

**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Monday 1 July 2019 in Council Offices, Ballyronan Road, Magherafelt**

**Members Present**

Councillor Buchanan, Chair

Councillors Brown, Burton, Cuthbertson, Glasgow (7.08 pm), Graham, McAleer, McFlynn, McGinley (7.03 pm), B McGuigan, S McGuigan, McNamee, Milne, O'Neill, 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

The meeting commenced at 7.00 pm

**E145/19      Apologies**

None.

**E146/19      Declarations of Interest**

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

Councillor S McGuigan declared an interest in Agenda Item 19 – Entertainment Licensing Applications (Killeeshil Community Centre) and Agenda Item 31 – Capital Projects Update (Villages Programme).

Councillor McAleer declared an interest in Agenda Item 31 – Capital Projects Update (Knockmany Forest).

**E147/19      Chair's Business**

None.

## **Matters for Decision**

### **E148/19      DfI Roads Proposal to Mid Ulster District Council – Proposed Provision of a Disabled Persons’ Parking Bay at High Street, Moneymore**

Members considered previously circulated report which sought agreement in relation to proposal from Department for Infrastructure Roads with regard to proposed provision of a Disabled Persons’ Parking Bay at High Street, Moneymore.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Brown and

**Resolved**      That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed provision of a Disabled Persons’ Parking Bay at High Street, Moneymore.

### **E149/19      DfI Roads Proposal to Mid Ulster District Council – Proposed Provision of a Disabled Persons’ Parking Bay at King William III Crescent, Maghera**

Members considered previously circulated report which sought agreement in relation to proposal from Department for Infrastructure Roads with regard to proposed provision of a Disabled Persons’ Parking Bay at King William III Crescent, Maghera.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Brown and

**Resolved**      That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed provision of a Disabled Persons’ Parking Bay at King William III Crescent, Maghera.

### **E150/19      DfI Roads Proposal to Mid Ulster District Council – Proposed Provision of a Disabled Persons’ Parking Bay at Stewart Avenue, Cookstown**

Members considered previously circulated report which sought agreement in relation to proposal from Department for Infrastructure Roads with regard to proposed provision of a Disabled Persons’ Parking Bay at Stewart Avenue, Cookstown.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Brown and

**Resolved**      That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed provision of a Disabled Persons’ Parking Bay at Stewart Avenue, Cookstown.

## **E151/19      The Roads Miscellaneous Provisions Act (NI) 2010**

The Head of Environmental Health presented previously circulated report which sought determination on a road closure application in connection with a special event that is being held in August 2019.

Proposed by Councillor B McGuigan  
Seconded by Councillor McNamee and

- Resolved**      That it be recommended to Council to agree to the issue of a Road Closure Order as specified under the Roads Miscellaneous Provisions Act (NI) 2010 for Draperstown Busking Festival and Community Fun Day on Saturday 24 and Sunday 25 August 2019. The Order is to temporarily restrict all vehicular traffic using St. Patrick's Street, Draperstown from its junction with Cahore Terrace to its junction with Cahore Road at the following times –
- Saturday 24 August 2019 between the hours of 19.00 and 00.00
  - Sunday 25 August 2019 between the hours of 13.00 and 22.00
- Subject to no objections being received during the consultation process and DfI consent being granted.

## **E152/19      Revised Design Guide for Traveller sites and the revised Model Licence Conditions for Caravan Sites**

The Head of Environmental Health presented previously circulated report which sought Members views on the revised Design Guide for Traveller Sites and the revised Model Licence Conditions for Caravan Sites. The Head of Environmental Health advised that further to the report, a regional officer meeting had taken place and that some amendments were proposed to the Council draft response to Model Licence Conditions for Caravan Sites. The officer requested that amendments be made to this consultation in line with the regional response.

*Councillor McGinley entered the meeting at 7.03 pm during presentation of above report.*

Following request from Member, the Director of Public Health and Infrastructure advised that amendments to the response would be forwarded to Members. The Director further advised that the Design Guide for Travellers Sites could be discussed at the Traveller Working Group on Tuesday night.

Proposed by Councillor B McGuigan  
Seconded by Councillor McFlynn and

- Resolved**      That it be recommended to Council to approve the draft responses to –
- The Design Guide for Travellers Sites (as circulated at appendix 3 of report)
  - Model Licence Conditions 2019 (as circulated at appendix 6 of report and subject to amendments to be circulated)

## **Matters for Information**

### **E153/19      Minutes of Environment Committee held on 11 June 2019**

Members noted minutes of Environment Committee held on 11 June 2019.

### **E154/19      Big Spring Clean 2019**

Members noted previously circulated report which provided update on the Annual Big Spring Clean Campaign and clean-up activities.

Councillor McFlynn commended the community groups that came out and took part in clean ups, the Councillor stated that the problem with litter seemed to be endless and it would be good if communities could continue with clean up initiatives.

Councillor B McGuigan also commended the groups involved with clean ups and that more and more groups are becoming involved every year with the support of Council. Councillor B McGuigan stated that the clean ups make a significant difference however this does not last for long and it was a shame on those who throw litter out along the side of the road.

Councillor McGinley referred to litter pick along the Loughshore and stated that litter was a problem that affected all communities and was being caused by all age groups.

*Councillor Glasgow entered the meeting at 7.08 pm.*

Councillor McFlynn suggested a Schools poster competition highlighting the problem of litter, the Councillor stated that a similar competition regarding dog fouling had been effective.

Councillor Burton stated it was excellent that so many residents get involved with clean ups and felt that this was partly to do with the support Council gives to initiatives such as Ulster in Bloom in which several villages across the District are currently competing. Councillor Burton also referred to the Champion of Champions competition in which a village is competing against large towns and cities and appealed for all the support that can be given to the village is given. The Councillor also thanked Council officers who work tirelessly to support villages and groups.

The Chair, Councillor Buchanan stated that Council and communities work well together in relation to clean up initiatives and competitions.

Councillor O'Neill thanked officers who provide support and equipment for clean ups.

Councillor Milne asked how many people had been convicted for littering offences.

The Chair, Councillor Buchanan stated there was a paper relating to dog fouling and litter coming up later in the meeting.

## **E155/19      Tullyvar Joint Committee Update**

Members noted previously circulated report which provided update on the business of Tullyvar Joint Committee.

## **E156/19      Council Dual Language Signage Damage**

Members noted previously circulated report which provided update on the ongoing repairs and costs associated with damage to Council Dual Language Signage since April 2018.

Councillor McNamee referred to the request to meet with Police in relation to damage to Dual Language signage and asked when this meeting would take place. Councillor McNamee stated that a complete list of damage to Dual Language signage was required from when erection of this signage commenced. The Councillor stated that it was disappointing that damage to Dual Language signage was continuing and that it needed to stop and felt that a statement from the Unionist side of Council that such damage was wrong and should not be happening would go a long way.

Councillor Cuthbertson stated that tonight's report was detailed however it was a pity that Members had to wait such a long time for a report to be brought forward regarding how much it cost to erect Dual Language signage. The Councillor referred to the meeting called with the Police and stated that a report detailing damage to all signage should be brought to this meeting including vandalism at Drumcoo Bowling Green. Councillor Cuthbertson referred to the cost related to damage to Dual Language signage and proposed that until the meeting takes place with Police and proper tendering is carried out that no further Dual Language signage should be erected.

Councillor Brown seconded Councillor Cuthbertson's proposal.

The Chair, Councillor Buchanan asked if there was any counter proposal.

Councillor McNamee proposed that Council continue to erect Dual Language signage in line with Council policy.

Councillor McGinley asked if a counter proposal was needed and that Members should vote on Councillor Cuthbertson's proposal.

Members voted on Councillor Cuthbertson's proposal –

For – 7

Against - 9

Councillor Cuthbertson questioned whether damage to other Council property didn't matter.

Councillor Burton asked how often other road signage was assessed and that there was a large number of signs damaged.

The Chair, Councillor Buchanan advised that a further report in relation to damage to English signage would be brought before Committee in September.

Councillor McNamee stated that the meeting with Police was requested to discuss damage to Dual Language signage solely. The Councillor stated that a Member can raise issues relating to damage/vandalism to property through the PCSP or request an additional meeting with Police.

The Director of Environment and Property stated he would advise of date for meeting with Police to discuss damage to Dual Language signage.

Councillor Cuthbertson stated he had already raised issues of damage/vandalism at PCSP.

#### **E157/19      Disposal/Sale of Assets – Fleet and Plant**

Members noted previously circulated report which detailed the disposal/sale of surplus fleet, plant and other miscellaneous items from Mid Ulster District Council.

#### **E158/19      Review of the Delivery Mechanism of the Affordable Warmth Scheme**

Members noted previously circulated report which detailed the report received from Business Consultancy Services on the review of the delivery mechanism of the Affordable Warmth Scheme produced in December 2018 and presented to Council management on March 2019. The report also provided update on the funding available from the Department for Communities for delivery of Council's role in Affordable Warmth Scheme for 2019/20.

The Director of Public Health and Infrastructure referred to reduced funding package for delivery of Council's role in the Affordable Warmth Scheme which would impact on the service delivery of the scheme.

Councillor Wilson expressed his disappointment at the reduced funding to the Affordable Warmth Scheme which he stated would impact the most vulnerable in the community. The Councillor referred to the Warmer Home packs and suggested that due to the reduced funding for the Affordable Warmth Scheme some consideration be given to including other elements within the warmer home packs.

The Director of Public Health and Infrastructure stated it was hoped that distribution of the Warmer Home packs would continue and that the reduced funding package related to the Affordable Warmth Scheme.

Councillor McGinley stated that a lot of people benefitted from the Affordable Warmth Scheme and that Council should send a letter expressing its disappointment at the reduced funding package for the Scheme and that any additional resources that can be made available to the Scheme should be made available.

Councillor Burton stated that Clogher Valley had one of the highest populations of elderly people in the District and that all possible should be done to ensure funding is available for the Affordable Warmth Scheme.

Councillor S McGuigan referred to the report by Business Consultancy Services on the Review of the Delivery Mechanism of the Affordable Warmth Scheme as appended to report and the difficulty in establishing value for money due to commercial confidentiality.

The Director of Public Health and Infrastructure stated that a letter would be sent to the Permanent Secretary expressing Council's disappointment at the reduced funding for the Affordable Warmth Scheme and that additional resources should be made available.

In response to Councillor McFlynn's question the Director of Public Health and Infrastructure advised that as the funding for the Scheme is to be reduced the number of referrals will also be reduced.

Councillor Milne asked if there was a criteria for selection to the Affordable Warmth Scheme.

The Head of Environmental Health advised that the Affordable Warmth Scheme is a targeted scheme to geographical areas, those outside the target area would not be eligible for the Scheme however some self-referrals can be accepted for high priority cases.

## **E159/19      Animal Welfare**

Members noted previously circulated report which provided an update on the levels of activity in the Animal Welfare function within Mid Ulster District Council area and beyond over the last financial year.

Councillor Burton referred to recent incident in which Council officers saved a dog from the Canal in Coalisland and stated that the officers involved should be commended for their actions. Councillor Burton stated that instances of animal cruelty appeared to be on the increase and that Council needed to work closely with other agencies and the media.

Councillor Milne referred to case a number of months ago involving horses, the Councillor advised that the animal welfare officer and DAERA staff were in attendance at the time and that a horse had to be put down. Councillor Milne advised that the horse was still lying in the river and that no one department will take responsibility for the removal of the horse, the Councillor stated that there was a need to find solutions for the removal of animals.

The Head of Environmental Health advised that she was aware of the case and that a horse had to be put down however due to the type of ground and health and safety concerns for staff at the time the horse was not able to be relocated prior to being put down.

Councillor Milne stated that the farmer who owned the land on which the horse was lying was willing to take responsibility for its removal but was told he could not do so.

The Head of Environmental Health advised that it would have been DAERA who decided this.

Councillor Milne felt that the whole situation seemed to fall under a lot of bureaucracy.

The Director of Public Health and Infrastructure stated that a meeting would be arranged with DAERA as it appeared to be unsatisfactory how the matter being spoken about was left.

Councillor Burton referred to similar situation involving horses in Clogher some years ago, the Councillor stated there was a lot of red tape involved in these type of cases and that the matter being talked about should be followed up. The Councillor also referred to the hazard of dead animals in a watercourse.

Councillor McAleer referred to incident at the weekend and commended staff who removed a deer from the side of the road today.

Councillor Glasgow stated there appeared to be a double standard in that if a farmer puts an animal down they would be taken to Court if the animal was not removed. The Councillor stated there were some cases that can be sorted out whilst other cases were having the goalposts moved.

The Director of Public Health and Infrastructure advised that officers would follow up with all relevant agencies to seek a resolution to matters discussed.

#### **E160/19      Sunbed Test Purchasing Exercise**

Members noted previously circulated report which advised of the outcome of a sunbed test purchase exercise which was carried out on Saturday 9 March 2019 under the Sunbeds Act (Northern Ireland) 2011.

#### **E161/19      Dog Fouling and Litter**

Members noted previously circulated report which outlined issues of littering and dog fouling in the District and the steps that the Environmental Health Service have taken in response to these.

Councillor Milne referred to earlier comments in relation to communities who take part in clean ups but stated there was a responsibility on Council to take to task those who drop litter. Councillor Milne asked if any convictions had been taken against those who were issued with Fixed Penalty Notices.

The Head of Environmental Health stated that when a Fixed Penalty Notice is issued there is an option to pay the fine, the officer advised that in the majority of cases the fine is paid and therefore no further action is taken however if the fine is not paid Council can proceed with further legal action.

Councillor Burton referred to pilot scheme in Aughnacloy regarding dog fouling and asked if it was felt the scheme had been successful and would be rolled out to further locations.

The Head of Environmental Health stated that the pilot scheme had taken place in Aughnacloy and Castledawson, the officer advised that she had been involved in early morning and late evening patrols in Aughnacloy in which the opportunity was



taken to speak with dog owners and give out dog bags. The officer advised that no instances of dog fouling had been found during the patrols and that during discussions with dog owners it was apparent that people were reluctant to come forward with information even though it was advised this could be done anonymously.

Councillor Cuthbertson referred to request at last month's meeting in relation to increasing the number of staff who can issue Fixed Penalty Notices.

The Director of Public Health and Infrastructure advised that there were some statistics within tonight's report and a further report regarding staffing would be brought to September Environment Committee.

Councillor O'Neill referred to recently held run in Coalisland in which part of the route was along the Canal, the Councillor stated that participants were advised to dispose of their empty bottles etc in the bins however Councillor O'Neill stated a number of bins and seating had been removed along the Canal.

The Director of Environment and Property stated he would raise the Councillors concerns with the Head of Parks.

Councillor Wilson referred to dogs that are off the lead and that it can be difficult to prosecute in those circumstances however Council should be doing all it can to lessen the problem of dog fouling.

The Head of Environmental Health advised that legislation states that a dog has to be under control but this does not necessarily mean on a lead. The officer advised that if dogs are let out and are straying they are clearly not under control and advised that people should come forward with detailed information of such occurrences.

#### **E162/19      Building Control Workload**

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

#### **E163/19      Entertainment Licensing Applications**

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

In response to question from Councillor Cuthbertson the Head of Building Control advised that the application received for 38 Trewmount Road was a first time application however he was aware of other issues relating to planning regarding the application.

Councillor Cuthbertson stated that there was no planning permission for the premises at 38 Trewmount Road, Dungannon.

#### **E164/19      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.

## **E165/19      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.

## **Local Government (NI) Act 2014 - Confidential Business**

Proposed by Councillor S 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 E166/19 to E175/19.

### **Matters for Decision**

- E166/19      General Power of Competence Update
- E167/19      Tender report for the appointment of Vehicle Suppliers
- E168/19      Public Toilet Provision – Dungannon and Clogher
- E169/19      Environmental Revitalisation Improvement Scheme to  
Railway Park, Dungannon
- E170/19      Connecting Pomeroy – ICT Appointment
- E171/19      Increased ICT fees for Seamus Heaney Trails

### **Matters for Information**

- E172/19      Confidential Minutes of Special Environment Committee  
held on 16 April 2019
- E173/19      Confidential Minutes of Environment Committee held on  
11 June 2019
- E174/19      Entertainment Licensing Update
- E175/19      Capital Projects Update

## **E176/19      Duration of Meeting**

The meeting was called for 7.00 pm and ended at 8.12 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_