

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Tuesday 11 May 2021 in Council Offices, Ballyronan Road, Magherafelt
and by virtual means**

Members Present

Councillor S McGuigan, Chair

Councillors Brown*, Buchanan*, Burton*, Cuthbertson,
Graham*, N McAleer*, S McAleer*, McFlynn*,
B McGuigan*, McNamee*, Milne*, O'Neill*, Totten*,
Wilson*

**Officers in
Attendance**

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.

The Chair, Councillor S McGuigan stated that as this was his last meeting as Chair of the Environment Committee he wanted to thank officers and Members for their work and co-operation throughout the year.

E123/21 Apologies

Councillor Glasgow.

E124/21 Declarations of Interest

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

E125/21 Chair's Business

Councillor Wilson referred to email received by Members in relation to issues at Davagh, the Councillor stated he was aware some of the issues related to the contract which was confidential. The Councillor stated that at the last meeting he had asked if Council was in contact with the local mountain biking group and that

assurances were given that Council was however on reading the email received this did not appear to be the case. Councillor Wilson asked for a report on how many meetings have taken place between Council and mountain bike groups since it was agreed to do the trails.

Councillor Wilson also enquired what role Police and Council have with regards to Covid marshalling and referred to a number of incidents at the weekend regarding crowding in pubs. Councillor Wilson asked for clarification on this for the next committee meeting.

The Director of Public Health and Infrastructure advised that there is a contractual issue in relation to Davagh and that an update would be provided later in the meeting. In relation to the number of meetings held with mountain bike groups, the Director stated he would refer this query to the Leisure and Recreation Directorate.

In relation to the reopening of premises at the weekend the Director of Public Health and Infrastructure stated that officers were aware of issues regarding a number of commercial premises across the District and one in particular in Cookstown. The Director advised that Council had been in close liaison with the business prior to reopening and again since reopening in response to the issues highlighted. The Director advised that licensed premises are primarily the responsibility of the Police and that Council have worked closely with the PSNI in relation to the issues raised and that such incidents should not be repeated.

Councillor McNamee referred to his previous request for an inspection to be carried out in relation to Cookstown Public Realm Scheme to identify any defects and damage and asked if this had been completed.

The Director of Public Health and Infrastructure stated he would follow up on this issue with Councillor McNamee.

Matters for Decision

E126/21 DfI Roads Proposal to Mid Ulster District Council - Proposed Provision of a Disabled Persons' Parking Bay at Church Street, Ballygawley

Members considered previously circulated report which sought agreement in relation to proposed provision of a Disabled Persons' Parking Bay at Church Street, Ballygawley.

Proposed by Councillor Burton
Seconded by Councillor S McGuigan and

Resolved That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed provision of a Disabled Persons' Parking Bay at Church Street, Ballygawley.

E127/21 DfI Roads Proposal to Mid Ulster District Council - Proposed Traffic Calming Measures & Footway Extension for Favour Royal Road, Augher

Members considered previously circulated report which sought agreement in relation to proposed traffic calming measures and footway extension for Favour Royal Road, Augher.

Proposed by Councillor Burton
Seconded by Councillor S McGuigan and

Resolved That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed traffic calming measures and footway extension for Favour Royal Road, Augher.

E128/21 Street Naming and Property Numbering

The Head of Building Control presented previously circulated report which considered the naming of new streets within residential Housing Developments within Mid-Ulster.

Site off Lurgylea Road, Dungannon

Proposed by Councillor S McGuigan
Seconded by Councillor O'Neill and

Resolved That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to name development off Lurgylea Road, Dungannon as Glenburn View.

E129/21 Review of Policy on Street Naming and Numbering

The Head of Building Control presented previously circulated report which advised on the review of the policy on Street Naming and Numbering.

Councillor B McGuigan proposed the policy with the amendments. The Councillor referred to some of the names submitted for housing developments in the past which no thought had gone into by the developer and stated he would be supportive of contact being made with community/historical groups in the locality regarding naming as he felt it is prime opportunity to bring old place names back.

Councillor McNamee seconded Councillor B McGuigan's proposal.

Councillor Burton stated that not every area would have a historical group and asked if community groups and other groups such as Chamber of Commerce could be included.

The Head of Building Control stated that the policy refers to historical or community groups and that most areas would have either one or both of these types of group. The officer stated it is difficult to specify the kinds of group but that the policy points in the direction of a group who could provide a developer with an effective input regarding the naming of a development.

Resolved That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to approve the Policy on Street Naming and Numbering as reviewed and set out at appendix to report.

E130/21 Review of Policy on Dual Language Nameplate Signage

The Head of Building Control presented previously circulated report which advised on the review of the Policy on Dual Language Nameplate Signage.

Councillor Graham referred to the positioning of a second language on signage and that it is stated that this is at the discretion of Council on where it is placed. The Councillor asked who took the decision to place a second language above English and why. Councillor Graham stated that English is spoken, written and understood by everyone and that no one is taking away the right to display a second language, whatever the language may be but if it is the case of Nationalists being able to do whatever they want because they have the greater numbers on Council then she felt this was pathetic. Councillor Graham stated that all that was being asked was that English comes first and that the point of a second language is that it comes second to English.

Councillor Graham stated that Equality and Good Relations in relation to this matter seemed to be a joke and referred to the number of complaints she had received in relation to signage and the bad feeling that is being created between neighbours. The Councillor stated that she had recently seen five signs which had been defaced and that four had been sprayed green, white and orange. Councillor Graham felt that this is an attempt to intimidate and is similar to the continual defacing of signage for Londonderry on which the London is painted over. Councillor Graham stated she was aware of a housing development in a mixed area which had been surveyed in relation to dual language signage and that this had caused suspicion and upset, the Councillor stated that some saw this as a way of marking out territory and although the sign did not go up it has caused tensions in the area and that this is the reality of the policy. Councillor Graham stated that the policy does nothing to further community relations and costs a fortune in terms of both time and money and needs to be looked at again. Councillor Graham stated that in her opinion the simple solution would be to keep any second language second where it belongs.

Councillor Buchanan proposed that the Policy on Dual Language Nameplate Signage as reviewed is not approved as the legal opinion which was sought regarding the positioning of second language on signage should have been sought from an independent solicitor not from Mid Ulster Council's own solicitor. The Councillor stated that the interpretation of the word adjacent on the policy is wrong and means signs should be side by side. Councillor Buchanan referred to the Good Relations mitigation identified and that territory is being marked out similar to flags and emblems and is a form of cultural branding.

Councillor Buchanan stated that because there are no minimum percentages or quotas for having a dual language nameplate sign, these signs are being foisted on Unionist areas. The Councillor stated that the campaign is not driven by practical need, symbolic equality or human right being withheld but by political strategy. Councillor Buchanan stated that if British symbols were being placed in Nationalist areas it would be stopped by Council and branded as sectarian.

The Director of Public Health and Infrastructure stated that the existing policy has been in place for some time and was previously drafted following a number of workshops and being brought to committee in various drafts before being adopted. The Director stated that as part of the original process Members and officers reflected on the legacy arrangements in place and that in Magherafelt a policy was in place where the Irish Language was placed above English on signage.

The Director of Public Health and Infrastructure advised that Council's Solicitor is there to provide structured legal opinion to officers and that this is not an issue. The Director advised that if Members have an issue with this then it should be brought to the attention of the Chief Executive. The Director advised that the legal opinion provided by Council Solicitor is based on Article 11, Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 which states that Council has the power to erect nameplate signage in such manner as it sees fit.

Councillor McNamee stated that the policy has already been ratified by Council and that Members were continuing to hear the hype and hysteria that the Irish Language is causing in communities. The Councillor felt this is outrageous given the continuous attacks on Irish Language signage with no condemnation. Councillor McNamee proposed the recommendation to approve the policy on Dual Language Nameplate Signage and also asked for an update regarding access to the Electoral Office.

Councillor N McAleer seconded Councillor McNamee's proposal and stated it was very disappointing but unsurprising to hear the comments from some Unionist Councillors. The Councillor stated there was a lot of talk about signs being divisive but very little is said about signs being destroyed across the District. Councillor N McAleer referred to signage on the Mullanahoe Road which was destroyed, this was despite 72 surveys being issued and 64 being returned in favour, 7 being against and one invalid response. Councillor N McAleer also referred to signage on the Tullydraw Road which has been destroyed on several occasions again despite 77% agreeing to the signage being erected. Councillor N McAleer stated that Unionist Councillors needed to call out the destruction of signage instead of picking holes in the policy.

The Head of Building Control stated that officers have been in contact with the Electoral Office as regards getting access to information. The officer advised there is no indication of when staff will be able to access these offices however with ongoing relaxations it is hoped the offices may reopen in the coming weeks.

Councillor Cuthbertson referred to comment in relation to legacy Magherafelt policy and stated that there was no previous policy in place in Magherafelt but rather a word of mouth arrangement. Councillor Cuthbertson stated that he had made the request for the written legal opinion and would hold a similar view as Councillor Buchanan. Councillor Cuthbertson referred to staffing arrangements within the legal

team and asked if Council has its own solicitor at the moment and the potential need for independent legal advice. Councillor Cuthbertson also referred to the Section 75 screening and that anyone conducting such screening needs to have the proper training, the Councillor stated it is not clear who undertook the screening and suggested that such screening would be better done by a third party outside of Council. Councillor Cuthbertson stated that the screening has revealed three minor marks and that there needs to be mitigation. Councillor Cuthbertson stated that when full legal advice has been obtained then further consideration can be given to the policy and figures which he felt are skewed in relation to surveys issued and responses received. Councillor Cuthbertson referred to condemnation of defacing of signs and asked where the condemnation was regarding the signs which were defaced with green, white and orange paint. Councillor Cuthbertson seconded Councillor Buchanan's proposal.

Councillor Graham stated that she had not mentioned Irish Language but had referred to a second language. Councillor Graham stated that Unionists feel there is no one listening to their views on this Council simply because the Unionist Councillors are outnumbered.

Councillor McNamee stated it is clear that it is the Irish Language Councillor Graham is referring to. Councillor McNamee stated that his party would condemn attacks on any signage.

The Director of Public Health and Infrastructure stated that a Council Solicitor has been appointed and is in place and is providing full legal advice to Council. The Director referred to the Section 75 screening and that there are some mitigation measures that need to be considered within the Good Relations Working Group, the Director stated this group should be allowed to reflect on the matter and report back to the relevant committee. The Director advised that the policy before Members tonight is fit for purpose.

Members voted on Councillor Buchanan's proposal –

For – 6

Against - 9

Resolved That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to approve the Policy on Dual Language Nameplate Signage as reviewed and set out at appendix to report.

E131/21 Bus Shelters Update

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

The Chair, Councillor S McGuigan acknowledged that there is a reduced number of staff within the team and commended officers on keeping the work going.

Councillor O'Neill expressed thanks for getting the application for Annaghmore Road, Clonoe onto the list.

Councillor McFlynn stated it was her understanding that there are some objections regarding the proposed bus shelter at Eglish View, Ballinderry and this may need to be removed from the list until issues of concern are resolved.

The Head of Technical Services stated that consultation on the Eglish View bus shelter is due to close on 13 May and that so far a number of objections have been received and that these will be taken on board.

Councillor Cuthbertson expressed thanks to the Property Services team regarding assurances given for maintenance of bus shelters. Councillor Cuthbertson asked if the bus shelter for Moygashel had been ordered yet.

The Head of Technical Services advised he would come back to Councillor Cuthbertson on whether the bus shelter had been ordered.

Proposed by Councillor Brown
Seconded by Councillor Cuthbertson and

Resolved That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to note the content of the report and the progress made on bus shelters within the district.

E132/21 Derelict Buildings and Dilapidated Structures

The Head of Environmental Health presented previously circulated report which provided update on the legal powers available to Council for dealing with Derelict Buildings and Dilapidated structures.

Councillor B McGuigan stated that dereliction is an issue right across the District especially in conservation areas. The Councillor stated that those who own listed buildings may want to repair them but that there is little or no support for them in the form of grant aid to do so. The Councillor stated there is a high cost in relation to the upkeep of such buildings and that these buildings need to be fit for purpose. Councillor B McGuigan referred to partnership working and felt it would be worthwhile for Council to meet with Historic Environment Division (HED) in order to address issues of dereliction.

The Head of Environmental Health stated that this can be considered to see where it fits best with a view to putting a partnership in place.

Councillor Cuthbertson stated he had raised this issue following a fire at a derelict house in January. Councillor Cuthbertson felt there also needed to be a conversation with the PSNI in relation to derelict buildings as their opinion is that Council could board up a dangerous building and seek to recover its costs at a later date. The Councillor felt it would be beneficial to discuss this issue with PSNI so everyone knows what their responsibility is as regards derelict buildings.

Proposed by Councillor Cuthbertson
Seconded by Councillor Milne and

- Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to –
- Write to the Minister to seek clarification on the outcome of the 2016 consultation on Dilapidated / Dangerous Buildings and Neglected Sites and any proposed way forward.
 - Consider partnership working with Historic Environment Division in relation to derelict buildings.
 - Discuss measures to address issues regarding derelict buildings with PSNI.

E133/21 Office for Product Safety and Standards and the ongoing work on product safety

The Head of Environmental Health presented previously circulated report which provided update relating to product safety work carried out by the Environmental Health Department, and update on expected continuing funding from the Office of Product Safety and Standards (OPSS).

Proposed by Councillor Milne
Seconded by Councillor N McAleer and

- Resolved** That it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under Section 3.3 of the Scheme of Delegation for Senior Officers to note the content of this report and move forward when a confirmed offer of funding has been received.

Matters for Information

E134/21 Minutes of Environment Committee held on 13 April 2021

Members noted minutes of Environment Committee held on 13 April 2021.

Councillor Cuthbertson referred to bin collections and that since the last Environment Committee a new policy has come into effect regarding collection of a second brown bin. The Councillor stated he had received a number of calls in relation to this and that people were angry and feel that the implementation of the new policy could lead to flytipping of green waste. Councillor Cuthbertson stated that it would have been useful to identify and notify those already getting a second brown bin collected of the consultation at the time. Councillor Cuthbertson stated that the situation needed to be monitored to ensure there is no flytipping of green waste.

Councillor Burton stated she had also been contacted by a number of people with similar concerns. The Councillor asked how many households have a second brown bin collected and reflected that some people do not even use one brown bin and asked if there is any flexibility as it is causing angst in the community especially as people bought a second brown bin and it is not now being collected.

The Head of Environmental Services stated that there was a public consultation over 12 weeks last year and as a result the fee for collecting a second brown bin was reduced from £100 to £50 per year. The officer advised that a number of people

have paid this charge and got their sticker for collection of a second brown bin. The officer stated he did not anticipate this affects more than 100 households in the District and that if people have excess green waste and do not want to pay the charge then Council would provide a free home compost unit therefore it is not felt flytipping will become an issue.

Councillor O'Neill referred to a property at Coney Park, Clonoe which has not been used for approximately 8 years. The Councillor stated that the hedges around the property have become overgrown and are growing into other neighbouring properties, the Councillor stated that litter and rats at the property are also an issue. Councillor O'Neill asked what Council can do to protect the other neighbouring properties and residents.

The Head of Environmental Health stated she would contact the Councillor in relation to the matter.

Councillor Burton asked if there was any flexibility in relation to the collection of the second brown bin as flytipping of green waste can cause problems for animals and that not everyone is content using a home compost unit as it can attract vermin.

The Head of Environmental Services stated that garden waste in a home compost unit should not attract rats. The officer stated it was difficult to offer flexibility as a number of people have now paid the charge and there is the mitigation of a home compost unit for those who don't want to pay. The officer advised that the policy is being implemented as previously agreed and is not due to be reviewed until October 2022.

The Chair, Councillor S McGuigan stated that the situation could be kept under review.

E135/21 Northern Ireland Local Authority Collected Municipal Waste Management (LACMW) Report for October to December 2020

Members noted previously circulated report which provided update on Council's performance in relation to recycling and landfill diversion targets.

The Head of Environmental Services stated that it was pleasing that Mid Ulster Council had again achieved the highest recycling rate and lowest landfill rate and given the situation during the pandemic credit should go to the householders of Mid Ulster for continuing to recycle during this time.

E136/21 Mid Ulster Big Spring Clean 2021

Members noted previously circulated report which provided update on the Mid Ulster Big Spring Clean Campaign 2021.

E137/21 Environmental Services Service Improvement Plan for 2021/22

Members noted previously circulated report which detailed the Environmental Services Service Improvement Plan for 2021/22.

E138/21 Property Services Service Improvement Plan for 2021/22

Members noted previously circulated report which detailed the Property Services Service Improvement Plan for 2021/22.

E139/21 Building Control Workload

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

E140/21 Entertainment Licensing Applications

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

Councillor McFlynn commended staff who worked on the Big Spring Clean and provided assistance to groups. The Councillor felt this is an excellent project and can be built on for future years.

Live broadcast ended at 8.04 pm.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor Brown
Seconded by Councillor O'Neill 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 item E125/21 (part of) and items E141/21 to E149/21.

Matters for Decision

E125/21	Chair's Business (continued)
E141/21	Extension of Waste Recycling and Processing Contracts
E142/21	Off street Car Parking: Future Provision Update
E143/21	Tender report for the appointment of a Vehicle Supplier
E144/21	Dog kennelling and related services
E145/21	Clean Neighbourhood Action Plan

Matters for Information

E146/21	Confidential Minutes of Environment Committee held on 13 April 2021
E147/21	Capital Framework – ICT Contracts Update
E148/21	Capital Framework – IST Contracts Update
E149/21	Capital Projects – Scoping Contracts Update

E150/21 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.52 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.