

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Tuesday 9 June 2020 in Council Offices, Circular Road, Dungannon
and by virtual means**

Members Present

Councillor S McGuigan, Chair

Councillors Brown, Buchanan, Burton, Cuddy*,
Cuthbertson, Glasgow, Graham, N McAleer, S McAleer*,
McFlynn, B McGuigan, McNamee, Milne*, Totten, Wilson

**Officers in
Attendance**

Mr Cassells, Director of Environment and Property
Mr Kelso, Director of Public Health and Infrastructure
Mr Lowry, Head of Technical Services**
Mr McAdoo, Head of Environmental Services**
Mrs McClements, Head of Environmental Health**
Mr Scullion, Head of Property Services**
Mr Wilkinson, Head of Building Control**
Miss Thompson, Democratic Services Officer

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

The meeting commenced at 7.00 pm

The Chair, Councillor S McGuigan welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. Councillor McGuigan in introducing the meeting detailed the operational arrangements for transacting the business of the committee in the chamber and by virtual means, by referring to Annex A to this minute.

E101/20 Apologies

None.

E102/20 Declarations of Interest

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

The Director of Environment and Property declared an interest in agenda item 4 – Sustainable NI – Renewal of annual subscription for 2020/21 as he stated he is a Director and current chair of Sustainable NI.

E103/20 Chair's Business

Councillor Milne referred to land at Hillhead Terrace, Castledawson. The Councillor stated that there has been controversy over the years as to who owns this piece of land and that he was now in receipt of correspondence from Land and Property Services which confirms that Council owns the land in question. Councillor Milne advised that this land had been maintained by Council up until the new policy in relation to grass cutting. The Councillor advised that he had asked the Head of Property Services to follow up on the matter.

The Head of Property Services confirmed that he had received the information sent to him by Councillor Milne and would follow up on the matter with Council's legal team and TransportNI. The officer stated that the piece of ground is likely to have transferred to the former Council pre 1972 and would then have transferred to DoE Roads Service. He stated that officers would confirm ownership of the land in due course.

Councillor Burton referred to the debate regarding the reopening of recycling centres and welcomed that some had reopened and that this is appreciated by the public however she stated there was a vast amount of frustration in the Fivemiletown area, from both residents and businesses and the chamber of commerce as to when the recycling centre in Fivemiletown is likely to reopen. Councillor Burton stated that residents and businesses in the area are rate payers and are receiving a lesser service. The Councillor stated this is a periphery area and that people in that area feel disconnected and asked that Councillors get an indicative date for the reopening of the recycling centre at Fivemiletown.

The Director of Environment and Property advised that Council has 11 recycling centres, 3 of which opened on the 18 May and another 3 which opened at the beginning of June. The other 5 centres remain closed and cannot reopen at the moment due to staff resources. The Director stated that an added difficulty with the smaller centres is that social distancing is difficult to maintain and advised that he could not give a specific date for the reopening of the remaining centres as he did not know when he would have the staff resource available. The Director assured Members that when resources do become available then they would adopt an approach which will allow the remaining centres to open in a safe manner.

Councillor Burton stated she was of the belief that there were enough staff resources, as confirmed by another officer, and that was why she was raising the matter tonight. Councillor Burton stated that Members were receiving mixed messages from officers.

The Director of Environment and Property advised that there were approximately 50 staff not available in the department at the moment. Some of these staff are furloughed and others are over 70 or are in the vulnerable category. The Director stated he was aware that HR were currently working their way through that list of staff and making a medical assessment on those staff to enable them to come back to work within the context of what their job is. The Director reiterated that as soon as resources become available then facilities would be reopened but that he did not want to open the remaining centres and then have to close them again because of staff shortages.

Councillor McNamee referred to recent fire at Cookstown recycling centre and asked for update as there was a great need for the centre in the town to be open.

The Director of Environment and Property referred to the report within the papers and confirmed that, following the fire, a structural engineers report was required and that he had seen a draft of this report today. The Director advised that the structural engineers report indicates that there is no damage to the structural steel within the building however there is damage to the gable end and roof cladding. The Director advised that a loss adjustor had visited the site and asked for a forensic investigation of the site. The Director advised that the site has been cleaned and the burnt materials removed.

The Director of Environment and Property advised that the area affected in the fire was where wood and mixed plastics were stored and that officers have been in contact with NIEA in relation to the potential for using part of an adjacent yard which is also in Council ownership but does not fall within the recycling centre permit. If NIEA permits the use of the yard then materials can be stored at this yard. The Director stated that there is a meeting on Thursday and after this he would be in a better position to provide a reopening date, the Director stated that if the centre can reopen with a limited service then officers would undertake to do so whilst being conscious of health and safety and traffic management at the site. The Director stated that officers are aware this is a very busy centre and that the site would be reopened as soon as practicable.

Councillor B McGuigan referred to Draperstown recycling centre which remains closed and that he had directed those stating they wanted to use the site to Maghera or Magherafelt centres in the interim. The Councillor referred to previous updates in relation to staff resources and hoped that staff could be returned soon.

The Director of Environment and Property advised that the recycling centre at Fivemiletown is confined and it would be difficult to maintain 2 metre social distancing at the site but that officers would want to have a programme in place to reopen the 5 remaining sites as and when resources become available. The Director advised that when the 3 main centres reopened they were extremely busy but that volumes of traffic at these sites are now back to normal.

Councillor Wilson felt it was a disgrace that the centre at Cookstown would be closed 2 weeks this Saturday and that Council was still waiting on the loss adjustor. Councillor Wilson proposed that Council write to the loss adjustors expressing dissatisfaction at the length of time taken to get their report as fly tipping was now becoming a problem. Councillor Wilson felt that reopening part of the site was feasible.

The Director of Environment and Property stated that if there was not a satisfactory outcome to the meeting scheduled for later in the week then he would write to the loss adjustors but at the moment it would be remiss to do anything which would jeopardise Council's claim. The Director stated that when clearance is given then the site could reopen within 48 hours.

Councillor Cuthbertson referred to meeting of Dungannon Regeneration Partnership (DRP) which took place today at which discussion took place in relation to Council's role in the enforcement of the Executive's legislation in relation to businesses opening and closing. The Councillor stated there were a number of businesses who were unsure what to do and if Council officers would be making visits and requesting

risk assessments. Councillor Cuthbertson stated that whilst he realised that Council were not the legislation setters the DRP would request that an officer attend a meeting of the Partnership next week to discuss issues. The Councillor further proposed that a workshop be held as soon as possible for Councillors in relation to legislation regarding the opening and closing of businesses as businesses needed answers.

The Director of Public Health and Infrastructure advised environmental health officers have been very responsive to queries and are guiding businesses as best possible. The Director stated that businesses should look at their individual practices and processes and do a risk assessment on these and again environmental health officers can provide advice on this. The Director stated that officers can facilitate a meeting with Dungannon Regeneration Partnership.

Councillor Cuthbertson asked if a workshop could also be organised as retailers did not know what to do on Friday and were afraid of being closed.

The Director of Public Health and Infrastructure stated that a workshop could be organised if it was the desire of the Committee.

Councillor Cuthbertson proposed that a workshop be held as soon as possible for Councillors in relation to the opening of businesses.

Councillor Buchanan seconded Councillor Cuthbertson's proposal.

Resolved That it be recommended to Council to organise a workshop for Councillors in relation to legislation relating to the opening of businesses.

Councillor McNamee stated he agreed with what had been said but it was most important that businesses get the information needed to allow them to reopen safely.

Councillor Graham stated that she had been contacted by sunbed salons who can maintain social distancing and are cleaned after each client and asked are they allowed to reopen on Friday.

The Director of Public Health and Infrastructure advised that they would need to look at the guidance in relation to the question raised and get back to the Member.

Matters for Decision

E104/20 Sustainable NI – Renewal of Annual Subscription for 2020/21

The Head of Technical Services presented previously circulated report which outlined correspondence from Sustainable NI in which a request was made for Council's continued financial support for the 2020/21 year.

Proposed by Councillor Wilson
Seconded by Councillor Brown and

Resolved That it be recommended to Council to continue to support Sustainable NI and make available a contribution of £5,000 for the 2020/21 financial year.

E105/20 Street Naming and Property Numbering

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

Site off Dungannon Road, Aughnacloy

Proposed by Councillor Burton
Seconded by Councillor Graham and

Resolved That it be recommended to Council to name development off Dungannon Road, Aughnacloy as Mill Pond Manor.

E106/20 Service Level Agreement for provision of Structural Engineering Services

The Head of Building Control presented previously circulated report which sought approval to sign a Service Level Agreement between Mid Ulster District Council and Fermanagh and Omagh District Council for the provision of specialist structural engineering services for Mid Ulster Building Control Service.

Councillor Wilson asked if these engineers were involved with Dungannon Leisure Centre.

The Head of Building Control advised that the service provided related to checking structural calculations on applications and structural issues on site. The issues in relation to Dungannon Leisure Centre were related to contracts.

Proposed by Councillor Wilson
Seconded by Councillor McNamee and

Resolved That it be recommended to Council to sign the Service Level Agreement between Fermanagh and Omagh District Council and Mid Ulster District Council for the provision of specialist structural engineering services.

E107/20 Northern Ireland Fire and Rescue Service – Termination of Memorandums of Understanding

The Head of Building Control presented previously circulated report which advised on the termination of Memorandums of Understanding by Northern Ireland Fire and Rescue Service with Mid Ulster District Council in relation to the enforcement of The Fire and Rescue Services (Northern Ireland) Order 2006 and the Fire Safety Regulations 2010.

Councillor Wilson felt that, following the most recent correspondence from NIFRS, Council were not in a position to do anything until further engagement had taken place in relation to the Memorandums of Understanding.

Members noted the content of the report.

E108/20 Bus Shelters Update

The Head of Technical Services presented previously circulated report which provided update on current bus shelter status following a recent bus shelter collaborative workshop.

Councillor Cuthbertson referred to application for bus shelter in Moygashel and that it had failed to reach the required numbers as set out in the policy and should be removed from the register. Councillor Cuthbertson asked how Translink work out the required number as it was very close in that 5 had been achieved and the required number was 6.

The Head of Technical Services advised he would check how the number was ascertained and come back to the Member.

Councillor B McGuigan referred to application for bus shelter at Tirkane Road, Maghera and that due to complications with the site he proposed that this application be removed from the register. In relation to application for Culnady Village the Councillor stated that this appeared to be almost over the line and hoped that the shelter would be in place shortly.

Proposed by Councillor Brown
Seconded by Councillor McNamee and

Resolved That it be recommended to Council approve the way forward outlined for proposed bus shelters as listed under sections 3.4, 3.5 and 3.8 of report and that application relating to request at Tirkane Road, Maghera be removed from the register.

Matters for Information

E109/20 Minutes of Environment Committee held on 10 March 2020

Members noted minutes of Environment Committee held on 10 March 2020.

Councillor McNamee referred to public toilets and that Mid and East Antrim Council had recently reopened their public toilet facilities. The Councillor commented that shops will be reopening from Friday and there will be a greater footfall in towns and asked where Council was at with the reopening of its toilet facilities.

The Director of Environment and Property advised that staff employed to work in toilet facilities are furloughed and there are no plans to reopen public toilets at the moment. The Director advised that, at the time of closure, all water systems were drained down in public toilet facilities. The Director advised that when the time comes to reopen, all facilities will require a deep clean and that staffing of facilities remains an issue. The Director advised that the reopening of facilities will be kept under review should there be any further relaxation in guidelines.

Councillor Cuthbertson stated he had discussed the reopening of facilities with officers and had suggested that the toilets at Dungannon Park could be opened as a pilot. The Councillor referred to guidance issued last week which indicated that public toilets could be opened and felt that Council should be taking a phased approach and that Dungannon Park was an ideal test.

Councillor B McGuigan referred to the toilets in Maghera and that he had flagged up the condition of these toilets at the March meeting and that they required a revamp. The Councillor felt that now was an opportune time to undertake this work when the toilets were closed.

The Director of Environment and Property stated he took on board the Councillors comments.

Councillor Burton stated the toilets in Augher also required a revamp.

Councillor Burton referred to discussion at March meeting in relation to fish being taken from White Lough. The Councillor stated that the Department stocks this Lough and informs the public through its website when the Lough has been restocked, in doing so, Councillor Burton felt it is easy for individuals to know when there is a lot of fish in the Lough and that stocks become depleted very quickly as nets are used to catch fish. Councillor Burton requested that the matter be raised with the Department.

The Director of Public Health and Infrastructure stated that the matter raised was more a Development Committee issue through the Parks section. The Director stated he would raise the matter with the relevant officer however if there is illegality then it is a fisheries matter.

E110/20 Building Control Workload

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

E111/20 Entertainment Licences

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

E112/20 Dual Language Signage Requests

Members noted previously circulated report which advised of requests for Dual Language Signage from residents on streets/roads in the District.

E113/20 Dual Language Signage Surveys

Members noted previously circulated report which advised on the results of surveys undertaken on all applicable residents on the streets/roads in response to Dual Language Signage nameplate requests. Where more than 51% of occupiers that respond indicate that they are in favour of the erection of Dual Language Signage, nameplates will be erected as below –

- Shanliss Road, Stewartstown
- Henderson Park, Stewartstown
- Roan Close, Eglish
- Beechville Heights, Eglish
- Sandymount, Magherafelt
- Cappagh Road, Dungannon
- Mullaghmore Park, Dungannon
- Charlemont Street, Dungannon
- Mossband Road, Coagh
- Lough Mews, Ballyronan
- Garden Street Mews, Magherafelt
- Oakvale Drive, Magherafelt
- Wellbrook Manor, Dungannon
- Silverhill, Maghera
- Castleview, Benburb
- Ferry Road, Coalisland
- Innishmore Heights, Coalisland
- Innishmore Park, Coalisland
- Ardmore Terrace, Coalisland
- Ardmore Park, Coalisland
- Glen Road, Coalisland
- Bracken Court, Coalisland
- Chestnut Hill, Coalisland
- Lisnastrane Court, Coalisland
- Columbas Villas, Coalisland
- Mourne Crescent, Coalisland

Where less than 51% of occupiers that responded indicate that they were not in favour of the erection of a Dual Language street nameplate, then the Dual Language nameplate will not be erected as below –

- Ballygruby Lane, Magherafelt
- Ruskey Road, Coagh
- Mulnagore Road, Dungannon
- Lodge Villas, Donaghmore

E114/20 Environmental Health Update Report

Members noted previously circulated report which provided update on the Environmental Health Service during the COVID 19 pandemic between 1 April and 16 May 2020.

Councillor Cuthbertson stated that at the Environment Committee in March it was advised that Environmental Health matters would be considered at the Development Committee going forward.

The Director of Public Health and Infrastructure advised that there had been no change to staff structures as yet.

The Director of Environment and Property advised that he would be continuing in his role until the end of September.

Councillor Glasgow referred to the increase of instances of flytipping and felt that the closure of recycling centres undoubtedly contributed to this. The Councillor referred to the number of groups that had organised litter picks in the recent period and the huge amount of material they had collected. Councillor Glasgow stated that it was important to nip any flytipping in the bud and try to get the number of complaints down to below last year's level.

Councillor McFlynn referred to flytipping and the ongoing issues at the picnic area at Newbridge which is a concern for local residents. The Councillor asked for an update on how Council was managing the situation there.

The Head of Environmental Services advised that Council along with the Housing Executive and DfI were aware of the situation at Newbridge. The officer advised that Council had arranged for Travellers at Newbridge to be able to dispose of their waste at Magherafelt recycling centre whilst it was still closed and that staff would call at Newbridge before the end of the week to arrange for the rest of the material to be brought to the recycling centre.

Councillor McFlynn asked for an update in relation to recent case of cruelty to horses.

The Head of Environmental Health advised that the matter is receiving attention, that there have been visits undertaken and that investigations were ongoing. The officer advised that as investigations were ongoing she was not in a position to advise any further on the matter at this stage.

E115/20 Tree Planting Scheme at Magheraglass Landfill Site

Members noted previously circulated report which advised of a new native broadleaf woodland at the former landfill site at Magheraglass, Cookstown.

Councillor Glasgow asked if maintenance of the trees would be done in house.

The Director of Environment and Property advised that the trees had been acquired through the Forest Expansion Scheme. This scheme is fully funded and includes maintenance for two years post planting which will be undertaken by a third party.

E116/20 Northern Ireland Local Authority Collected Municipal Waste Management (LACMW) Report for October – December 2019

Members noted previously circulated report which provide update on Council's performance in relation to recycling and landfill diversion targets as outlined in the NIEA Northern Ireland Local Authority Waste Management Statistics Report for Quarter 3 of 2019/20, October to December 2019.

Councillor Wilson advised that he had received complaints that a number of blue bins had not been emptied in the Westland Gardens area of Magherafelt today.

The Director of Environment and Property advised that he would investigate and get back to the Councillor on the matter.

Live broadcast ended at 8.00 pm.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor B McGuigan
Seconded by Councillor McNamee and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items E117/20 to E129/20.

Matters for Decision

- E117/20 3G Sports Pitch Maintenance Tender Report
- E118/20 Tender report for the appointment of Vehicle Suppliers
- E119/20 Tender report for the retrospective appointment of a Vehicle Supplier
- E120/20 Amenity and Planting Sponsorship
- E121/20 Dungannon Leisure Centre refurbishment – ICT Fees
- E122/20 Maghera High School Site Development – Fees

Matters for Information

- E123/20 Confidential Minutes of Environment Committee held on 10 March 2020
- E124/20 Property Services COVID 19 Service Delivery Impact
- E125/20 Environmental Services COVID 19 Services Delivery Impact
- E126/20 Phase 4 Capping Capital Works at Tullyvar Landfill Site
- E127/20 Fire at Cookstown Recycling Centre
- E128/20 To update Members on changes to Affordable Warmth Scheme in response to Covid-19
- E129/20 Capital Projects Update

E130/20 Duration of Meeting

The meeting was called for 7.00 pm and ended at 9.06 pm.

CHAIR _____

DATE _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the Council's [Policy & Resources/Environment/Development] Committee in the Chamber, [Dungannon/Magherafelt] and virtually.

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening please raise your hand in the normal way and keep raised until advised to lower it
- When invited to speak please introduce yourself by name to the meeting
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- If referring to a specific report please reference the report, page or slide being referred to
- Lastly, I remind the public and press that taking photographs of proceedings or using any means to enable anyone not present to see or hear proceedings, or making a simultaneous oral report of the proceedings are not permitted

Thank you and we will now move to the first item on the agenda.