

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Tuesday 9 February 2021 in Council Offices, Circular Road,
Dungannon and by virtual means**

Members Present

Councillor S McGuigan, Chair

Councillors Brown*, Buchanan*, Burton*, Cuthbertson,
Glasgow*, 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.

E032/21 Apologies

Councillors Graham and O'Neill.

E033/21 Declarations of Interest

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

E034/21 Chair's Business

None.

Matters for Decision

E035/21 DfI Roads Proposals to Mid Ulster District Council - Proposed No Waiting at Any Time – Castle Villas, Cookstown

The Director of Environment and Property presented previously circulated report which sought agreement in relation to proposed No Waiting at Any Time at Castle Villas, Cookstown.

Proposed by Councillor Buchanan
Seconded by Councillor Cuthbertson and

Resolved That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed No Waiting at Any Time at Castle Villas, Cookstown.

E036/21 Winter Maintenance of the Council Estate

The Director of Environment and Property presented previously circulated report which considered the issues regarding winter maintenance of the Council Estate.

Councillor Cuthbertson thanked the Director for the report however he stated it was not dealing specifically with the issue he had raised at the Council meeting which was in relation to the treatment of Council owned pathways and parks. The Councillor stated he had received complaints in relation to Dungannon Park which is seeing increased footfall at the moment due to other leisure facilities being closed and that there are sections of the Park which are steep, have steps and are affected by ice. Councillor Cuthbertson stated his concerns related to the clearance of ice at such locations which is a safety issue and whilst he appreciated there will be further reports in relation to winter maintenance he asked what would happen if there were icy footpaths at Dungannon Park tomorrow morning.

The Director of Environment and Property advised that Dungannon Park have their own staff managed through Leisure and Outdoor Recreation who undertake a level of winter maintenance and whilst this may not be extensive, there would be a reaction to weather conditions. The Director advised that Railway Park and the Canal walkway at Coalisland have been treated upon request since Christmas.

Councillor B McGuigan stated he would like to see a policy coming forward and further detail on the cost of equipment for this type of activity. The Councillor stated that in instances of snow or ice everyone wants their area cleared at the same time and referred to the appendix of the report which states that Property Services can provide salt bins and pedestrian spreaders and asked how many of these Council have. Councillor B McGuigan stated all these issues needed further consideration and that he looked forward to a policy coming forward on how best to address these.

The Director of Environment and Property stated he would revert to the Councillor on what equipment Council have as he would not have the detail tonight. The Director stated it is the intention that, as soon as practicable, a policy would be brought forward for Members attention.

Councillor McNamee stated he looked forward to seeing the policy as he felt Council needs to expand on what it is currently doing. The Councillor stated that there are so many people currently using facilities and that these people should be able to continue to use these facilities irrespective of the weather.

Councillor Wilson stated that he felt Council needs to be careful in that if paths are gritted and a section is missed and someone then falls is the Council then liable for claims. The Councillor stated that there are a number of walkways which Council shares with Forestry, Water Service etc and that there could be a multiagency approach to treatment of footpaths.

Councillor S McAleer referred to the increased use of facilities and specifically Knockmany in which she was aware of a few people falling. The Councillor referred to the car park at Knockmany and the toilets which are adjacent which includes a disabled changing places toilet and that she would like to see such areas included in the policy.

The Chair, Councillor S McGuigan stated that further reports would be brought forward in due course.

Resolved That it be recommended to Council to note the content of the report and to receive further reports and policy on winter maintenance in due course.

E037/21 Food Standards Agency - Memorandum of Understanding in relation to potential food fraud activities

The Head of Environmental Health presented previously circulated report which advised of a request from the Food Standards Agency for a Memorandum of Understanding to be established and agreed in relation to food fraud activities between Local Authority teams in England, Wales and Northern Ireland and the Food Standards Agency's National Food Crime Unit.

Proposed by Councillor Cuthbertson
Seconded by Councillor Buchanan and

Resolved That it be recommended to Council to agree the draft Memorandum of Understanding between Local Authority food teams in England, Wales and Northern Ireland and the National Food Crime Unit, part of the Food Standards Agency.

E038/21 Community Resuscitation Update

The Head of Environmental Health presented previously circulated report which provided an update on the work of the Mid Ulster Community Resus Group including an update on the roll out of Automated External Defibrillators (AED) across Mid Ulster Council owned properties.

Councillor McNamee commended the good work of the Resus Group and referred to the report which states that the lack of an electricity supply makes the provision of an AED difficult at locations such as Drum Manor Forest Park, Lough Fea and Portglenone Walkway and that these areas would be further considered if it is found

a gap exists following a further review. The Councillor stated that he felt a gap already exists at these locations and referred to a man who died at Drum Manor Forest Park. Councillor McNamee stated that at Drum Manor there are numerous buildings and he felt there was the opportunity of working in partnership with Forestry with a view to siting an AED at that location. Councillor McNamee also stated there was a shed at Lough Fea for storing boats which he understood had an electricity supply. The Councillor stated at the Council meeting he called for a DEA meeting in relation to Drum Manor Forest Park and that this issue could be raised at that meeting. Councillor McNamee stated that with the volume of people using the likes of Drum Manor and Lough Fea at the moment it is important that defibrillators are placed at those locations as soon as possible.

The Head of Environmental Health stated that as the Councillor has outlined that electricity supply may not be as much of an issue as first thought the three locations at Drum Manor, Lough Fea and Portglenone Walkway can be looked at again.

Councillor Cuthbertson thanked officers for the report and proposed the recommendations therein. The Councillor stated that the majority of the recommendations were approved by Council last October and it was a bit disappointing that a number of defibrillators which were recommended to go ahead at that time are still 6-8 weeks away from being sited. Councillor Cuthbertson stated he was aware that there had been a defibrillator at Drumcoo Playing Fields but that this was removed due to vandalism and asked where the next closest defibrillator is and if it is available outside of office hours.

The Head of Environmental Health stated she would get back to the Councillor with the detail on the availability of other defibrillators.

Councillor Cuthbertson stated that if a defibrillator at Drumcoo Civic Amenity Site is not being progressed and the defibrillator at Drumcoo Playing Fields has been removed then the only other defibrillator in the vicinity is at the Council depot on Oaks Road which may not be available when the civic amenity site is open therefore he felt further consideration was needed on siting a defibrillator at Drumcoo Civic Amenity Site.

The Head of Environmental Health stated she would look into the matter being raised and that further consideration can be given to siting a defibrillator at Drumcoo Civic Amenity Site along with Drum Manor Forest Park, Lough Fea and Portglenone walkway.

The Director of Public Health and Infrastructure advised that monies have been identified for the purchase of the six AEDs for the Civic Amenity Sites as listed in the report and these can be moved forward and that additional monies will be identified if that is what is required at the other locations being mentioned.

Councillor Glasgow seconded Councillor Cuthbertson's proposal and stated he would support Councillor McNamee's comments in relation to electricity supply and referred to the toilets and caravan site at Drum Manor and that an electricity supply at this location should not be an issue. Councillor Glasgow stated that due to current restrictions a lot of activities are outside and that this will continue in the future therefore Council should be planning ahead to ensure the people using the facilities are provided for should the need arise.

Councillor B McGuigan referred to unregistered AEDs outside of Council ownership and asked who makes contact with community groups, shops etc in relation to the maintenance of these defibrillators.

The Head of Environmental Health advised that NI Ambulance Service want AEDs registered as it provides contact details against the device and that these details can then be used to follow up on issues such as maintenance. In relation to AEDs at Council facilities the officer advised that building managers maintain devices at the location they manage and that corporate health and safety also have a role. The Head of Environmental Health advised that NI Ambulance Service are the main body in respect of AEDs although she was unsure of how often they would check up on devices however this was the purpose of registration so that follow up could be done more efficiently.

Councillor B McGuigan stated that some AEDs are in place a considerable amount of time and asked if Council can check how often the Ambulance Service follow up on the maintenance of units.

The Head of Environmental Health stated she would investigate this and come back to the Councillor.

Councillor McFlynn stated this is an important piece of work and referred to the number of defibrillators located at GAA clubs whose rooms have not been used very often in the last year and maintenance may therefore not be up to date. The Councillor stated it is vital that the Ambulance Service know the condition of AEDs.

Councillor S McAleer stated she was aware of an AED located in Ballygawley and that the electricity supply is required for a heated cabinet so that the defibrillator is not affected by cold weather. The Councillor stated that that particular defibrillator was registered with NI Ambulance Service so that when someone rings 999 the person can be provided with a code to open the door of the cabinet and the device can be used. The Councillor stated that the Chairperson of Ballygawley Community Initiative is responsible for maintaining the unit on a monthly basis.

The Chair, Councillor S McGuigan stated that everyone would hope that the AED in their location would be maintained in the same way but it is a matter of identifying if this is being done.

Resolved That it be recommended to Council –

- (I) To proceed with the installation of AEDs at Council sites as outlined at section 3.8 of report and that further consideration be given to the provision of an AED at Drum Manor Forest Park and Lough Fea and Portglenone walkways, subject to electricity supply being secured and additional monies being identified. Further consideration to also be given to siting an AED at Drumcoo Civic Amenity Site.
- (II) To support the British Heart Foundation to make CPR training mandatory in the school setting and assist local businesses and organisations with AEDs throughout the District to register them with NIAS.

E039/21 Bus Shelters Procedural Guide

The Head of Technical Services presented previously circulated report which considered Council's Procedural Guide for the installation of Bus Shelters within the District.

Councillor B McGuigan stated that flyposting can be an issue on bus shelters and leaves them very untidy. The Councillor asked if something can be put on bus shelters stating that Council does not allow flyposting on same.

The Head of Technical Services stated that officers can look at adding a notice to bus shelters which includes a contact number if anyone has any issue and that this can be added to the procedural guide.

Proposed by Councillor B McGuigan
Seconded by Councillor S McGuigan and

- Resolved** That it be recommended to Council to –
- (I) Approve the revised Bus Shelter Procedural Guide as set out at appendix 1 of report.
 - (II) Include additional item in Procedural Guide in relation to flyposting on bus shelters.

E040/21 Bus Shelters Update

The Head of Technical Services presented previously circulated report which provided an update on current bus shelter status.

Councillor N McAleer referred to the bus shelter scheduled for Stewartstown and that there had been another delay at this location due to planned works by DfI. Councillor N McAleer stated he had been advised that DfI were no longer going ahead with these works and asked that in light of this if the bus shelter could be installed as soon as possible as it has been an ongoing issue for a number of years.

The Head of Technical Services advised he would follow this up with DfI.

Proposed by Councillor N McAleer
Seconded by Councillor Milne and

- Resolved** That it be recommended to Council to put "On Hold" the following applications for Bus Shelter provision until the new Bus Shelter Procedures have been agreed:
- Main Street, Benburb
 - Tullyhogue village
 - St Colmans Park, Moortown
 - Cappagh village
 - Whitebridge, Ballygawley

E041/21 Environmental Plans, Principles and Governance for NI - Discussion Document

The Director of Public Health and Infrastructure presented previously circulated report which advised on the consultation document entitled 'Environmental Plans, Principles and Governance for Northern Ireland' Public Discussion Document and associated draft response.

Councillor Glasgow referred to precautionary principles and that this can sometimes lead to over caution and stall progress and stifle development and research. The Councillor felt that something should be included within the response which allows development and innovation to contribute positively towards climate change. Councillor Glasgow referred to the new structure and that it should have its own independent role but that its strategies and targets should not be different from other departments as this only causes confusion and duplication. Councillor Glasgow also stated that whilst the OEP will have public accountability it should not be allowed to evolve into another SES which brought planning applications for farmers to a halt. The Councillor stated that a degree of caution is needed and whilst it is good that Northern Ireland is going on its own everyone from all sectors needs to buy in.

The Director of Public Health and Infrastructure concurred with the Member's comments and referred to question 4 of the response it which it was commented that the OEP should report directly to the office of the First and Deputy First Minister and the NI Assembly on its work and operational arrangements

The Chair, Councillor S McGuigan stated that given tonight's commentary Council should probably be answering yes to question 3.

Councillor Wilson asked if these arrangements are harmonising what is already in place to bring both England and Northern Ireland in line with each other. The Councillor also referred to the OEP which will be able to report to the EU Commission on things relating to Northern Ireland but not England and that there could be pieces of EU legislation which will remain in place and that he felt that this could become a quango which has detrimental effect on the environment. Councillor Wilson referred to the response which states this is an issue but that he felt Council should be a lot stronger as there will be legislation that Northern Ireland has no say over.

The Director of Public Health and Infrastructure advised that the OEP arrangements were still being finalised and that Northern Ireland was being linked to processes in England. The Director advised that the consultation was now allowing Councils to comment and in the draft response Council were recognising the unique circumstances of Northern Ireland and that it should have its own processes so as to be able to deal with issues locally and allow locally Elected Members and the Assembly to address the issues relevant to Northern Ireland.

The Chair, Councillor S McGuigan stated that the response was largely reflective of discussion tonight and that additional comments could be incorporated into the response.

Proposed by Councillor Milne
Seconded by Councillor B McGuigan and

Resolved That it be recommended to Council to submit the response as outlined at appendix 2 of report including additional comments as raised above.

Matters for Information

E042/21 Minutes of Environment Committee held on 12 January 2021

Members noted minutes of Environment Committee held on 12 January 2021.

E043/21 Correspondence with the Department for Infrastructure

Members noted previously circulated report which provided update on correspondence between the Council and Minister for Infrastructure in relation to Tree and Hedge Cutting – Roads (NI) Order 1993.

E044/21 Northern Ireland Local Authority Collected Municipal Waste Management (LACMW) Report for July to September 2020

The Director of Environment and Property presented previously circulated report which provided update on the 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 2 of 2020/21 from July to September 2021 and highlighted that during the quarter Mid Ulster had the highest recycling rate and lowest landfill rate of the eleven Councils. The Director advised that Council is providing a wide range of good facilities to enable recycling and landfill diversion and the public are supporting this and whilst recycling overall in Northern Ireland was marginally down compared to the same quarter in 2019 this is understandable due to facilities being closed and services disrupted during COVID restrictions from July to September 2020.

The Chair, Councillor S McGuigan stated it was good to report another success for Mid Ulster District Council.

E045/21 Building Control Workload

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

Councillor McFlynn stated it was good to see that the Building Control department still seemed to be very busy during these times and that construction was continuing throughout Mid Ulster.

E046/21 Entertainment Licensing Applications

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

E047/21 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.

Councillor Glasgow asked if staff were still going to the Electoral Office in Belfast to verify information.

The Head of Building Control advised that officers have been unable to access the Electoral Office since before Christmas due to restrictions and that requests are on hold until such times as officers can resume obtaining information from the Electoral Office.

E048/21 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.

Live broadcast ended at 8.04 pm.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor B McGuigan
Seconded by Councillor Milne 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 E049/21 to E058/21.

Matters for Decision

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| E049/21 | Contract for the Collection, Treatment and Recycling / Recovery of Residual Waste from 5 No. Recycling Centres |
| E050/21 | Report for the appointment of Vehicle Suppliers |
| E051/21 | Planting Sponsorship |
| E052/21 | Installation of Memorial Benches on Council Property |
| E053/21 | To seek approval of Service Level Agreement for Affordable Warmth |
| E054/21 | Houses in Multiple Occupation (HMO) survey |

Matters for Information

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| E055/21 | Confidential Minutes of Environment Committee held on 12 January 2021 |
| E056/21 | Capital Framework – ICT Contracts Update |
| E057/21 | Capital Framework – IST Contracts Update |
| E058/21 | Capital Projects – Scoping Contracts Update |

E059/21 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.25 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 I will ask each member to confirm whether they are for or against the proposal or abstaining
- 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 - apologies and then roll call of all other Members in attendance.