is considered to be best practice with regards to the operation of planning committees (following research in other jurisdictions). While councils have a degree of latitude in relation to how they will run their planning committees, it is important to ensure that planning decisions are taken, and are seen to be taken, in a fair and equitable manner, and that there is a degree of consistency across the 11 councils so that applicants are not faced with a variety of processes. Councils can decide to incorporate any or all of these recommendations into their standing orders / constitutions.
2. Councils should consider drawing up their own procedures to supplement this document; for example, expanding on public speaking rights, format of committee meetings, how to conduct site visits etc. Further advice and guidance may be requested from the Department, if considered necessary.
3. Councillors should refer, as necessary, to the mandatory Councillors' Code of Conduct, guidance issued on the Code by the Commissioner for Complaints, and to any relevant advice and guidance issued by the Department in relation to planning.

REMIT OF THE PLANNING COMMITTEE

Development management

4. The main role of the planning committee is to consider applications made to the council as the local planning authority and decide whether or not they should be approved. In order to ensure that decisions are taken at the appropriate level, and in accordance with agreed timescales, it is strongly recommended that the decisions of the planning committee in determining applications made to the council should be taken under full delegated

authority, meaning that the decisions of the committee will not go to the full council for ratification. However, if councils decide to retain the option of referring certain major applications to the full council for determination, it is recommended that these should be restricted to applications which are significantly contrary to the local development plan or contentious cross-boundary applications.

Development Plan

5. Each council is required by section 8 of the Planning Act (NI) 2011 to prepare a plan for its district to be known as a plan strategy. The strategy must set out the council objectives in relation to the development land in its district, and its strategic policies for the implementation of those objectives. After the plan strategy has been adopted the council must then prepare a local policies plan. This will set out the council policy in relation to what type and scale of development is appropriate and where it should be located.
6. Both these documents comprise the local development plan. This plan forms the basis for public and private investment decisions, providing a degree of certainty as to how land will be developed. In law, planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise. This means that where land is zoned for a particular use, the planning committee should ensure it is reserved for that use: for example, an application for housing in an area zoned for housing should be approved unless the design and layout fails in terms of the environmental, open space and access standards, or its design and layout has a detrimental impact on the character of the area or neighbouring amenity.
7. The planning committee's role in relation to the local development plan is to approve the local development plan before it is passed by resolution of the council. The planning committee should also ensure that the local development plan is monitored annually, particularly in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the plan strategy or the zonings, designations and policies as contained in the local policies plan.

Development Plan Transition Arrangements

8. Until such time as the council has adopted its plan strategy the council's local development plan will be taken to be the extant Departmental development plan for that part of the council district.
9. When the council has adopted its plan strategy, the local development plan will be the council's adopted plan strategy and the extant Departmental development plan read together. If there is a conflict between the council's plan strategy and the extant Departmental development plan the conflict shall be settled in favour of the council's adopted plan strategy.
10. When the council has adopted its local policies plan, the local development plan will be the council's adopted plan strategy and local policy plan as defined in Section 6 of the 2011 Act.

SIZE OF COMMITTEE

11. A recent study¹ carried out for the Welsh Government into the operation of planning committees in Wales found that there was no simple link between the size of a committee and its efficiency and effectiveness and that, in fact, the bigger committees often had lower attendance levels, greater inconsistency and cost more to operate. In addition, if all members of the council are on the planning committee there is less room for members to act as advocates for their constituents. It is strongly recommended, therefore, that a planning committee should consist of between 20% and 50% of council members (depending on the size of the council) and that there should be a quorum (e.g. 50% of committee members). Councils can decide whether substitute members are permitted. The Head of Planning would be expected to attend all planning committee meetings, in addition to the planning officers presenting their reports.

¹ 'Study into the Operation of Planning Committees in Wales' by Fortismere Associates with Arup (July 2013)

FREQUENCY OF MEETINGS

12. Councils are free to determine the frequency of their planning committee meetings, depending on their governance models and schemes of delegation. .

ENFORCEMENT

13. It is strongly recommended that all enforcement activities are delegated to planning officers, who can use their professional judgement on what enforcement action to take, if any, to address alleged breaches of planning control as established by the council's policies. Planning committees can be informed of progress on cases and can request a report from officers to the committee on any enforcement matter (but the committee should not take any decisions on enforcement action). In addition, planning officers should prepare a quarterly report on the progress of formal enforcement cases which should be circulated to all councillors, not just planning committee members (this could be in relation to the number of notices issued, convictions obtained etc. as opposed to individual cases).
14. Each council should prepare an enforcement strategy detailing how enforcement action will be dealt with, which should be agreed by the planning committee.

SCHEMES OF DELEGATION

15. Section 31 of the Planning Act (NI) 2011 requires each district council to introduce schemes of delegation. Schemes of delegation allow decision-making for local, generally non-contentious, applications to be delegated to a council's planning officers to act on the council's behalf in implementing its planning policies. The details of each delegation scheme, which will only relate to applications within the category of local developments, will be for individual district councils to determine (a scheme of delegation cannot include major or regionally significant applications). The Department will be issuing a separate Guidance Note on Schemes of Delegation.
16. This means that the majority of planning applications (and other consents such as listed buildings, advertisements etc.) should be determined by planning officers rather than by the direct consideration and vote of the planning committee; however, such decisions are

still, legally, decisions by the council. The overall objective is to ensure that district council arrangements for decision-making on applications for local developments are efficient whilst ensuring that proposals that raise strong local views or sensitive issues for the local environment can still be dealt with directly by elected members.

17. There are certain statutory restrictions on which applications can be delegated to officers – the Planning (Development Management) Regulations (NI) 2015 state that an appointed officer cannot determine an application for planning permission where the application is made by the council or an elected member of the council, or the application relates to land in which the council has an interest. Instead, these applications must be determined by the planning committee. Apart from these restrictions it will be up to an individual council to decide if it wishes to place any further restrictions on which applications can be delegated to planning officers - for example:
 - applications made by a planning officer, senior officer of the council or a close relative or partner;
 - applications which have an objection (or a number of objections); and / or
 - an associated application is being determined by the planning committee.

REFERRAL OF DELEGATED APPLICATIONS TO THE PLANNING COMMITTEE

18. Delegation of planning applications to officers is seen as a critical factor affecting the overall performance of the development management process as it helps to ensure that decisions are taken at the most appropriate level, procedures are clear and transparent, costs are minimised and members have more time to concentrate on the more complex or more controversial cases. (It is recommended that, over time, councils should aim to have 90 – 95% of applications dealt with under delegated arrangements.) It is essential, however, that members have the opportunity to request, where they consider it appropriate, that an application, which would normally fall within the scheme of delegation, be referred to the planning committee for determination.
19. However, a balanced approach is necessary and councils should ensure that applications are not unnecessarily referred to the planning committee as this may result in delay to the

processing of applications. The scheme of delegation should include a procedure, to be determined locally, whereby councillors are able to request that the planning committee consider a proposal. In addition, the Head of Planning can refer any matter which they consider suitable for determination by the planning committee. Members of the public should not be able directly to request that an application be referred to the planning committee. Any referral request must clearly specify the planning grounds on which the request is being made to ensure that applications are not unduly delayed.

20. It is recommended that councils monitor the number of applications referred to the planning committee to ensure that only those that are significant or controversial are considered by the planning committee.

FORMAT OF PLANNING COMMITTEE MEETINGS

21. Councils are free to operate their planning committees in accordance with their own standing orders. The following recommendations and paragraphs are made to provide some advice and guidance to councils following research into best practice. It is recommended that:
 - the planning officer should prepare a weekly list that will indicate which applications are to be considered by the planning committee and which are to be determined by officers under delegated powers;
 - all planning committee members should be sent the agenda in advance of the meeting with a report on each application not delegated to officers;
 - officers should prepare an addendum on the day of the meeting to report any updates since the agenda was issued; and
 - the Chair should hold a briefing session with planning officers on each application to be considered in advance of the planning committee meeting.
22. The meeting is presided over by the Chair of the planning committee. Following the approval of the minutes of the previous meeting and apologies, councillors should declare any interests they have on the agenda items, which should be recorded in the minutes of the meeting. The councillor must leave the meeting for that item.

23. The report prepared and presented by the case officer makes a recommendation on whether the application should be approved, approved with conditions or refused. Plans and photographs may be shown. After the planning officer presents the report members have an opportunity to listen to speakers, ask questions of the officer and debate the case. The planning committee then discusses the application before taking a vote (proposed and seconded followed by a show of hands) on whether or not to agree with the officer's recommendation. The Chair has a casting vote. Members can add conditions to a permission but they cannot amend the application itself (for example, by allowing a one-bedroom flat if the application is for a two-bedroom flat). Any additional conditions should be proposed and seconded before being voted on by members. Members should be aware that conditions can be tested at appeal and they should, therefore, be necessary, enforceable, reasonable and relevant to planning and the development under consideration.
24. Members must be present for the entire item, including the officer's introduction and update; otherwise they cannot take part in the debate or vote on that item. However, the chair of the planning committee can use their discretion in exceptional circumstances.

PRE-DETERMINATION HEARINGS

25. In order to enhance scrutiny for applications for major development which may raise issues with particular sensitivity for a local area, Regulation 7 of the Planning (Development Management) Regulations (NI) 2015 sets out a mandatory requirement for pre-determination hearings for those major developments which have been subject to notification (i.e. referred to the Department for call-in consideration, but that have been returned to a council for determination). A council's planning committee will therefore have to hold a hearing prior to the application being determined. In addition, councils may also hold pre-determination hearings, at their own discretion, where they consider it necessary, to take on board local community views, as well as those in support of the development. The intention is to give applicants and those who have submitted relevant representations the opportunity to be heard by the council before it takes a decision. This will make the application process for major development more inclusive and transparent.

26. The scope to hold these hearings is likely to apply only to those applications for major developments which have attracted a significant body of relevant planning-based objections. It would be for an individual council to judge when a significant body of relevant planning objections was a sufficient material consideration to warrant a pre-determination hearing, taking account of:
- the relevance of the objections in planning terms;
 - the extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation; and
 - the numbers of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.
27. Any hearing should take place after the expiry of the period for making representations on the application but before the council decides the application. It will be for the planning committee to decide whether it wishes to have a hearing on the same day as the related planning application is determined by the planning committee or to hold a separate hearing. The scale and complexity of the planning issues will have to be considered. In holding a hearing the planning committee procedures can be the same as for the normal planning committee meetings (e.g. number of individuals to speak on either side, time available to speakers etc.). The planning officer will produce a report detailing the processing of the application to date and the planning issues to be considered. If the planning committee decides to hold the hearing on the same day as it wishes to determine the application the report to councillors should also contain a recommendation.

PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS

28. Good practice, following research in other jurisdictions, suggests the following procedures should be followed when conducting planning committee meetings:
- planning committee meetings should be open to the public;
 - requests to speak should be received by the council (in writing or by email) no later than 12.00pm two working days prior to the meeting setting out the planning reasons the speaker wishes to raise; however, at the meeting the Chair can decide

whether to allow any relevant information to be tabled which was not made available to members in advance of the meeting;

- the planning committee should be provided with copies of these statements;
- other councillors may attend and speak about an application but only planning committee members can vote;
- local councillors may speak for 5 minutes, members of the public (including agents / representatives etc.) for 3 minutes;
- in addition to councillors addressing the planning committee, one person from those objecting to the proposal and one person in support of the proposal should be allowed to speak. Where there is more than one request to speak, the 3 minutes should be shared between them or they can appoint one representative;
- if an objector speaks the applicant should be allowed to respond if they wish even if they have not registered to speak in advance;
- the planning committee may seek clarification of those who have spoken on any issues raised by them but not enter into a debate with them;
- no documentation should be circulated at the meeting to members by speakers;
- applications where there will be speakers from the public should be taken first;
- Planning officers can address any issues raised and the planning committee can question officers; and
- the Chair may agree to accept representations outside these procedures under exceptional circumstances.

DECISIONS CONTRARY TO OFFICER RECOMMENDATION

29. The planning committee has to reach its own decision. Officers offer advice and make a recommendation. Planning officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the planning committee or its members. This is acceptable where planning issues are finely balanced as there should always be scope for members to express a different view from officers. A planning committee can accept or place a different interpretation on, or give different weight to, the various arguments and material planning considerations.

Overturning recommendation to approve

30. Any member who does not agree with the officer recommendation to approve an application can propose reasons for refusal, which need to be seconded by another member and then voted on. Any decision by the planning committee must be based on proper planning reasons. The planning officer should always be given the opportunity to explain the implications of the planning committee's decision. The reasons for any decisions which are made contrary to the planning officer's recommendation must be formally recorded in the minutes and a copy placed on the planning application file / electronic record.
31. Councillors who reject a planning application that officers have advised them to accept risk being overturned on appeal (to the Planning Appeals Commission), with the potential for costs awarded against the council if no sound reasons for the decision have been given. The Chair should seek the views of officers (including the council's solicitor) before going to the vote in terms of reasons for refusal that are contrary to officer recommendation. Officers should endeavour to summarise what are considered to be the main reasons for refusal referred to by members during the debate and include advice on what would be reasonable and what would not be reasonable reasons for refusal.
32. If officers consider that the suggested planning refusal reasons are reasonable and capable of being defended on appeal members should vote on the reasons for refusal. If the view of officers is that the reasons for refusal are either in whole or in part not capable of being defended then members should give consideration to deferring determination of the planning application until the next planning committee and ask for a further report (and / or site visit) to ensure it has all the relevant information it considers necessary to inform its decision. Advice and assistance should be sought from council solicitors, as necessary.
33. In the event of an appeal against a refusal of planning permission contrary to officer recommendation, it is a matter for each council to decide who should attend the appeal to defend the decision. However, the following options are available:

- councils could require planning officials to prepare the case for written submissions and / or attend the appeal even if it is against their recommendation;
- some may require the members who proposed and seconded a motion to refuse consent contrary to officer recommendation to be called as council's witnesses;
- some may use planning consultants or different planners from those who made the original recommendation.

Overturning recommendation to refuse

34. If the planning committee decides to approve an application against the officer's recommendation to refuse, the planning committee should be aware that, while there is no right of third party appeal, there is the possibility that the decision could be subject to judicial review. Again, councils will have to decide who should defend the council's decision in court.
35. It is critical that the minutes accurately reflect the discussions and decisions taken during the meetings as these could be used as evidence should any complaints be made about how decisions are taken. Members may wish to consider taking their own notes on controversial applications.

DECISIONS CONTRARY TO LOCAL DEVELOPMENT PLAN

36. In general, planning decisions should be taken in accordance with the local development plan (in so far as it is material to the application) unless material considerations indicate otherwise. If a planning committee member proposes, seconds or supports a decision contrary to the local development plan they will need to clearly identify and understand the planning reasons for doing so, and clearly demonstrate how these reasons justify overruling the development plan. The reasons for any decisions which are made contrary to the development plan must be formally recorded in the minutes and a copy placed on the planning application file / electronic record.

DEFERRALS

37. The planning committee can decide to defer consideration of an application to the next meeting for further information, further negotiations or for a site visit. Members should be aware, however, that deferrals will inevitably have an adverse effect on processing times and should restrict themselves, where possible, to one deferral only. In addition, there should be clear reasons why a deferral is necessary.

SITE VISITS

38. It is recognised that, on occasions, members of the planning committee may need to visit a site to help them make a decision on a planning application (e.g. where the impact or effect of the proposed development is difficult to visualise from the plans or photographs, or the application is particularly contentious). However, these visits should be undertaken on an exceptional basis as they are time-consuming and expensive. Where required, they may be identified by officers in consultation with the Chair or they may be asked for by planning committee members, but these should only be permitted where the benefit is expected to be of considerable value.
39. The planning committee clerk should contact the applicant / agent to arrange access to the site. Invitations should then be sent to members of the planning committee. Site visits are not an opportunity to lobby councillors or to be used to seek to influence the outcome of a proposal prior to the planning committee meeting. Councillors should not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land, they will not have the information provided by the planning officer, and, in some circumstances (e.g. where a councillor is seen with applicant or objector) it might lead to allegations of bias. It is recommended that only planning committee members, officers, and local councillors should be permitted to attend the site visit. Where possible, the full planning committee should attend site visits, unless there are good reasons (e.g. a member is already very familiar with the site). The clerk to the planning committee should record the date of the visit, attendees and any other relevant information.

40. Planning officers should prepare a written report on the site visit which should then be presented to the next planning committee meeting at which the application is to be determined.

TRAINING

41. It is strongly recommended that councillors sitting on planning committees should be required to attend relevant training on planning matters before they can sit on the planning committee – this would allow for a generally consistent approach to be taken. This requirement should be extended to planning committee members continuing to receive relevant training on an ongoing basis. It is also strongly recommended that planning committee chairs should receive separate, additional training in relation to their roles.

NETWORK

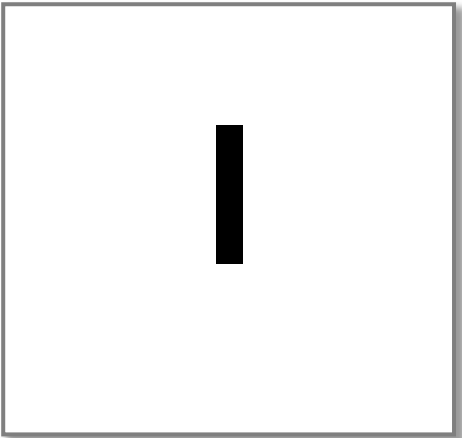
42. It is recommended that a network of planning committee chairs should be established and meet regularly to discuss matters of common interest.

REVIEW OF DECISIONS

43. On an annual basis members should inspect a sample of implemented planning decisions in order to assess the quality of decision-making. This should include a sample of decisions delegated to officers to give assurance that the scheme of delegation is operating effectively and in line with the council's views.

LEGAL ADVISER

44. It is strongly recommended that the planning committee has access to legal advice on planning matters, preferably attending each planning committee meeting.



Subject: **Harmonised Fees and Charges for the Commercial Hire of Mid Ulster District Council Leisure Facilities.**

Reporting Officer: **Anne-Marie Campbell**

1	Purpose of Report
1.1	To seek approval for the introduction of harmonised Fees and Charges for the Commercial Hire of Mid Ulster District Council (MUDC) Leisure Facilities and approach regarding discounted rates for Member use of Leisure and Parks Facilities.
2	Background
2.1	Cookstown District Council Fees and Charges for Commercial Hire of Leisure Facilities
2.1.1	Room Hire Cookstown Leisure Centre has commercial bookings by Jo-Jingles, Class Act Drama, Pilates and Tai Chi. Existing room per hour costs are increased by 63.5% for commercial hire. No other leisure facility has these type of bookings. Please see Appendix 1 for further details.
2.1.2	Main Hall Hire Leisure Services has had no commercial bookings for large events in recent years as the Burnavon Theatre now cater for all such events in the Cookstown area. Existing Leisure Centre Main Hall per hour costs are increased by 34% for commercial hire. Please see Appendix 1 for further details.
2.2	Dungannon and South Tyrone Borough Council Fees and Charges for Commercial Hire of Leisure Facilities Public Holiday Closures
2.2.1	Room Hire There are no existing commercial bookings. Existing room per hour costs are increased by 100% for commercial hire. Please see Appendix 2 for further details.
2.2.2	Main Hall Hire There are existing commercial bookings for concerts or commercial sporting events. This is not based on a percentage of normal hire but on a basic cost of £1,750. Please see Appendix 2 for further details.
2.3	Magherafelt District Council Fees and Charges for Commercial Hire of Leisure Facilities Commercial Hire Fees and Charges
2.3.1	Room Hire Meadowbank Sports Pavilion has commercial bookings by Slimming World. Existing per hour costs are increased by 46% for commercial hire. Maghera RC has no existing commercial bookings. Please see Appendix 3 for further details.

2.3.2	Main Hall Hire Meadowbank Sports Arena has had one previous Commercial Booking which was Boxing Promotion. The Fees and Charges for this were negotiated by officers with the promoter.
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3	Key Issues
3.1	Definition of Commercial Hire
3.1.1	It is proposed that Commercial Hire is defined as the hire of facilities by commercial organisations who intend to use the space to make a profit. It does not include constituted voluntary or community organisations such as sportsclubs who are hiring facilities for sports development or health and well-being purposes even though they may be charging.
3.2	Proposed Commercial Hire Charge
3.2.1	Room Hire It is proposed that commercial organisations who are hiring a room to make profit are charged 50% on top of the normal hire charge for the facility
3.2.1	Main Hall Hire For large event promotions in Main Halls e.g. Concerts it is proposed that fees and charges are negotiated with the promoters on an individual basis and agreed with council in advance. Consideration will be given to the type of event, duration of, numbers of staff involved and any special requirements.
3.3	Discounted Member Use of Leisure and Parks Facilities It is proposed that members will not have a discount on the full facility list for using Leisure and Parks Facilities.

4	Resource Implications
4.1	Financial
4.1.1	The application of this rate may result in a change in income. It is proposed that the reductions/increases are incrementalised over three years were there is a large reduction/increase.
4.1.2	Human Resources N/A
4.1.3	Basis for Professional/ Consultancy Support N/A
4.1.4	Other None.

5	Other Considerations
5.1	The public must be informed of all changes to existing Commercial Hire Fees in advance of 31 st March 2015.

6	Recommendations
6.1	<p>For room hire it is proposed that commercial organisations who are hiring a room to make profit are charged 50% on top of the normal hire charge for the facility. It is also proposed that the reductions/increases are incrementalised over three years were there is a large reduction/increase.</p> <p>For large event promotions in Main Halls e.g. Concerts it is proposed that fees and charges are negotiated with the promoters on an individual basis and agreed with council in advance. Consideration will be given to the type of event, duration of, numbers of staff involved and any special requirements.</p> <p>It is proposed that members will not have a discount on the full facility list for using Leisure and Parks Facilities.</p>

7	List of Documents Attached
7.1	Appendix 1 - Cookstown District Council Fees and Charges for Commercial Hire of Leisure Facilities
7.2	Appendix 2 - Dungannon and South Tyrone Borough Council Fees and Charges for Commercial Hire of Leisure Facilities
7.3	Appendix 3 - Magherafelt District Council Fees and Charges for Commercial Hire of Leisure Facilities

Appendix 1

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

Cookstown Leisure Centre

Meeting/Exercise Room Hire Fees and Charges per hour		
	Existing	Proposed
Commercial Rate before 6pm	£13.80	£9.60
Commercial Rate after 6pm	£23.65	£9.60
Non-Commercial before 6pm	£6.40	£6.40
Non-Commercial after 6pm	£6.40	£6.40

Main Hall (Special Events) Fees and Charges per hour		
	Existing	Proposed
Commercial Rate before 6pm	£57.75	By negotiation
Commercial Rate after 6pm	£74.40	By negotiation
Non-Commercial before 6pm	£44.10	By negotiation
Non-Commercial after 6pm	£57.75	By negotiation

Sperrin Room Fees and Charges per hour		
	Existing	Proposed
Non –Commercial	£12.80	£12.80
Commercial before 6pm	£25.20	£19.20
Commercial after 6pm	£37.80	£19.20

No other facilities have commercial bookings or rates.

Appendix 2

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

Meeting/Exercise Rooms

There are no existing Commercial Hires although there are existing prices:

Meeting/Exercise Room Hire Fees and Charges per hour		
	Existing	Proposed
Non-Commercial	£15.00	£15.00
Commercial Hire	£30.00	£22.50

Special Events

Major events e.g. Concerts start at £1,750. This is based on:

20 no.	sessions	£35.00	Duration of event and setup and set down
4 no. Staff	6 hours	£15.00	Event only plus car park
1 no. Manager	6 hours	£20.00	Event only
1 no. Receptionist	6 hours	£15.00	Event only
4 no. Staff	8 hours	£15.00	Set up and set down

Events include Concerts and large sporting events for profit.

Appendix 3

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

Special Events – are negotiated with the promoter.

Meadowbank Pavilion

Slimming World meet in the pavilion for four hours every Thursday and are charged a commercial rate of £98.10 per day.

Maghera Recreation Centre

There are no existing or historical Commercial bookings at Maghera Recreation Centre although there are existing Commercial Hire prices as below:

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

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Subject	Conference and Seminar Attendance Policy: <i>Members and Officer</i>
Reporting Officer	Chief Executive

1	Purpose of Report
1.1	To consider the adoption of a policy for the attendance of members and officers of Council at conferences and seminars.

2	Background
2.1	Central to the delivery of the suite of local government services to be provided by Mid Ulster District Council is the building and retention of knowledge and capacity amongst those with responsibility for recommending, deliberating and making decisions on how services should be delivered. It is recognised that benefits can be gained from the attendance and participation of members and officers at conferences and seminars
2.2	Predecessor councils have arrangements in place for handling and processing the attendance of members and officers at conferences and seminars. Arrangements are now also required to be initiated for Mid Ulster Council. The draft policy as set out in appendix 1 sets out proposed arrangements for Mid Ulster Council to become applicable for members and officers.
2.3	Attendance and participation at conferences and seminars is also considered essential to meet the continued development needs of members and officers of Council. This policy has been developed to facilitate the administration of invitations received by Council for.

3	Key Issues
3.1	<p>The Policy has been drafted with the overall aim of confirming the process for administering the attendance of members and officers at conferences and seminars through Council. In this context it sets out:</p> <ul style="list-style-type: none"> (i) the process for dealing with invitations received for conferences and seminars; (ii) confirms representation from Council at conferences and seminars; (iii) confirms entitlements, financial thresholds and requirements;

3.2	<p>(iv) sets the arrangements for record keeping; and (v) the management of finances set aside for conferences and seminars.</p> <p>The draft policy details the process for administering invitations for conferences and seminars, making reference to; (i) consideration; (ii) attendance; (iii) and follow up & record maintenance. Key points include:</p> <ul style="list-style-type: none"> • invitations will be considered by the relevant committee • full council will consider invitations subject to timescales • numbers attending shall be determined by the committee or council meeting considering the business • members will be allocated up to £750 per annum • allocations will include the whole cost such as travel and subsistence • unused allocations shall not be transferred or rolled over • all conference and seminar delegates should, if requested, be prepared to provide a written report on the event
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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	The policy has been developed for the use of Mid Ulster Council for application with effect from 1 April 2015.

6	Recommendations
6.1	That consideration is given to the adoption of the policy.

7	List of Documents Attached
7.1	Appendix 1: Conference and Seminar Policy: Members and Officers

Conference and Seminar Attendance Policy

Document Control			
Policy Owner	Philip Moffett, Change Manager, Mid Ulster DC		
Policy Author	Philip Moffett, Change Manager, Mid Ulster DC		
Version	v1.0 (DRAFT)		
Consultation	Transition Management Team	Yes / No	
	Trade Unions	Yes / No	
Equality Screened by		Date	
Equality Impact Assessment	Yes / No	Date	
Approved By	Policy & Resources Committee	Date	
Adopted By	Council	Date	
Review Date		By Whom	
Circulation	Mid Ulster DC staff, Mid Ulster DC elected members		
Document Linkages			

CONTENTS PAGE

Paragraph	Description	Page Number
1.0	Intoduction	3
2.0	Policy Aim & Objectives	3
3.0	Policy Scope	3
4.0	Linkage to Corporate Plan	4
5.0	Procedure & Implementation	4
	5.2 Considering Invitations	4
	5.3 Conference & Seminar Attendance	5
	5.4 Follow up & Record Maintenace	6
6.0	Roles & Responsibilities	6
7.0	Impact Assessment	7
	7.1 Equality Screening & Impact	7
	7.2 Staff & Financial Resources	7
8.0	Support & Advice	7
9.0	Communication	7
10.0	Monitoring & Review Arrangements	8

1.0 INTRODUCTION

- 1.1 Central to the delivery of the suite of local government services provided by Mid Ulster District Council is the building and retention of knowledge and capacity amongst those responsible for recommending, deliberating and making decisions on how services should be delivered to its citizens.
- 1.2 Mid Ulster District Council recognises the benefits which can be brought to the organisation from the attendance and participation of its members (councillors) and officers at conferences and seminars. Attendance and participation at conferences and seminars, with particular reference to the delivery of local government services, provides opportunities for members and officers to continually inform and improve their knowledge to fulfill their duties.
- 1.3 Attendance and participation at conference and seminar is also considered essential to meet the continued development needs of members and officers of Mid Ulster District Council. This policy has been developed to facilitate the administration of invitations received by Mid Ulster District Council for members and officers to attend the same.

2.0 POLICY AIM & OBJECTIVES

- 2.1 Policy Aim – To confirm the principles and process to facilitate the attendance of members and officers at conferences and seminars relevant to the functions of Mid Ulster District Council to apply the policy.
- 2.2 Policy Objectives -
 - Detail the process for dealing with invitations received for conferences and seminars through Council
 - Confirm the maximum representation from Council at individual conferences and seminars
 - Confirm entitlements, financial thresholds and requirements
 - Set the arrangements for record keeping
 - To manage financial resources set aside for conferences and seminars

3.0 POLICY SCOPE

- 3.1 This policy relates specifically to the attendance of members and officers of Mid Ulster District Council at conferences and seminars. It refers to how invitations will be administratively processed and considered by council to

determine representation and the minimum standards that will be expected to be adhered to by all parties.

- 3.2. This policy does not specifically set out a step by step detailed process of how bookings will be made and by whom. These procedural matters will be developed and implemented by Democratic Services with the involvement of Council Departments.

4.0 LINKAGE TO CORPORATE PLAN

- 4.1 Referring to Mid Ulster District Council's Corporate Plan 2014-2015 this policy contributes towards the delivery of its corporate priority theme *Systems to Underpin and Deliver Services*. This is defined as having policies, procedures, ICT, contracts, management and organisational structures in place to facilitate the delivery of Council business.

5.0 PROCEDURE & IMPLEMENTATION

- 5.1 This section sets out the procedure for administering and considering invitations received for conferences and seminars, whilst making reference to the principals which should be adhered to in applying the policy. The following paragraphs refer to members and officers.

5.2 Considering Invitations

- 5.2.1 Council must consider and give consent to the attendance of members and officers at all conferences and seminars. Democratic Services will prepare a report, for consideration of full Council at its monthly meeting, as determined by members, detailing all invitations received requesting representation from Mid Ulster District Council.
- 5.2.2 Where an officer has identified a conference or seminar relevant to their duties, to which they have the approval of their Head of Service to attend, the relevant Director shall forward the necessary documentation to Democratic Services in the required report format for consideration at the next available council meeting. This will be included in the report provided by Democratic Services for consideration and placed on the agenda of the next monthly council meeting.
- 5.2.3 Officer and member attendance at all conferences and seminars irrespective if no charge is levied to attend should be brought forward for consideration of approval. Other expenses, inclusive of mileage, subsistence and other

associated costs, may arise from the attendance therefore necessitating the express approval of Council to attend.

- 5.2.4 In considering member attendance no more than 5 members shall be nominated and approved to attend any one conference. Where more nominations are received than persons permitted consensus shall be reached through discussion and agreement. Should consensus not be reached the matter shall be referred to the Party Representative Group for resolution. In determining attendance consideration shall be given to balancing cost with representation from Council. Where appropriate the Council may delegate an officer to attend a conference or seminar where it is agreed by council to nominate members to attend the same conference.
- 5.2.5 Each member shall be allocated a maximum of £750 per annum as contribution towards conference and seminar costs, this allocation is nontransferable. This figure will be agreed annually as part of Council's budget setting process and all members will be set the same ceiling of expenditure. These costs will be inclusive of the whole cost associated with attendance and participation to include for example travel, subsistence and the registration fee. Once a member has reached the set amount for the period they shall not be eligible to attend any further conferences and seminars until the next financial period. The only exception shall be when attendance will be cost neutral to the council. Unused allocations shall not be rolled over to subsequent financial periods.
- 5.2.6 Costs associated with officer attendance shall be met from within relevant Department and Service budgets. Expenditure shall be monitored by Heads of Service to ensure equitable expenditure amongst officers and to ensure budget management efficiency. Officer attendance costs shall be restricted to a maximum of £750 per annum.

5.3 Conference & Seminar Attendance

- 5.3.1 Following Council agreement on representation at conferences and seminars considered, Democratic Services shall register those agreed to attend and make other arrangements as required to facilitate the attendance of members. Other arrangements may include accommodation and travel arrangements should attendance require travel outside Northern Ireland. Council will only meet the cost of accommodation for the time period of the conference or seminar, or for the period the delegate is scheduled to be present should this be shorter than the full conference or seminar timetable.
- 5.3.2 Requests considered and agreed for officer attendance shall be the responsibility of the respective Department to make the necessary booking

and registration arrangements. Where this necessitates booking travel, accommodation and/or registration by the use of the Council's credit card, this should be booked via Democratic Services in line with Councils procedure for use of the Council credit card.

5.3.3 Where delegates (members and officers) incur necessary expenditure arising from their attendance and participation at a conference or seminar Council will only make reimbursements for reasonable expenditure on the provision of receipts in line with advised subsistence rates set by the Department of the Environment.

5.3.4 Claims being made for any expenditure incurred arising from conference or seminar attendance should be submitted with monthly Travel and Subsistence Claims. Receipts must be provided to substantiate all expenditure being claimed.

5.4 Follow up & Record Maintenance

5.4.1 All delegates attending a conference or seminar should be prepared to provide a written report to Council on the outcome of the event with particular reference to Mid Ulster District Council, should this be requested.

5.4.2 Democratic Services shall keep and maintain a record of members registered to attend conferences and seminars throughout each financial period in association with Finance Department. This will be in the form of a register and include the whole cost associated with attendance, in line with information required to be reported to NI Audit Office, Local Government Auditor.

5.4.3 Departments shall keep and maintain a record of officers registered to attend conference for budgetary and service management purposes.

6.0 ROLES AND RESPONSIBILITIES

6.1 **Democratic Services** is responsible for; reporting conference and seminar invitations to Council requesting representation; making bookings for members; receiving reports to be considered at Council meetings from Department Directors recommending officer attendance at notified conference and seminars; informing Directors on the outcome of recommendations put to council; and maintaining a register detailing costs incurred by each member per annum.

6.2 **Members** are required to; consider and determine representation at conferences and seminars as reported to council; be prepared to provide a

written report on their attendance at a conference or seminar should this be requested; and annually set the maximum amount allocated to each member per annum for conferences and seminars agreed as part of the council's budget setting process.

6.2 **Directors** are required to; provide reports as necessary recommending officer attendance at conference or seminars; ensure arrangements are in place to make officer bookings and registrations; and ensure records are kept within Departments on officer attendance.

6.3 **Heads of Service** are required to; consider requests made by staff within their service for attendance at conferences and seminars; and provide recommendations to their respective Director on the attendance of staff at conferences and seminars.

7.0 IMPACT ASSESSMENTS

7.1 Equality Screening & Impact

7.1.1 *(To be commenced)*

7.2 Staff & Financial Resources

7.2.1 No issues have been identified which will impact on the delivery of council business as a result of this policy being implemented. Financial provision will be made annually as part of budget setting processes to facilitate the delivery of this policy

8.0 SUPPORT AND ADVICE

8.1 Advice and guidance on the implementation of this policy should be sought from the policy owner as detailed on page 1.

9.0 COMMUNICATION

9.1 Democratic Services under the direction of the Chief Executive shall be responsible for the communication and understanding of this policy amongst members and relevant staff.

9.2 All Members and Directors shall be provided with a copy of this policy. Directors to make arrangements to ensure it is communicated amongst

relevant staff and Human Resources integrate it into employ inductions, where relevant.

10.0 MONITORING & REVIEW ARRANGEMENTS

- 10.1 Implementation of this policy will be routinely monitored and a formal review undertaken 24 months from its effective date.

DRAFT

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Subject	Attendance at Seminars & Conferences
Reporting Officer	Change Manager

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

2	Background
2.1	1 conference session is presented for consideration on member and/ or officer representation from Mid Ulster Council. Details are provided at 2.1.1.
2.1.1	<p>Growing an Enterprise Economy <i>The Transition to Local Government</i></p> <ul style="list-style-type: none"> Tues 28 April 2015 Craigavon Civic Centre

3	Key Issues
3.1	N/A

4	Resources
4.1	<p><u>Financial</u></p> <p>Growing an Enterprise Economy <i>The Transition to Local Government</i></p> <p>£150 + VAT</p>
4.2	<u>Human</u> – N/A
4.3	<u>Basis for Professional/ Consultancy Support</u> – N/A
4.4	<u>Other</u> – N/A

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	Consideration for approval is given to attendance and representation at the above mentioned conferences and seminars.

7	List of Documents Attached
7.1	<i>Appendix 1 Growing an Enterprise Economy - The Transition to Local Government</i>

Growing an enterprise economy

The transition to local government



Investment



Economy



Growth



Export



Jobs

Tuesday 28th April 2015 • Craigavon Civic Centre

Growing an enterprise economy

Local government is changing – from 1 April 2015 the 11 new 'super councils' are set to take responsibility for a much wider range of powers. One major area of change will be a significantly enhanced role in relation to local enterprise development, including responsibility for a range of business development programmes; social entrepreneurship; investing for women; neighbourhood renewable funding; small scale tourism accommodation development; business support and business start-up advice and elements of the EU Rural Development Programme.

With economic development highlighted as the top priority in the last Programme for Government and in light of the fact that 99 per cent of local businesses employ fewer than 50 people, local enterprise will be a key function within the new Councils. With 2015 having been identified by NILGA as a 'year of enterprise' and Northern

Ireland having won the European Entrepreneurial Region Award from now until 2016, there is an excellent opportunity for local councils to demonstrate their support for enterprise and entrepreneurship.

While there are major opportunities in association with local government reform, particularly around enterprise development, there are also challenges for councils in terms of managing their resources (both human and financial) and delivering value for money, particularly in light of the ongoing squeeze on public sector finances.

This half day conference will examine these issues and discuss how local government, in partnership with other sectors, can lead the way in making Northern Ireland the best UK region to start and grow a business and social enterprise and to position local government at the forefront of the development of a culture of enterprise and entrepreneurship in Northern Ireland.

Some of the issues / themes the conference will examine will include:

- ✓ How local councils will manage their new enterprise and economic development responsibilities;
- ✓ Best practice examples of local economic development;
- ✓ Positioning local government as an investment channel to deliver economic growth;
- ✓ Ensuring joined up working with other government agencies;
- ✓ Developing social enterprise;
- ✓ Fostering entrepreneurship;
- ✓ Coping with government budget pressures;
- ✓ Models of local economic development from elsewhere.

Sponsorship and exhibition opportunities

Interested in profiling goods or services relevant to local enterprise?

Got a project you would like to showcase?

Want to highlight your organisation's capabilities?

There are a number of sponsorship and exhibition opportunities available at this conference – for further information on how your organisation can benefit through association with this important event contact Sandra Bolan 028 9261 9933 or sandra.bolan@agendaNi.com



Conference programme

- 0830 Registration and morning coffee
- 0900 Chairman's welcome & introduction
- Stronger local government: Stronger economy**
Derek McCallan, Chief Executive, NILGA
- Promoting regional development**
Patricia Devine, Patricia Devine, Manager, European & Partner Delivery Team, Invest NI
- Fostering entrepreneurship and promoting innovation: The EER Award**
Bert Kuby, Head of Unit
EU Committee of the Regions
- Delivering local enterprise development in practice**
Gordon Gough, Chief Executive
Enterprise Northern Ireland
- Questions & answers / Panel discussion

- 1100 Morning coffee / networking opportunity
- 1130 **Enterprise development: Models for delivery**
Ken Nelson, Chief Executive, LEDCOM
- Corporation tax: The silver bullet?**
Richard Johnston, Associate Director
Northern Ireland Centre for
Economic Policy
- Developing social enterprise: A key player**
Maeve Monaghan, Chief Executive
NOW Group
(Social Enterprise of the Year 2014)
- Putting local government at the centre of regional economic growth**
Peter Hynes, Chief Executive
Mayo County Council
- Questions & answers / Panel discussion
- 1315 Networking lunch

Speakers



Gordon Gough is the Chief Executive of Enterprise Northern Ireland (ENI), the membership organization for the local enterprise agency network in Northern Ireland. Gordon has a particular interest in economic development and community regeneration and has worked with many small businesses and community groups in the Craigavon area. He has also worked on small business development projects on behalf of the EU in Central and Eastern Europe over the past 10 years. Gordon is a Fellow of the Institute of Consulting and a past Chairman of the Northern Ireland branch.



Peter Hynes is Chief Executive of Mayo County Council, having been County Manager since May 2010. He has worked consistently to support enterprise and investment in a drive to make a county which he describes as "Sustainable, Inclusive, Prosperous and Proud". Peter has worked with the Council since 1984, becoming Director of Services and Westport Town Manager in 2001 where he was responsible for housing and for the management of Council Services in the Mayo West region. He was previously Head of the Architects Department, working on a range of public buildings, urban designs and arts and community based projects throughout the county. Prior to joining the Council he worked in private practice.



Richard Johnston is Associate Director of the Ulster University Economic Policy Centre having joined in April 2013. Prior to joining the Centre, Richard was Invest NI's lead Economist. He has significant experience in the field of economic policy development and has helped to shape a range of programmes that are currently in operation in Northern Ireland, including Invest NI's Jobs Fund and skills development programmes. Richard is skilled in the measurement and reporting of the economic impacts that arise from Government intervention and is an expert in appraisal and evaluation techniques.



Bert Kuby is Head of Unit at the EU Committee of Regions, in charge of the Subsidiarity Monitoring Network, Europe 2020 Monitoring Platform and the platform on European Groupings for Territorial Cooperation. Bert oversees the monitoring (and research) of the role of local and regional authorities in the Europe 2020 strategy and the contribution of the CoR to the mid-term review of the strategy. He has been in charge for 10 years at the European Commission of the negotiations on the Regional Policy chapter in accession negotiations. For 10 years, he has been providing policy advice, technical assistance and training on regional policy and EU cohesion policy.



Derek McCallan has been Chief Executive of the Northern Ireland Local Government Association since March 2011. Derek is responsible for advising and supporting the office bearers and the Members on taking forward policy and legislation in the interests of their members, local government. The role is a negotiation platform between local and central government and is of crucial importance to the Association's membership, as it offers elected members an opportunity to put council's key corporate and constituency initiatives at the top of the wider economic, social and reform agenda.



Maeve Monaghan is Chief Executive of NOW Group, a role she has had for the past nine years. Maeve has been responsible for the development of the organisation over the past 13 years and believes passionately in the rights of people with disabilities to have equal access to high quality training and employment. NOW Group is an award-winning social enterprise that supports people with barriers to employment and learning into the workforce. The organisation also operates two successful social enterprise businesses called Loaf Catering and Gauge NI, the profits from which go back into NOW Group's work.



Ken Nelson is Chief Executive of LEDCOM, one of Northern Ireland's longest established and most successful business enterprise centres. He has over 22 years' experience working as a business advisor, mentor and trainer with entrepreneurs and start-up companies, small businesses and social enterprises. Ken was one of the founding directors of Enterprise Northern Ireland, the association of Northern Ireland's enterprise sectors and was its Chairman from 2006 until 2011. In April 2012 he was appointed to the board of Invest Northern Ireland.



In 2014 Northern Ireland was selected as **European Entrepreneurial Region (EER) 2015** in recognition of its outstanding regional strategies that foster entrepreneurship and promote innovation among SMEs. The 2015 award, which is given by the EU's Committee of the Regions, will be shared with Lisbon and Valencia and will help to raise Northern Ireland's profile among European policy-makers and business leaders.

Registration form

I wish to:

- ☐ Reserve _____ places at the conference
Delegate fee £175 + VAT @ 20% = £210
- ☐ Discounted rate for local government sector
Delegate fee £150 + VAT @ 20% = £180
- ☐ Discounted rate for voluntary /community sector
Delegate fee £150 + VAT @ 20% = £180
- ☐ Discounted rate for Local Enterprise Agencies
Delegate fee £150 + VAT @ 20% = £180



Delegate details

Name (Mr/Mrs/Miss/Ms/Dr): _____

Job title: _____

Organisation: _____

Address: _____

Postcode: _____

Telephone: _____

Email: _____

Payment options

- ☐ I enclose a cheque for £ _____
Payable to 'bmf Business Services'
- ☐ Please invoice me
- ☐ Please debit my Visa / Mastercard

Card number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Name of card holder _____

Signature _____

Expiry date _____

Security code _____

(Please provide card billing address if different from company address)

Cancellations / substitutions

For those unable to attend, a substitute delegate may be sent at any time for no additional charge. Alternatively a refund will be given for cancellations received in writing, by fax or email, up to 14 days prior to the conference, less an administration charge of 25%. Regrettably no refunds can be made after that date.

Who should attend?

The conference will be of interest to a range of stakeholders involved in local enterprise and business development across all sectors. It will also be relevant to those involved in local government reform. These will include:

- Central government policy-makers
- Government agencies and NDPBs
- Local government officials
- Elected representatives / local councillors
- Legal and financial advisors
- IT specialists and other service providers
- Community representative groups
- Social economy businesses
- Voluntary sector service providers
- Tourism operators
- Local economic development agencies

Benefits of attending

Delegates attending the conference will:

- ✓ Understand the implications of local government reform for enterprise;
- ✓ Evaluate models of delivery for enterprise services;
- ✓ Explore the benefits to Northern Ireland from the EER award;
- ✓ Discuss the roles of the social economy, private and voluntary sectors;
- ✓ Look at the potential impact of corporation tax devolution on local enterprise;
- ✓ Consider best practice from outside Northern Ireland.

Acknowledgement of registration

Confirmation of registration will be sent to all delegates, following receipt of registration details. If you have not received your acknowledgement seven days prior to the date of the conference, please contact Sharon Morrison to confirm your booking. Email: registration@agendaNi.com

Other ways to register



By phone
028 9261 9933



Scan QR code



By fax
028 9261 9951

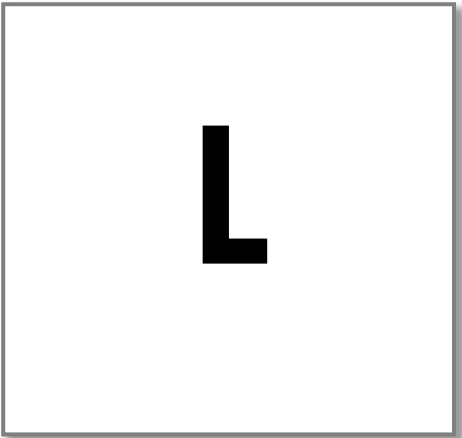


Online
www.agendaNi.com/events



By email
registration@agendaNi.com





Subject	Invitations to Annual Somme Association Pilgrimages
Reporting Officer	Change Manager

1	Purpose of Report
1.1	<p>To inform members of invitations received from the Somme Association to consider representation from Council to the attend:</p> <ul style="list-style-type: none"> • 99th Anniversary of the Battle on the Somme • 100th Anniversary of the Gallipoli Campaign

2	Background
2.1	<p>Council has received correspondence inviting it to be represented at the 99th Anniversary of the Battle of the Somme and 100th Anniversary of the Gallipoli Campaign pilgrimage commemorations. Details of both events are:</p> <p>2015 Somme Pilgrimage for the 99th Anniversary</p> <ul style="list-style-type: none"> • 28 June to 2 July 2015 <p>2015 Gallipoli Pilgrimage</p> <ul style="list-style-type: none"> • 4 to 10 October 2015

3	Key Issues																				
3.1	<p>To inform a decision on Mid Ulster District Council representation the following confirms representation in the current 4 year term of predecessor Councils:</p> <p>Somme Pilgrimage</p> <table><tr><th>Council</th><th>2011</th><th>2012</th><th>2013</th><th>2014</th></tr><tr><td>Cookstown</td><td>0</td><td>0</td><td>0</td><td>1 Member</td></tr><tr><td>Dungannon</td><td>0 (close to election)</td><td>5 Members</td><td>3 Members</td><td>3 Members</td></tr><tr><td>Magherafelt</td><td>0 (no spaces left)</td><td>1 Members</td><td>2 Members</td><td>1 Members</td></tr></table> <p>Gallipoli Pilgrimage</p> <p>There is no record of any member attending the Gallipoli pilgrimage in the four year term of the three existing Councils.</p>	Council	2011	2012	2013	2014	Cookstown	0	0	0	1 Member	Dungannon	0 (close to election)	5 Members	3 Members	3 Members	Magherafelt	0 (no spaces left)	1 Members	2 Members	1 Members
Council	2011	2012	2013	2014																	
Cookstown	0	0	0	1 Member																	
Dungannon	0 (close to election)	5 Members	3 Members	3 Members																	
Magherafelt	0 (no spaces left)	1 Members	2 Members	1 Members																	

4	Resources
4.1	<u>Financial</u>
4.1.1	2015 Somme Pilgrimage for the 99th Anniversary Estimated cost £580.00 per person
4.1.2	2015 Gallipoli Pilgrimage Estimated cost £1,350 per person
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	That Council gives consideration to: (a) Sending representation as invited to do so; and (b) Subject to agreeing representation the number of representatives to attend

7	List of Documents Attached
7.1	Appendix 1: Correspondence on 99 th Anniversary of Battle of the Somme
7.2	Appendix 2: Correspondence on 100 th Anniversary of the Gallipoli Campaign

THE SOMME ASSOCIATION



233 Bangor Road
Newtownards
BT23 7PH

Telephone: 028 91823202

Facsimile: 028 91823214

Visit us at: www.irishsoldier.org

Email: sommeassociation@btconnect.com

Honorary President:

H.R.H. THE DUKE OF GLOUCESTER, KG, GCVO

Vice-President:

The Viscount Brookeborough, D.L.

Chairman:

Mr Alan McFarland

Director:

Mrs Carol Walker

13th February 2015

Dear Chief Executive

2015 Somme Pilgrimage for the 99th Anniversary

I am writing to enquire if your Council would wish to be represented on the above pilgrimage to commemorate the 99th Anniversary of the Battle of the Somme. The pilgrimage shall depart on 28th June 2015 and return on 2nd July 2015. It shall follow the route taken by both the 36th (Ulster) & 16th (Irish) Divisions during their service in the First World War.

A service of remembrance shall be held (DV) on 1st July at Northern Ireland's National War Memorial, the Ulster Memorial Tower at Thiepval, France, to commemorate the men and women of Ulster who gave their lives in the First World War. This service shall be followed by a wreath laying ceremony to the men of the 16th (Irish) Division at Guillemont, France.

A booking form with the proposed itinerary and the cost are enclosed. No places can be held without a deposit of £150.00 as places are limited. I would be grateful if this event could be brought to the attention of your Councillors and a response provided as soon as possible.

Yours faithfully

Claire McWhirter
PA to Director



SOMME TOUR 2015
28th June 2015 – 2nd July 2015

Provisional Itinerary
"Subject to change"

The estimated price is £580.00 per person (excludes personal insurance)

Includes: Flights (Belfast to London return), luxury coach travel throughout with experienced courier. Ferry crossings. 3 Star hotel accommodation is **twin bedrooms** with private facilities (**there will be a single room supplement of £80.00**), buffet breakfast included.

For booking conditions see below

All travel arrangements are made through **Laffin Travel** – an ABTA Bonded Agent

Sunday 28th June 2015:- Depart Belfast City Airport for London Gatwick. Coach to Dover for ferry crossing to Calais then on to the Holiday Inn in Arras.

Monday 29th June 2015:- Depart Hotel for full days visit into Belgium where visits will include the 16th (Irish) Division Memorial at Wyttschaete, the Pool of Peace at Spanbroekmolen and Lone Tree Cemetery. Lunch at leisure in Ypres. After lunch the Tyne Cot Memorial and Cemetery and the Sanctuary Wood. The evening service at the Menin Gate.

Tuesday 30th June 2015:- Depart for full day's tour in the Arras and Somme areas. Visits will include Vimy Ridge, Notre Dame de Lorette, The Ulster Memorial Tower and Thiepval Wood followed by the South African Memorial at Delville Wood and other sites in the Somme area. Lunch today is included in the price. Evening at leisure in Arras.

Wednesday 1st July 2015:- Commonwealth Ceremony at the Thiepval Memorial to the Missing, lunch, Northern Ireland's Ceremony at the Ulster Memorial Tower; and a service to the 16th (Irish) Division at the Memorial in Guillemont. Lunch today is included in the price. Evening at leisure in Arras.

Thursday 2nd July 2015:- Travel to Calais for ferry crossing to Dover and on to London then Belfast.

To reserve a place on this tour, please complete the slip below. **A deposit of £150 per person is payable on booking (non-refundable) N.B. No bookings will be accepted without a deposit. Final payments must be made before Monday 1st June 2015. The names of those nominated to travel must be submitted by Friday 1st May 2015, the airline's policy states that name changes cannot be made later than 25th May 2015.**

Please make cheques payable to **The Somme Association**; and send to Mrs Carol Walker, Director, Somme Association, Somme Heritage Centre, 233 Bangor Road, Newtownards. BT23 7PH.

.....
Please reserve.....Place(s) on the 2015 Somme Tour I enclose a cheque for £.....

Type of room/rooms.....Name of Contact.....

Address.....

.....P.Code.....

Telephone.....Email.....

Signed.....Date.....

Full names of those travelling.....

.....
Booking Conditions:

Insurance: It is a condition of travel that clients are covered by travel insurance. Bookings can only be accepted on this basis.

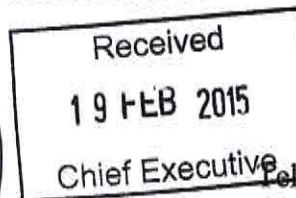
Name of Insurance Company and policy number.....

THE SOMME ASSOCIATION

Vice-President
The Viscount Brookeborough, DL

Chairman
Mr Alan McFarland

Director
Mrs Carol Walker



233 Bangor Road
Newtownards
BT23 7PH

Telephone 028 91823202
Facsimile 028 91823214

Website: www.sommeassociation.com
Email: sommeassociation@btconnect.com
Face Book: The Somme Association

Honorary President:
H.R.H The Duke of Gloucester, KG, GCVO

13th February 2015

Dear Chief Executive

2015 Gallipoli Pilgrimage

I am writing to enquire if your Council wish to be represented at the above pilgrimage to Gallipoli, Turkey departing in October 2015.

This year is the 100th Anniversary of the Gallipoli Campaign and the Somme Association as part of their Centenary Commemoration Programme plan on making a return pilgrimage to the peninsular. During the Great War the first unit raised in Ireland was the 10th (Irish) Division who saw service in the Eastern Mediterranean. When the Division was withdrawn from the peninsula in late September 1915 over 2000 of its ranks were dead. In 2010 the Association in partnership with the Irish Government unveiled a new memorial to the 10th (Irish) Division and some of the local Councils were represented at the commemoration service. It is proposed that a special commemoration service will take place on this visit and will be attend by VIP guests.

I enclose a copy of the proposed itinerary and details of the estimated cost. I would be grateful if this important visit might be brought to your members' attention and a response provided as soon as possible as spaces are limited and will not be held without a £150 non-refundable deposit.

Yours faithfully

Carol Walker (Mrs)
Director



GALLIPOLI PILGRIMAGE 2015

4th October 2015 – 10th October 2015

Provisional Itinerary

“Subject to change”

The estimated price is **£1350 per person** (excludes personal insurance)

Includes: luxury coach travel from Belfast to Dublin, international flights (Dublin to Istanbul), luxury coach travel throughout with an experienced courier, accommodation in the 3 star Tusan Hotel in Canakkale and tourist class accommodation in Istanbul.

This trip will be lead by Gallipoli expert, Mr Eddie Lendrum and an experienced Turkish Guide.

Accommodation is **twin bedrooms** with private facilities, **full board**.

There will be a single room supplement of £150

For booking conditions see below

All travel arrangements are made through Lafin Travel – an ABTA Bonded Agent

Sunday 4th October 2015:- Depart Belfast City Centre by coach for Dublin Airport for onward flight to Istanbul. On to Hotel in Istanbul for overnight stay.

Monday 5th October 2015:- Depart hotel and travel to Canakkale and on to the Hotel Tusan.

Tuesday 6th October 2015:- A service will take place today at Green Hill Cemetery and a visit to Chocolate Hill to Commemorate the 10th (Irish) Division. Visit to the ancient city of Troy including a visit to a replica of the famous Trojan Horse.

Wednesday 7th October 2015:- Depart hotel for full days visit to the Helles Sector. Visits will include the French and Turkish National Memorials, V Beach and Cemetery and the Helles Memorial. Afternoon visits will be to Lancashire Landing and Twelve Tree Copse Cemeteries.

Thursday 8th October 2015:- Depart for full day's visit to the Gallipoli Battlefields. Visits will include Anzac and Suvla Bay area, Shrapnel Valley, Anzac Cove, Ari Burnu and Embarkation Pier and others TBC.

Friday 9th October 2015:- Depart hotel for Istanbul and visits to Topkapi, Hagia Sofya, Sultan Ahmed Mosque. Cultural night and dinner. Overnight stay in Istanbul.

Saturday 10th October 2015:- Depart Istanbul for Dublin, then onwards to Belfast by coach.

To reserve a place on this pilgrimage, please complete the slip below. **A deposit of £150 per person is payable on booking (non-refundable) N.B. No bookings will be accepted without a deposit. Final payments must be made four weeks before departure date. The names of those nominated to travel must be submitted at this time also as Turkish Airlines have a policy on group fares and will charge £45 for any amendments after this date.**

Please make cheques payable to **The Somme Association**: and send to Mrs Carol Walker, Director, 233 Bangor Road, Newtownards. BT23 7PH. Bacs payments: The Somme Association No1 Acc 13603367, sort code 93-84-91

Please reserve.....Place(s) on the 2015 Gallipoli Pilgrimage

I enclose a cheque for £..... Type of room/rooms.....

Name.....

Address.....

.....Telephone.....Email.....

Name(s) of those travelling.....

Signed.....Date.....

Booking Conditions:

Insurance: It is a condition of travel that clients are covered by travel insurance. Bookings can only be accepted on this basis.

Name of Insurance Company and policy number.....

M

Subject: Interim Arrangements for Flags, Emblems & Corporate Branding

Reporting Officer: Chief Executive

1	Purpose of Report
1.1	To seek direction on interim arrangements for flags, emblems and corporate branding for Mid Ulster District Council.

2	Background
2.1	Members will be aware that Section 75 of the Northern Ireland Act 1998 (the Act) requires Council to comply with two statutory duties regarding equality of opportunity and good relations.
2.2	<p>In carrying out its functions, Council is required to have due regard to the need to promote equality of opportunity:-</p> <ul style="list-style-type: none"> a. Between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; b. Between men and women generally; c. Between persons with a disability and those without; and d. Between persons with dependents and persons without.
2.3	Without prejudice to the above Council is also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
2.4	While the Act contains detail on the equality duty it is essentially silent in relation to defining and creating a framework around the good relations duty.
2.5	A draft equality scheme was presented to the August 2014 Council meeting and subjected to a 12 week public consultation exercise. A number of responses have been received and presented to Council in December 2014 for consideration. Responses were received from the

	Equality Coalition and the Committee for the Administration of Justice advocating a “decoupling” of equality and good relations duties. .
2.6	Council resolved to adopt this approach and submitted its equality scheme to the Equality Commission for approval undertaking to revert in respect of the good relations duty. The equality scheme will not be approved until a suitable methodology for addressing good relations issues is developed.
2.7	In respect of Regional and Minority Languages, Members will be aware that Council has developed draft language policies. Council has agreed to go out to public consultation on its draft Irish Language Policy and to refine its draft Ulster Scots Language Policy before it goes to public consultation.

3	Key Issues
3.1	Under its equality scheme, Council will make arrangements for assessing, monitoring and publishing the impact of its policies. Screening will identify those policies that are likely to have an impact on equality of opportunity.
3.2	If the screening concludes that the likely impact of a policy is “major” on one or more of the stated categories, Council will subject the policy to an equality impact assessment (EQIA). Where the impact is “minor” Council may still conduct an EQIA depending on the policy.
3.3	While the majority of Council policies may be screened out there are some policy matters which are likely to require an EQIA. There is a requirement on Council to consult on its EQIAs. The consultation period is normally twelve weeks.
3.4	It is considered that the following may require an EQIA:- <ul style="list-style-type: none"> a. Flags and Emblems Policy b. Regional and Minority Language Policies
3.5	Given the timeframes to 1 April 2015 it will not be possible to have an approved equality scheme in place and to carry out EQIAs on policies where required. Direction from Council is therefore necessary to ensure that clear arrangements are in place to cover a number of matters from 1 April 2015.

3.6

In respect of Flags and Emblems, the predecessor councils have the following arrangements in place:-

	Cookstown	Dungannon	Magherafelt
Flags	None	Designated days from main council office	None
Emblems	None	Boxes of Poppies are permitted to be placed at reception in the main council office	Boxes of Easter Lilies and Poppies are permitted to be placed at reception in the main council office

3.7

The Equality Commission has indicated in the past that the current practice of the predecessor councils in respect of flying no flag or the Union flag on designated days from the main council building are within the range of reasonable options available.

3.8

In respect of corporate branding, the predecessor councils currently have the following arrangements:-

	Cookstown	Dungannon	Magherafelt*
Headed paper	Trilingual	Trilingual	Bilingual
Vehicles	English	English	English
Signage	English	English	English
Uniforms	English	English	English

*Magherafelt District Council have recently adopted an Irish Language policy which includes bi-lingual branding.

3.9

Essentially the following options are open to Council to address these issues prior to the introduction of formal policies after 1 April 2015:-

a. Continue with the existing policy arrangements of one of the predecessor councils across the entire council area

b. Continue with the existing policy arrangements of each of the predecessor councils in their previous respective areas

	c. Adopt separate arrangements to cover flags, emblems and corporate branding.
--	--

4	Resource Implications
4.1	<p><u>Financial</u></p> <p>Costs associated with the roll out of the corporate brand during the interim period are included in Appendix A.</p>
4.2	<u>Human Resources</u> - N/A
4.3	<u>Assets and other implications</u> - N/A

5	Other Considerations
5.1	Legal advice was sought on whether the above options at 3.9 would suffice to discharge or manage the Section 75 duty while the good relations element is defined, a strategy formulated, consulted upon, agreed and submitted for approval.
5.2	The legal opinion advised against the first option, i.e. to adopt the existing scheme of one of the existing councils and apply it to the whole district as this appeared to be arbitrary in approach and would fail to recognise or take account of the range of views of those resident in the new district as a whole.
5.3	The opinion notes that legally, in default of a decision of the council to make alternative arrangements, allowing the existing arrangements for each of the former districts to continue is the option that would be likely to apply. However the opinion noted that in reality this would be less than practical and even dysfunctional as this would entail three concurrent schemes being applied in the new district at the same time.
5.4	The third option is to adopt a separate policy on flags and emblems. The opinion notes that were this to involve a neutral environment on flags and emblems, such a policy insofar as it relates to those issues is acceptable in terms of compliance with the Section 75 duties and has resonance with the position adopted by the Equality Commission relating to flags and emblems. In relation to the administrative arrangements of the new Council a neutral environment falls within the range of reasonable responses taking the circumstances into account.

5.5	The legal opinion notes that in the absence of an approved equality scheme, Council is entitled, as a policy choice, to adopt interim measures to ensure compliance with the duties referred to, provided such measures may be reasonably interpreted as fulfilling that objective.
5.6	The opinion concludes that of the three options presented, the third represents the most reasonable and common sense approach and that advice should be sought from the Equality Commission.
5.7	In respect of the above matters the Commission noted that Council had elected to remove the good relations questions from the generic equality scheme and that Council would revert regarding its good relations duty. The Commission recognised the difficulties that the Council faced in converging the three predecessor councils into a new organisation and of the different practices adopted in respect of the flags, emblems and the use of regional/minority languages in corporate branding by the predecessor councils.
5.8	The Commission noted its preference for the existing arrangements of the predecessor councils (where these arrangements comply with the Commission's advice and guidance) to remain in place until such times as all of these issues could to be considered under approved equality and good relation frameworks. The Commission however recognised that this approach would create particular difficulties in respect of the development of a new corporate brand.

6	Recommendations
6.1	Members are requested to provide direction on the interim arrangements for the following <ul style="list-style-type: none"> i. Emblems ii. Flags iii. Use of regional and minority languages in corporate branding on <ul style="list-style-type: none"> a. Stationary b. Vehicles c. Exterior Signage d. Staff Uniforms

7	Documents Attached
7.1	Appendix A : Interim Branding Implementation Costs

Interim Branding Implementation: Estimated Costs

Item	Quantity	Cost (exc VAT)
Letterhead & Compliment Slips	30,000 & 10,000	£948
Business Cards	50 Sets of 250	£449
Purchase Order Books	100	£600
Receipt Books	100	£600
Fixed Penalty Notice Books	6	£150
Planning Decision Paper	4,000	£265
		£3,012
External signs at 'gateways' to 3 council office sites (vinyl graphic to cover existing signage)	3	£400
External signs at 'gateways' to 3 council office sites (simple replacement signs)	3	£800
New (and therefore optional) signs fixed at external entrances to each office reception area	3	£750
		£1,950
Vehicle Livery (vinyl graphics applied to doors or sides of vehicles as appropriate)	Approximately 20 unbranded vehicles (various makes and sizes)	Up to £5,000
		£9,962

Pre-printed pay advices (10,000 print run at cost of £615, 7- 8 days for delivery) are blank except for a return address and so will have any branding applied via the Total system. We can proceed to print prior to decision on 26th and there's no financial implication, as these can continue to be used beyond the outcome of a final decision on branding.

Pre-printed cheques (4,000 estimated cost of £400) have an estimated delivery of 2-3 weeks and in my view, there's too much risk associated with waiting until Friday 27th. I would advise that we agree and sign off on cheques which carry the Council's name (not unusual in any case) by this Monday. Again, there is no financial implication in terms of interim application, as these can continue to be used beyond the outcome of a final decision on branding.

N

Subject	Outcome of Consultation on NI Policing Board Reconstitution
Reporting Officer	Chief Executive

1	Purpose of Report
1.1	To update members on the outcome of the Department of Justice consultation on the reconstitution of the Northern Ireland Policing Board.

2	Background
2.1	The Department of Justice undertook a consultation on the reconstitution of the NI Policing Board on proposals for the appointment of Independent Members to the Board on a cyclical rolling basis independently of political members being appointed, and remuneration rates for Board Members.
2.2.	Council agreed that a response be made following discussion at its January meeting as detailed in Appendix A that the Department should not commence and use a rolling appointments model to appoint independent members to the NI Policing Board on a continuous cycle independently of political members. The response indicated that it was the council view that the proposed model would make it more difficult to ensure the overall makeup of the Board was representative of the entire community at all times. The response indicated that legislation should be brought forward to extend the tenure of the current Board until after 2016 NI Assembly elections from which MLAs will be appointed.

3	Key Issues
3.1	<p>The consultation is now closed and the Minister has confirmed that:</p> <p>(a) A rolling appointment model will be introduced; and</p> <p>(b) Remuneration rates will be: Chair £50k, Vice-Chair £30k, Member £15k</p>

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

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	That Members note the outcome of the consultation and the response submitted by Council.

7	List of Documents Attached
7.1	Appendix A - Response Submitted on the Consultation
7.2	Appendix B - Correspondence from Minister of Justice

29 January 2015

Anthony Harbinson
Director, Safer Communities
Department of Justice
B5.3 Castle Buildings
Sormont Estate
BELFAST BT4 3SG

Dear Mr Harbinson

Reconstitution of Northern Ireland Policing Board: Response

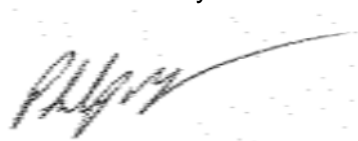
I refer to the above consultation and provide commentary on behalf of Mid Ulster Council.

Response

Following consideration by members, Council expressed the view that the Department should not commence and use a rolling appointments model to appoint independent members to the NI Policing Board on a continuous cycle independently of political members. Council believes that this model would make it more difficult to ensure the overall makeup of the Board is representative of the community at all times. Legislation should be brought forward to extend the tenure of the current Board until after 2016 elections to the NI Assembly from which MLAs will be appointed to the Board. Appointments of political and independent members should therefore be made at the same time.

I would ask that the above is considered as part of the Department's consultation on the proposals.

Yours sincerely



Philip Moffett
Mid Ulster District Council

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

Justice

www.dojni.gov.uk

Minister's Office Block B,
Castle Buildings
Stormont Estate
Ballymiscaw
Belfast
BT4 3SG
Tel: 028 9052 8121
private.office@dojni.x.gsi.gov.uk

Our ref: SUB/171/2015

FROM: DAVID FORD

DATE: 5 MARCH 2015

TO: CHIEF EXECUTIVE OF EACH DISTRICT COUNCIL & NEW COUNCIL

RECONSTITUTION OF THE NORTHERN IRELAND POLICING BOARD

Under Part III of Schedule I to the Police (Northern Ireland) Act 2000 (as amended) ("the 2000 Act"), I am responsible for the appointment of independent members to the Northern Ireland Policing Board.

Paragraph 8(2) of Schedule 1 to 2000 Act provides for consultation with the First Minister and deputy First Minister, district councils and such other bodies as I consider appropriate before making any appointment of independent members to the Northern Ireland Policing Board ("the Board").

I have listened carefully to the views expressed by a range of respondents to the consultation exercise which closed on 30 January. I have also reflected on the considerable changes facing the Board at this particular time, including new responsibilities for oversight of the National Crime Agency; the forthcoming work with Historical Investigation Unit which flows from the Stormont House Agreement; and the need to appoint a new Chief Executive.



I remain of the view that a rolling appointment model provides the most appropriate approach of ensuring the effectiveness of the Board. I intend to hold a competition to appoint/reappoint nine independent members in 2015 – three for a three year period and six for a four year period. I believe this revised model will support the effectiveness of the Board, maintain continuity and maximise the potential for the optimal balance of skills, knowledge and experience amongst its members.

In light of these exceptional circumstances, it will not be possible to have independent members in place by the end of May 2015. In order to ensure continuity at the Policing Board, I have written to the Chair of the Policing Board, to seek agreement from the nine independent members, to remain in post for an extended period, until such times as the recruitment exercise is completed and independent members can be appointed/appointed.

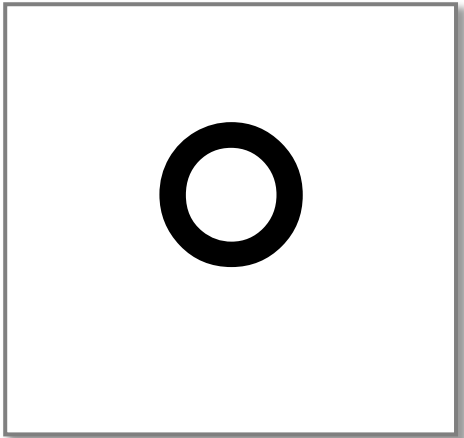
The majority of responses to the consultation recognised the need for a reduction in the level of remuneration paid to independent Board members. It is, therefore my intention to reduce the rate of remuneration as follows:

- Chair - £50k
- Vice-Chair - £30k
- Members - £15k

I am also writing to other interested stakeholders, including the Chief Constable, the Police Ombudsman for Northern Ireland, Criminal Justice Inspection Northern Ireland, Her Majesty's Inspector of Constabulary and the Equality Commission for Northern Ireland, to notify them of my proposals.

DAVID FORD MLA
Minister of Justice

cc: Council Change Managers



Subject	Assignment of legacy Councils' VAT and Landfill Tax claims to Mid Ulster District Council
Reporting Officer	Lead Officer for Finance

1	Purpose of Report
1.1	To request that Council execute and seal the attached deed of assignment (one from each of Cookstown, Dungannon and Magherafelt District Councils).

2	Background
2.1	The three predecessor councils have all lodged claims with HMRC in respect of either over-declared output VAT, Landfill Tax or both.
2.2	These claims will not be settled until after 1 April 2015. As such there could be a possibility that HMRC would seek, should the claims ultimately be successful, to resist payment on the grounds that the new Council had no legal right to the claim.
2.3	As many of the current claims were lodged collectively (notably a leisure and recreation services claim which is worth in the region of £50 million to the existing twenty six district councils plus interest and in the region of £2.5 million to the Mid Ulster cluster), advice was taken from senior Counsel and DLA Piper LLP, both of whom advocated a formal assignment of the claims to the new councils.

3	Key Issues
3.1	<p>Council should be aware that:</p> <ol style="list-style-type: none"> 1. There is no guarantee that any of the current claims will succeed 2. There is no guarantee that the assignments will be effective but legal advice suggests that they will be 3. The assignments also include claims yet to be lodged (if any) by the legacy councils or in respect of matters under the control of the legacy councils if lodged post 1 April 2015

4	Resources
4.1	<p><u>Financial</u></p> <p>Approx. £250 fee (max.) due to DLA Piper LLP for legal advice received</p>

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

7	List of Documents Attached
7.1	N/A

P

Subject	Assignment of legacy Councils' potential Rate Support Grant claims to Mid Ulster District Council
Reporting Officer	Lead Officer for Finance

1	Purpose of Report
1.1	To request that Council execute and seal the attached deed of assignment (one from each of Cookstown, Dungannon and Magherafelt District Councils).

2	Background
2.1	The three predecessor councils have all received Rate Support Grant (RSG) from the Department of the Environment.
2.2	Mid Ulster District Council is currently taking legal advice in relation to the legality of the Department's calculation of the RSG.
2.3	If the legal advice confirms that the Department has acted illegally Council may consider the possibility of future legal action against the Department to recover amounts of RSG that would have been paid had the Department used a more appropriate method of calculation.
2.4	Figures provided by the Department previously suggest that, if a legal claim could be made successfully, the legacy councils might be able to sustain a claim in the amount of circa £900,000 in respect of 2014/15. Since releasing the 2014/15 information the Department has been reluctant to engage in further discussion about the matter, other than to state categorically that their method of calculation is correct.
2.5	Council will be aware that the twenty six district councils commissioned advice collectively in relation to the assignment of VAT and Landfill Tax claims from the legacy councils to the new councils. Although the RSG is only a potential claim at this stage it would appear from the legal advice that similar deed of assignment is the best method of attempting to protect the new Council's right to exercise a claim for underpaid RSG, should it ultimately choose to do so.

3	Key Issues
3.1	<p>Council should be aware that:</p> <ol style="list-style-type: none"> 1. Legal advice is still awaited in relation to the legality of the Department's calculation methodology 2. There is no guarantee that the advice, when received, will indicate that the legacy councils have legitimate enforceable claims against the Department

	<p>3. There is no guarantee that any of the current claims, if made, will succeed</p> <p>4. There is no guarantee that the assignments will be effective but legal advice suggests that they will be</p> <p>5. Importantly the assignments also include claims yet to be lodged (if any) by the legacy councils or in respect of matters under the control of the legacy councils if lodged post 1 April 2015</p>
--	---

4	Resources
4.1	<p><u>Financial</u></p> <p>Approx. £500 fee (max.) due to DLA Piper LLP for legal advice received</p>
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	That the Council executes under seal the deeds of assignment from each of the three legacy councils in respect of potential Rate Support Grant claims.

7	List of Documents Attached
7.1	N/A

Q

Subject	Assignment of Cookstown District Council's Service User Number (SUN) to Mid Ulster District Council
Reporting Officer	Lead Officer for Finance

1	Purpose of Report
1.1	To request that Council execute and seal the attached deed of assignment to facilitate the transfer of Cookstown District Council's Service User Number to Mid Ulster District Council.

2	Background
2.1	Cookstown District Council collects membership income from Mid Ulster Sports Arena via direct debit.
2.2	In order for Mid Ulster District Council to continue to collect the direct debits it requires a Service User Number (SUN). The quickest way for the Council to secure a SUN is for Cookstown District Council to transfer its SUN to Mid Ulster District Council

3	Key Issues
3.1	Transferring the SUN is a legitimate way of Mid Ulster District Council acquiring a SUN.

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	That the Council executes under seal the deed of assignment which will facilitate the transfer of Cookstown District Council's Service User Number (SUN) to Mid Ulster District Council

7	List of Documents Attached
7.1	Appendix 1 - Deeds of assignment

Use of correction fluid, staples or sellotape on the Deed is not permitted

DIRECT DEBIT SCHEME – BULK CHANGE DEED

(Transfer of ALL or ANY Direct Debit Instructions between Service Users)

Deed covering a New Service User taking over responsibility from another Service User (the Current Service User) for future Indemnity claims, whether for PAST or FUTURE Direct Debit transactions

To each credit institution which, from time to time, holds an allocation of UK sorting code numbers and against whose customers' accounts we may make direct debit payment requests ("Direct Debits").

1. Background

- 1.1 This Deed is supplemental to an Indemnity dated _____ (the "First Indemnity") and given to some or all of you in accordance with the requirements of the Direct Debit Scheme by _____ (the "Current Service User").
- 1.2 This Deed is further supplemental to an Indemnity dated _____ (the "Second Indemnity") given to some or all of you in accordance with the requirements of the Direct Debit Scheme by _____ (the "New Service User").
- 1.3 The Current Service User may transfer to the New Service User from time to time the benefit of certain of the Direct Debit Instructions in the Current Service User's favour (each such group of transferred Direct Debit Instructions being the "Transferred Instructions" and the date on which they are transferred to the New Service User being the "Transfer Date"). The Current Service User therefore wishes to be released and discharged from certain obligations arising out of the First Indemnity in respect of the Transferred Instructions mentioned in 3.1 below, but not otherwise or for the purposes of 3.2 below and the New Service User is agreeable as below to undertake certain obligations in place of the Current Service User in respect of the Transferred Instructions.

2. New Service User's Liability

- 2.1 With effect from the Transfer Date, the New Service User undertakes with you that the Second Indemnity shall apply to all Direct Debits initiated by the Current Service User under the Transferred Instructions before the Transfer Date, as well as applying to all Direct Debits initiated by the New Service User before the Transfer Date.

3. Liability Under First Indemnity

- 3.1 With effect from the Transfer Date, subject to clause 3.2 below, the Current Service User shall cease to be liable under the First Indemnity in relation to the Transferred Instructions and all claims arising in connection with them after Transfer Date, and written notice to that effect is given to the Sponsoring Bank of the Current Service User and the Sponsoring Bank of the New Service User by virtue of the execution of this Deed.
- 3.2 For the avoidance of doubt, in addition to the New Service User's liability to you under the Second Indemnity referred to in clause 2.1 above, the Current Service User shall remain liable to you under the First Indemnity in respect of Direct Debits that have been initiated under the Transferred Instructions before the Transfer Date.
- 3.3 By their execution of this Deed, the Current Service User and the New Service User agree to and accept the provisions of this Deed.

IN WITNESS of which this agreement has been EXECUTED AS A DEED AND DELIVERED on this..... day of 20

To be completed by the Current Service User

EXECUTED AS A DEED by _____

Company registration number _____

Signature _____ Director

Signature _____ Secretary/Director/*Witness

Name in capitals _____

Name in capitals _____

*Address of Witness _____

To be completed by the New Service User

EXECUTED AS A DEED by _____

Company registration number _____

Signature _____ Director

Signature _____ Secretary/Director/*Witness

Name in capitals _____

Name in capitals _____

*Address of Witness _____

To be completed by the New Sponsoring Bank

NOTICE UNDER CLAUSE 3.1 ACCEPTED BY _____

(New Sponsoring Bank)

THIS DAY OF 20

SIGNED BY A DULY AUTHORISED OFFICIAL OF THE NEW SPONSORING BANK

R

Subject	Completion of indemnity in favour of various financial institutions to enable Mid Ulster District Council to utilise the BACS Service to collect direct debits
Reporting Officer	Lead Officer for Finance

1	Purpose of Report
1.1	To request that Council consider and adopt the attached indemnity and pass the requisite resolution to indemnify the relevant financial institutions to enable Mid Ulster District Council to utilise the BACS Service to collect direct debits.

2	Background
2.1	Cookstown District Council collects membership income from Mid Ulster Sports Arena via direct debit.
2.2	In order for Mid Ulster District Council to continue to collect the direct debits via the BACS Service it is required to indemnify the various financial institutions detailed in the attached indemnity in the prescribed wording and pass the requisite resolution to confirm the indemnification.

3	Key Issues
3.1	Indemnification of the financial institutions is mandatory.

4	Resources
4.1	Financial - 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	That the Council consider and adopt the attached indemnity and pass the requisite resolution to indemnify the relevant financial institutions to enable Mid Ulster District Council to utilise the BACS Service to collect direct debits

7	List of Documents Attached
7.1	Appendix 1 - Standard Indemnity – unincorporated association

STANDARD INDEMNITY – UNINCORPORATED ASSOCIATION

To Abbey National plc
Alliance & Leicester Commercial Bank plc
AIB Group UK Plc
Bank of England
Bank of Ireland
Bank of Scotland
Barclays Bank PLC
Clydesdale Bank PLC
Co-operative Bank p.l.c.
Coutts & Co.

Lloyds TSB Bank plc
HSBC Bank plc
Nationwide Building Society
NatWest Bank Plc
Northern Bank Limited
Northern Rock Plc
The Royal Bank of Scotland plc
Ulster Bank Limited
Yorkshire Bank PLC

- and all other financial institutions to whom sorting code numbers have been allocated and whose customers' accounts may receive Direct Debits from us.
- I In consideration of your each accepting instructions from time to time from us, or from our agent or anyone purporting to be our agent, to debit yourselves or the account of your customers with the amounts specified in such instructions.
- WE UNDERTAKE TO INDEMNIFY** each of you, on your first demand, against any claim made against you as a result, directly or indirectly, of your acting or failing to act on any such instruction.
- 2 The claims referred to in paragraph I above include legal actions, and references to any ombudsman or similar scheme, as well as demands made directly to you. We agree that any of you may accept, reject or compromise any claim without consulting us and without thereby reducing our liability under this indemnity.
- 3 We acknowledge that the operation of the Direct Debit Scheme as a high volume system does not always allow the checking of every debit against instructions held, and agree that this Indemnity shall apply whether or not any such check has been made, and whether or not any instruction has been received from your customer and remains in force.
- 4 We similarly agree that you are under no obligation to enquire whether or not any condition or purpose of payment specified in any instruction has been complied with.
- 5 We agree at all times to comply with the rules of the Direct Debit Scheme as set out in the Originators' Guide and Rules to the Direct Debit Scheme, as amended from time to time.
- 6 We shall make payment under this Indemnity on your first demand and without proof of loss within 14 working days of the date of a properly completed claim from you.
- 6.1 Having paid a claim under this Indemnity, we retain the right to make a repayment claim against you to the extent that any loss was caused by your or your agents' failure to comply with the requirements of the Direct Debit Scheme set out in the *Originator's Guide and Rules to the Direct Debit Scheme (the Guide)* as amended from time to time, and in accordance with the procedures set out in the Guide. [In the Guide, such a repayment claim is called a "Counter Claim".]
- 6.2 Any repayment claim shall be made following the procedures set out in the Guide within 14 working days of payment of the claim.
- 6.3 Following resolution of the repayment claim any sum due to us will be paid within 90 days.
- 7 This Indemnity is given in addition to any other indemnity already given either by us or by any other person in support of our participation in the Direct Debit Scheme. Should there be a direct conflict between any of the terms of this Indemnity and any earlier one, the term of this Indemnity shall prevail.
- 8 This Indemnity shall continue to apply notwithstanding any payment made by us, any account stated, or any compromise, waiver, or indulgence made by either you or us in respect of any claim or repayment claim.
- 9 This indemnity shall not be affected by any change in name of any of you, or of us, or of any change in the legal status of any of you including any change brought about by merger or amalgamation, in which case it shall apply for the benefit of the merged company, or any successor company.
- 10 We may terminate this Indemnity at any time by giving notice to our sponsoring bank and to each other financial institution who has accepted the cover it provides, but shall remain liable in respect of any debits that have been originated before such notice is received by each institution.
- 11 This Indemnity shall be governed by, and interpreted in accordance with, the laws of England.
- 12 Any legal proceedings against us arising out of this Indemnity may be commenced, at your choice, in either the courts of England (to which we irrevocably and unconditionally submit) or the courts of the country in which we are incorporated or the courts of any country in which we carry on business.
- 13 We shall promptly inform you of any change in our name, constitution or legal status. In giving this Indemnity the signatories each acknowledge that they shall continue to be bound by it notwithstanding any change in the constitution or membership of the body on whose behalf it is given.
- 14 Should we at any time become, or discover we are, legally incapable of giving effect to this Indemnity (either as a whole or partially) we shall notify you forthwith and shall cease to originate Direct Debits, and shall take such other reasonable steps as you may require in order to protect the interests of your customers and the integrity of the Direct Debit Scheme. If as a result of incapacity we are only partially disabled from giving effect to this Indemnity we shall continue to fulfil all our other obligations under it.
- 15 Any notice required to be given to us in connection with this Indemnity or any claim may (in addition to any other place at which they may properly be served) be delivered to us at the address given below, or to such other address as may be given by us to BACS Limited for this purpose.

Signed by us this _____ day of _____ 20____ for and on behalf of _____
(Originator) whose principal address is at _____
pursuant to a resolution of the* _____ Committee / a General Meeting of Members dated _____
a certified copy of which is annexed to this Indemnity.

Name	Signature	Witnessed by†
I		
2		
3		
4		
5		

*Add Executive or Managing or as appropriate

†Signature, name and address of witness

By signing this Indemnity you will be accepting unlimited personal liability for any claims that may be made arising out of your Direct Debit operations. Only sign it if you wish to be bound by it. It is in your own interest to take legal advice before signing.

Resolution to Provide Direct Debit Indemnity

At a Meeting of the*Committee of

held on the day of 20 the following resolution was passed and has been duly recorded in the minutes:

Resolved that (Originator) participates as an Originator in the Direct Debit Scheme and that

Name: Title (e.g. Chairman):
(Signature of person signing)

and[†]

Name: Title (e.g. Treasurer):
(Signature of person signing)

be hereby authorised to execute a form of Indemnity in the standard form required by those members.

Certified a true copy of the resolution

Name: Chairman
(Signature of person signing)

Name: Secretary
(Signature of person signing)

Date:

*Add *Executive* or *Managing* or as appropriate

[†]Not fewer than two signatories are generally required.

S

Subject	Apportionment Agreement re legacy councils' liabilities arising under the NILGOSC Scheme
Reporting Officer	Lead Officer for Finance

1	Purpose of Report
1.1	To request that Council execute the attached deed under seal.

2	Background
2.1	Each of the three legacy councils is an employing authority under the NILGOSC Scheme.
2.2	In order to avoid the crystallisation of Scheme liabilities on 31 March 2015, the legacy councils, the new Mid Ulster District Council and NILGOSC must execute the attached deed by 31 March 2015.

3	Key Issues
3.1	Execution of the deed is mandatory under the provisions of Regulation 33A of the Local Government Pension Scheme (Administration) Regulations (Northern Ireland) 2009.
3.2	Execution will make the Mid Ulster District Council liable for the liabilities under the Scheme of each of the departing legacy councils.

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	That the Council execute under seal the attached apportionment agreement

7	List of Documents Attached
7.1	Appendix 1 - Apportionment agreement

APPORTIONMENT DEED

between

The Northern Ireland Local Government Officers' Superannuation Committee (1)

and

Mid Ulster District Council (2)

and

Cookstown District Council (3)

and

Dungannon and South Tyrone Borough Council (4)

and

Magherafelt District Council (5)

THIS APPORTIONMENT DEED is made on the ____ of _____ 2015 and is made under the provisions of Regulation 33A of the Local Government Pension Scheme (Administration) Regulations (Northern Ireland) 2009 (the "**Administration Regulations**") as amended.

BETWEEN:

- (1) **THE NORTHERN IRELAND LOCAL GOVERNMENT OFFICERS' SUPERANNUATION COMMITTEE** (the "**Committee**");
- (2) **[NEW COUNCIL]**, of [ADDRESS] (the "**New Council**");
- (3) **[EXISTING COUNCIL 1]**, of [ADDRESS] (the "**First Departing Employer**");
- (4) **[EXISTING COUNCIL 2]**, of [ADDRESS] (the "**Second Departing Employer**");
- (5) **[EXISTING COUNCIL 3]**, of [ADDRESS] (the "**Third Departing Employer**"); and
- (6) **[EXISTING COUNCIL 2]**, of [ADDRESS] (the "**Fourth Departing Employer**")

WHEREAS:

- (A) The Committee is the body established under Section 1 of the Local Government (Superannuation) Act (Northern Ireland) 1950 for the purposes of administering the Scheme.
- (B) The First Departing Employer, Second Departing Employer, the Third Departing Employer, the Fourth Departing Employer (together the "**Departing Employers**" and each a "**Departing Employer**") and the New Council are each local authorities and are accordingly "employing authorities" within the meaning of Schedule 1 of the Administration Regulations, whose employees and councillors are eligible to join the Scheme.
- (C) Section 1 of the Boundaries Act provides for the reorganisation of the 26 local government districts (as at 31 March 2015) into 11 new local government districts (as at 1 April 2015).
- (D) Under Regulation 33A of the Administration Regulations, in the event of a relevant transfer the Committee, the employing authority and the

inheriting body may agree with effect from a specific date that some or all of the liabilities of the employing authority shall transfer to and be attributable to the inheriting body. Such an agreement is known as an apportionment agreement.

- (E) The New Council (as an inheriting body) intends, with the agreement of the Committee and each relevant Departing Employer (as employing authorities) to assume the liabilities under the Scheme of each relevant Departing Employer in accordance with this deed.

IT IS AGREED AND DECLARED as follows:

1 INTERPRETATION

"Administration Regulations" means the Local Government Pension Scheme (Administration) Regulations (Northern Ireland) 2009 (as amended) and the reference to a **"Regulation"** means a regulation of the Administration Regulations;

"Boundaries Act" means the Local Government (Boundaries) Act (Northern Ireland) 2008;

"Scheme" means the Local Government Pension Scheme (Northern Ireland);

"Scheme Actuary" means the person appointed to act as actuary to the Scheme as defined in the Administration Regulations; and

"Transfer Date" means 31 March 2015.

2 TRANSFER

- 2.1 In accordance with Regulation 33A, with effect from the Transfer Date, the Committee, the New Council and the First Departing Employer agree to the transfer to the New Council of the entire liabilities under the Scheme of the First Departing Employer and the New Council agrees to accept such liabilities and agrees that it shall accordingly be treated for all purposes as if it had originally been the employing authority and/or admission body to which such liabilities relate.

- 2.2 In accordance with Regulation 33A, with effect from the Transfer Date, the Committee, the New Council and the Second Departing Employer agree to the transfer to the New Council of the entire liabilities under the Scheme of

the Second Departing Employer and the New Council agrees to accept such liabilities and agrees that it shall accordingly be treated for all purposes as if it had originally been the employing authority and/or admission body to which such liabilities relate.

2.3 In accordance with Regulation 33A, with effect from the Transfer Date, the Committee, the New Council and the Third Departing Employer agree to the transfer to the New Council of the entire liabilities under the Scheme of the Third Departing Employer and the New Council agrees to accept such liabilities and agrees that it shall accordingly be treated for all purposes as if it had originally been the employing authority and/or admission body to which such liabilities relate.

2.4 In accordance with Regulation 33A, with effect from the Transfer Date, the Committee, the New Council and the Fourth Departing Employer agree to the transfer to the New Council of the entire liabilities under the Scheme of the Fourth Departing Employer and the New Council agrees to accept such liabilities and agrees that it shall accordingly be treated for all purposes as if it had originally been the employing authority and/or admission body to which such liabilities relate.

3 CONSEQUENCES OF TRANSFER

3.1 It is noted and agreed that the transfer of liabilities referring to in 2.1 shall in accordance with Regulation 33A (and subject always to Regulation 33A and any other applicable legislation as amended from time to time) be reflected as follows and the liabilities shall be discharged in such manner and at such times as set out below:

- (a) the Committee, with the advice of the Scheme Actuary, shall vary the rates and adjustments certificate in place at the date of this deed in respect of the Departing Employers to reflect the transfer in accordance with this deed and in particular, the parties acknowledge that the Scheme Actuary, to the extent he considers necessary, may reflect the transfer in the individual adjustments relating to each of the Departing Employers. The revised certificate shall show the revised contributions payable by each of the Departing Employers and the New Council as a result of the transfer;
- (b) the Committee, with the advice of the Scheme Actuary, shall produce a rates and adjustments certificate in respect of the New Council (and

or adjust any existing rates and adjustments certificate) to reflect the transfer in accordance with this deed and, in particular, the parties acknowledge that the Scheme Actuary, to the extent he considers necessary, may reflect the transfer in the individual adjustment relating to the New Council. The revised certificate shall show the revised contributions payable by the New Council as a result of the transfer;

- (c) whilst the New Council continues to employ active members of the Scheme or otherwise remains an employing authority within the Scheme, any future rates and adjustments certificate required under Regulation 31 or any applicable successor legislation of equivalent effect, including the calculation of any individual adjustment relating to the Departing Employers and the New Council, shall be calculated as if the New Council had originally been the employing authority and/or admission body in relation to liabilities transferred in place of the relevant Departing Employer; and
- (d) on the New Council ceasing to employ active members, for the purposes of Regulation 33(2) or any applicable successor legislation of equivalent effect, the actuarial valuation showing the liabilities of the Scheme, the revision of the rates and adjustments certificate in respect of the New Council and the revised contributions due from the New Council, shall be calculated by the Scheme Actuary so that the liabilities of the Scheme in respect of the New Council include the liabilities transferred under this deed as if these liabilities related to current or former employees of the New Council.

3.2 The New Council agrees to accept responsibility for the liabilities transferred under this deed and agrees to pay all increased sums (if any) specified in any rates and adjustments certificate in force from time to time or otherwise and meet allocated liabilities consequent on the transfer (if any).

3.3 The parties agree that liabilities transferred under this deed shall be discharged by the New Council at such times and in such manner as is required in accordance with the Regulations and any other powers of the Committee in respect of such liabilities, as if the New Council had initially been the employing authority and/or admission body to which such liabilities relate instead of the relevant Departing Employer.

4 CONDITIONS OF TRANSFER

- 4.1 The New Council agrees that it will pay such contributions to the Scheme as are calculated by the Scheme Actuary as if the liabilities transferred under this deed related to current and former employees of the New Council.
- 4.2 If for any reason this deed is held not to be effective under Regulation 33A to transfer the liabilities intended to be transferred to the New Council with the consequences set out in clause 3, the New Council will on demand pay such sum as the Scheme Actuary estimates to have been the lump sum which, had this deed not been entered into, would have been due from each of the Departing Employers in accordance with Regulation 33(2) on the Departing Employers ceasing to employ active members, provided that such sums may be adjusted by the Scheme Actuary to take account of the assets of the Scheme notionally allocated in respect of the transfer intended to be effected under this deed.

5 WARRANTIES

- 5.1 Each of the Departing Employers and New Council each on its own behalf hereby represents and warrants to the Committee that:
- (a) it has the power to enter into and perform its obligations under this deed;
 - (b) the entry into this deed and the performance of its obligations under this deed do not conflict with any law or regulation or judicial or official order to which it is subject or conflict with its constitutional documents or conflict with any document which is binding upon any of its assets; and
 - (c) all authorisations required in connection with the entry into and performance of its obligations under this agreement have been obtained or effected and are in full force and effect and that the persons signing this agreement on its behalf are authorised to do so.

6 MISCELLANEOUS

- 6.1 Each Departing Employer appoints the New Council as agent to the extent permissible by the Regulations, so that for the purposes of any consent required under the Regulations from the relevant Departing Employer, the New Council may give consent to the Committee on the relevant Departing

Employer's behalf, and the New Council agrees that it shall pay to the Committee such additional sums which would have been due from the relevant Departing Employer to the Committee had it given such consent.

- 6.2 Any question which may arise between the Committee and the New Council, or between the Committee and any of the Departing Employers relating to the construction of this deed or to the rights and obligations under this deed shall be determined by the Department of the Environment and such determination shall be binding on all parties provided that any party may subsequently refer the matter to the courts of Northern Ireland.
- 6.3 This deed shall be governed by the laws of Northern Ireland and each party submits to the jurisdiction of the courts of Northern Ireland.
- 6.4 The Contracts (Rights of Third Parties) Act 1999 is excluded. Only the parties to this deed can enforce it.
- 6.5 This deed shall be made available for public inspection at the head office of the Committee and at the head office of the New Council.
- 6.6 This deed may be altered or varied by the agreement of all parties to it. This deed may also be altered or varied by agreement between the Committee and the New Council, but not so as to impose additional liabilities on any Departing Employer.
- 6.7 For the avoidance of doubt, any failure by the Committee to exercise its rights under this deed shall not be deemed a waiver of the New Council's obligations under this deed.
- 6.8 This deed may be executed in any number of counterparts, all of which taken together shall constitute the same deed.

EXECUTED and delivered as a Deed the day and year first before written.

THE COMMON SEAL of NORTHERN)
IRELAND LOCAL GOVERNMENT)
OFFICERS' SUPERANNUATION)
COMMITTEE was hereunto affixed in the)
presence of:-)
Signature of
Member/Authorised Signatory

EXECUTED as a Deed by)
NEW COUNCIL)

Name, Chair

Name, Chief Executive

EXECUTED as a Deed by)
EXISTING COUNCIL 1)

Name, Chair

Name, Chief Executive

EXECUTED as a Deed by)
EXISTING COUNCIL 2)

Name, Chair

Name, Chief Executive

EXECUTED as a Deed by)
EXISTING COUNCIL 3)

Name, Chair

Name, Chief Executive

EXECUTED as a Deed by)

EXISTING COUNCIL 4

)

Name, Chair

Name, Chief Executive

DRAFT