

**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Tuesday 8 September 2015 in Council Offices, Burn Road, Cookstown**

**Members Present** Chair, Councillor McFlynn (Chair)  
  
Councillors Buchanan, Burton (7.10 pm), Cuthbertson, Gillespie, Glasgow, Kearney, McGinley, B McGuigan, S McGuigan, McNamee, Mullen, Mulligan, J O'Neill, Totten

**Officers in Attendance** Mr Tohill, Chief Executive  
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, Committee Services/ Senior Admin Officer

**Others in Attendance** Councillor T Quinn (8.55 pm)

The meeting commenced at 7.00 pm

**E135/15 Apologies**

None.

**E136/15 Declarations of Interest**

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

Councillor Kearney declared an interest in item E162/15 – Tender for Cemetery Management.

**E137/15 Receive and confirm minutes of the Environment Committee meeting held on Monday 6 July 2015**

Proposed by Councillor McNamee  
Seconded by Councillor McGinley and

**Resolved** That the Minutes of the Meeting of the Environment Committee held on Monday 6 July 2015 (E107/15 – E125/15 and E134/15) were considered and signed as accurate and correct.

Councillor McGinley referred to item in relation to Lough Neagh Rescue in which it was agreed at last month's meeting that a report would be brought to this committee.

Councillor McGinley expressed disappointment that this item was not on tonight's agenda and asked if there was a particular reason for this.

The Director of Public Health and Infrastructure advised that negotiations were ongoing in relation to this matter and a report will come before Environment Committee meeting in October.

Councillor McGinley referred to procedures now in place for dealing with dumping of animals and recorded his appreciation.

Councillor Cuthbertson referred to item discussed at previous meeting regarding waiting restrictions on Killyman Road and letter which was to be sent to Department of Justice requesting further parking be provided at Dungannon Court. The Councillor enquired if a response had been received.

The Director of Environment and Property advised the Member that he was not aware of a response being received and would follow up on the matter.

## **Matters for Decision**

### **E138/15      Recycling Education and Environmental Awareness Update**

The Head of Environmental Services presented the previously circulated report in relation to recycling education and environmental awareness activities undertaken within the Mid Ulster District Council area and sought approval for Service Level Agreement with Armagh City, Banbridge and Craigavon Borough Council for the continued use of the Waste Education Vehicle at a cost of £3,000 per year.

The Chair, Councillor McFlynn commended the work done in relation to recycling education and awareness.

In response to Councillor McNamee's question, the Head of Environmental Services advised that all schools are contacted each year to advise them of the availability of environmental education talks and activities.

Proposed by Councillor Gillespie  
Seconded by Councillor Mulligan and

**Resolved**      That it be recommended to Council to enter into Service Level Agreement with Armagh City, Banbridge and Craigavon Borough Council for the continued use of the Waste Education Vehicle at a cost of £3000 per year.

### **E139/15      Proposed PV Solar Scheme – Magheraglass Landfill Site**

The Head of Environmental Services presented previously circulated report seeking approval to progress a proposal for the installation of a 250 kW photovoltaic solar scheme at Magheraglass Landfill Site.

The Head of Environmental Services advised that the next stage of the process is to submit a grid connection application to NIE to seek their agreement to transfer part of the existing connection to a new connection for the proposed solar PV scheme.

In addition, it was reported that the Association of Public Service Excellence (APSE) Energy is currently running a local authority collaborative framework that can be used to call down design and build contracts for land based solar PV schemes. A one off fee of up to £5,000 is payable to use the framework, confirmation on exact fee and further details on joining arrangements are currently being sought from APSE Energy.

Proposed by Councillor McNamee  
Seconded by Councillor S McGuigan and

**Resolved** That it be recommended to Council to make a grid application to NIE at a cost of £6,676 and to avail of the APSE Energy collaborative framework, if deemed suitable, at a cost of up to £5,000

**E140/15 Proposed Speed Limit Reduction at Tullydonnell Road, Rockdale Road, Drumballyhugh Road and Oughterard Road, Rock, Dungannon**

**E141/15 Proposed Speed Limit Reduction at part of Whites Road, Dungannon**

**E142/15 Proposed Speed Limit Reduction at Loup Road and Dunronan Road, Moneymore, Magherafelt**

Members considered previously circulated reports in relation to proposals from TransportNI as above.

Proposed by Councillor McNamee  
Seconded by Councillor S McGuigan and

**Resolved** That it be recommended to Council to agree to the proposals made by TransportNI to –

1. Reduce a 40mph speed limit to 30mph on Rockdale Road, Drumballyhugh Road and Oughterard Road, Rock, Dungannon and to retain part of the Tullydonnell Road at 40mph and reduce part to 30mph.
2. Reduce a 40mph speed limit to 30mph on Whites Road, Dungannon.
3. Reduce a 40mph speed limit to 30mph on Loup Road and Dunronan Road, Moneymore, Magherafelt.

**E143/15 Local Authority Collected Municipal Waste (LACMW) Report and Northern Ireland Landfill Allowance Scheme (NILAS)**

The Head of Environmental Services presented previously circulated report advising Members of the content of the NIEA Municipal Waste Management Statistics report for January to March 2015.

Members were advised that correspondence from NIEA confirms that the former Dungannon and South Tyrone Borough Council failed to meet its annual NILAS target by utilising 112.6% of the allocated 8,536 tonne allowance for the 2014/15 scheme year. In order for Dungannon to stay within its allocation for the year a transfer of 1,075 tonnes needs to be made from another Council, it was proposed that this transfer is made from Magherafelt District Council as it had a large surplus allowance of 5,256 tonnes for the year. Members were advised of potential fine of £160,000 if transfer is not made.

*Councillor Burton entered the meeting at 7.10 pm.*

In response to Councillor S McGuigan's question as to why the former Dungannon Council failed to meet its NILAS target the Head of Environmental Services advised that this was due to the brown bin scheme not being rolled out across the entire former borough and that Dungannon did not divert any residual waste from landfill.

Proposed by Councillor S McGuigan  
Seconded by Councillor McNamee and

**Resolved** That it be recommended to Council make the necessary transfer of NILAS allowances (1,075 tonnes) from Magherafelt District Council to Dungannon and South Tyrone Borough Council for the 2014/2015 year.

**E144/15 Tullyvar Landfill Site – Joint Committee Update and Proposed Site Visit**

The Head of Environmental Services presented previously circulated report updating Members of the business of Tullyvar Joint Committee and invited Members to visit the facility on 14 October 2014.

Members were agreeable with the Chair's suggestion of visiting the Ballygawley Nature Walk and Garden Project on the same day.

Councillor Burton also referred to facilities run by other Councils in which items of furniture are restored for further use thus extending the life of the item and diverting it from landfill. The Councillor felt it would also be worthwhile to visit one of these facilities in the near future.

**Resolved** That it be recommended to Council that members of the Environment Committee undertake a site visit and tour of Tullyvar Landfill Site to coincide with a Joint Committee meeting on 14 October 2015. Visit to Ballygawley Nature Walk and Garden Project to also be arranged for same date with consideration to arranging visit to a restore facility in a neighbouring council area in the future.

**E145/15 Grounds Maintenance: Policy on Roundabout and Flowerbed Sponsorship**

The Head of Property Services presented previously circulated report seeking approval for sponsorship arrangements for flowerbeds and roundabouts maintained by Council.

In response to Councillor S McGuigan's question regarding accepting the highest bid, the Head of Property Services advised that the Council is not bound to accept the highest or any bid and that sponsorship applications would be brought back to this committee.

In response to Councillor B McGuigan's question the Head of Property Services advised that Council will advertise in the press for expressions of interest regarding flowerbed sponsorship.

The Chair, Councillor McFlynn commended staff on the attractive flowerbeds and baskets situated throughout the district during the summer months.

Councillor McGinley asked if there is a policy in relation to locations of sponsorship.

The Director of Environment and Property advised that the ongoing review of grounds maintenance will consider the locations to be used.

Councillor Mulligan referred to community involvement in upkeep of flowerbeds and asked if there are many situations like this across the district.

The Head of Property Services advised that there are approximately four instances where the local community are involved in flowerbed upkeep across the district.

Councillor Burton referred to the upkeep of some roundabouts and questioned whether this was the responsibility of Council or TransportNI.

The Head of Property Services agreed to provide Members with a breakdown of what Council is accountable for regarding grass cutting at roundabouts/verges.

Councillor Glasgow referred to recent vandalism of flowerbeds and stated that the public needs to be aware of the cost to Council in creating such flowerbeds.

It was agreed that should there be any further cases of flowerbed vandalism that it be reported through the press.

In response to Councillor McGinley's question regarding criteria for roundabouts to be used it was advised that sponsorship applications will be open for all roundabouts in council ownership that are not already sponsored, however consideration needed to be given to road safety issues before deeming a roundabout suitable for sponsorship.

- Resolved** That it be recommended to Council to -
1. Approve the process of seeking sponsorship for flowerbeds and roundabouts for an initial period of 12 months, plus an option for two further 12 month periods as set out below -
    - The plaque/sign (and any replacements) will be supplied by the successful sponsor for approval by Council and erected by Council
    - The sign will comply with carriageway safety regulations and will be approximately 600mm X 200mm
    - Only one organisation will sponsor each identified location
    - One sign/plaque per flowerbed will be permitted

- Sponsorship will be sought for an initial period of 12 months, plus an option for two further 12 month periods
  - Sponsorship signs will not be erected until payment is received in full for a 12 month period
  - Council is not bound to accept the highest or any bid
2. Provide Members with breakdown of what Council is responsible for with regards grass cutting.

*The Chief Executive left the meeting at 7.30 pm*

#### **E146/15      Landlord Registration Scheme**

The Head of Environmental Health presented previously circulated report regarding the content and terms of the Landlord Registration Information Sharing protocol and sought authorisation of officers to access data held by the Department of Social Development Landlord Registrar.

Councillors Cuthbertson and S McGuigan expressed concern at potential for Council accessing data relating to a landlord but then not being able to act on it.

The Head of Environmental Health advised that Council can only seek access to data for specific landlord issues and that there are strict guidelines in place regarding this. It was also noted that the information will only be provided on a request basis.

**Resolved**      That it be recommended to Council to write to Department of Social Development seeking further clarity on how Council could use landlord registration details.

In response to Councillor J O'Neill's question the Head of Environmental Health agreed to provide detail of penalty for landlords who do not sign up to the Landlord Registration Scheme.

#### **E147/15      Dog Kennelling Tender**

The Head of Environmental Health presented previously circulated report regarding the outcome of the dog kennelling tender carried out for Mid Ulster District Council.

Councillor McNamee asked if Council, in the long term, should be looking at providing its own dog kennelling facility and what percentage of dogs are currently being put down.

The Head of Environmental Health advised that the current kennelling provider has a very high rehoming target that is being achieved and also has good connections with other dog kennelling facilities.

The Director of Public Health and Infrastructure advised that a report relating to dog kennelling issues can be brought to a future meeting of this committee.

In response to Councillor McGinley's question as to how the rehoming target is set the Head of Environmental Health advised that it is part of the criteria of the contract with Council.

**Resolved** That it be recommended to Council to award Mid Ulster District Council dog kennelling tender to Drumbonaway Kennels, 184 Coagh Road, Stewartstown for a period of 3 years at a cost of £70,000 per annum, subject to suitable performance and renewal on an annual basis. A further report relating to dog kennelling issues to be brought to future committee.

#### **E148/15 Licensing of Pavement Cafes Act (NI) 2014**

The Head of Environmental Health presented previously circulated report regarding proposal to bring the Licensing of Pavement Cafes Act (NI) 2014 into operation with effect from 1 April 2016.

Councillor McNamee referred to potential for patrons to be drinking alcohol on the street outside premises and what piece of legislation will be used in that instance.

The Head of Environmental Health agreed that clarification is required on what piece of legislation applies in those sort of situations and advised that further guidance is to come forward in relation to this.

**Resolved** That it be recommended to Council to respond to the consultation on Licensing of Pavement Cafes Act (NI) 2014 in the manner outlined in the report.

#### **E149/15 Petroleum Licensing**

The Head of Building Control presented previously circulated report regarding petroleum licensing and sought approval for the "Guide for Petroleum Filling Stations" and "Petroleum Licensing Conditions".

Proposed by Councillor B McGuigan  
Seconded by Councillor Kearney and

**Resolved** That it be recommended to Council to approve the "Guide for Petroleum Filling Stations" and "Petroleum Licensing Conditions" as set out in report.

#### **E150/15 LPS Vacant Properties**

The Head of Building Control presented previously circulated report advising Members on the Building Control and Land and Property Services Joint Working Programme for the Mid Ulster Non-Domestic Vacancy Inspection Programme and sought approval for same.

Councillor S McGuigan asked if this inspection programme only looks at commercial properties and questioned the length of time it would take to go through the list provided by LPS.

The Head of Building Control advised that this particular inspection programme only focuses on commercial properties and that the number of properties LPS forward to Council for inspection on a monthly basis is a guideline.

In response Councillor S McGuigan asked if a previous inspection programme for domestic properties had been successful.

The Head of Building Control advised that an inspection programme for domestic properties was undertaken a number of years ago however the inspection programme under consideration tonight seemed to be a lot more straightforward and should bear a positive result. Monthly updates can be provided on the programme.

**Resolved** That it be recommended to Council to commence the Non-Domestic Vacancy Inspection Programme for Mid Ulster District Council.

*Councillor Cuthbertson left the meeting at 8.02 pm*

### **E151/15 Fire Risk Assessment of Buildings**

The Head of Building Control presented previously circulated report regarding completion of Fire Risk Assessments for buildings under the control of Mid Ulster District Council.

Proposed by Councillor B McGuigan  
Seconded by Councillor McNamee and

**Resolved** That it be recommended to Council to complete Fire Risk Assessments on all buildings as detailed on the schedule contained within the report and review as necessary.

Councillor Mulligan commented that Clogher School is not included on the schedule.

The Head of Building Control advised that once the building is ready for occupation an assessment will be carried out and the schedule amended.

### **Matters for Information**

#### **E152/15 Update on Bulky Waste Collection Service**

The Head of Environmental Services presented previously circulated report regarding the operation and alignment of the Council's domestic bulky waste collection service.

Councillor McGinley asked if there is a limit to the number of requests can be made by one household and does the Council charge for the service.

The Director of Environment and Property advised that there is no limit for the number of requests per household but there would be a limit regarding the number of items that could be collected at one time. The Director advised that this Council does not charge for the collection of bulky waste whilst some other Councils do charge for the service. The Director agreed to research whether neighbouring councils to Mid Ulster charge for a similar service.

Members noted the content of the report.



### **E153/15 Energy Management – Display Energy Certificates (DEC's)**

Members considered previously circulated report regarding Energy Management Certification for eligible properties owned by Mid Ulster District Council and noted its content.

### **E154/15 Proposed Housing (Amendment) Bill**

The Head of Environmental Health presented previously circulated report regarding the Proposed Housing (Amendment) Bill and sought approval for draft comments on same to be fed back to Northern Ireland Assembly's Committee for Social Development.

Councillor McGinley referred to comments within the report regarding disclosing information relating to anti-social behaviour and the knock on effect this may have.

The Head of Environmental Health advised that the Council had no primary interest regarding anti-social behaviour and that this type of information may be requested by Housing Executive or Police in relation to a tenancy.

In response to Councillor S McGuigan's question the Head of Environmental Health advised that Council will access information for the purposes of identifying owners of vacant properties.

**Resolved** That it be recommended to Council to agree response regarding proposed Housing (Amendment) Bill as set out in report.

### **E155/15 Mid Ulster Fuel Stamp Savings Scheme**

Members noted previously circulated report regarding arrangements for the new Mid Ulster Fuel Stamp Scheme.

The Head of Environmental Health advised Members of launch of rebranded scheme taking place on Thursday 24 September.

### **E156/15 Ballygawley Nature Walk and Garden Project**

Members noted previously circulated report regarding Ballygawley Nature Walk and Garden Project.

The Chair reminded Members of intention to visit Ballygawley project and to advise if interested in attending.

### **E157/15 Building Control Workload Analysis**

Members noted previously circulated report regarding workload within Building Control across Mid Ulster District Council.

### **E158/15 Entertainment Licensing Applications**

Members noted content of previously circulated report regarding Entertainment Licensing Applications received across Mid Ulster District Council.

**Confidential Business**

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

**Resolved** That items E159/15 – E166/15 be taken as confidential business.

**E167/15 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 8.58 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_