

**Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 9 February 2017 in the Council Offices, Burn Road, Cookstown**

**Members Present**

Councillor Gildernew, Chair

Councillors Ashton, Buchanan, Cuddy, Elattar, Forde, S McGuigan, McKinney, McLean, McPeake, Molloy, M Quinn, T Quinn and Totten

**Officers in Attendance**

Mr A Tohill, Chief Executive  
Ms Canavan, Director of Organisational Development  
Mr Cassells, Director of Environment & Property  
Mr Kelso, Director of Public Health & Infrastructure  
Ms Kerr, Head of Finance  
Ms Mezza, Head of Marketing and Communications  
Mr Moffett, Head of Democratic Services  
Mr O'Hagan, Head of ICT  
Mr JJ Tohill, Director of Finance  
Ms Grogan, Committee Services Officer

The meeting commenced at 7.00 pm.

**PR019/17 Apologies**

Councillors Bateson and Mallaghan.

**PR020/17 Declaration of Interest**

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

**PR021/17 Chair's Business**

Councillor McLean referred to the removal of the flagpole at Magherafelt town centre and asked if Policy & Resources Committee was the place to raise the matter.

The Chair, Councillor Gildernew advised that it wasn't an item on the agenda so wouldn't be discussed tonight.

The Chief Executive advised that Members were free to raise issues at any point but this was at the discretion of the Chair. He suggested that possibly the best place to raise the issue was through Development Committee as this was a Good Relations issue.

Councillor McLean felt that this was a Policy issue.

The Chair, Councillor Gildernew stated as Chair of the Policy & Resources Committee the issue of the removal of the flagpole at Magherafelt would not be raised at this meeting tonight.

**PR022/17 Receive and confirm minutes of the Policy and Resources Committee meeting held on Wednesday 11 January 2017**

Proposed by Councillor McPeake  
Seconded by Councillor Elattar and

**Resolved:** That the minutes of the meeting of the Policy & Resources Committee held on Wednesday 11 January 2017 (PR001/17 – PR007/17 and PR018/17) were considered and signed as accurate and correct.

**Matters for Decision**

**PR023/17 Unadopted Roads: General Power of Competence**

The Director of Environment & Property drew attention to the previously circulated report to seek approval in establishing criteria which can be used in relation to formulating a Policy which would ultimately be adopted by the Council in exercising its general Power of Competence with regards to the issue of the maintenance/upgrading of Unadopted Roads within the District.

In response to a query from Councillor McLean on clarification regarding zoning, the Director of Environment and Property advised that if there was proof that land has been occupied for over 12 years then title can be claimed, but in the incidence of land being occupied for a long period of time which never had a title this can be a difficult matter.

Councillor McLean stated that there was an obligation to identify whether Council own the lands or not.

Following discussion, it was agreed by Members to remove (*or is believed to own*) from Item 3.2 – No. 1.

Councillor Ashton referred to item 9 and enquired about the situation where there was no bond in place.

The Director of Environment & Property advised that he would be convinced that the statutory Roads Authority would be seeking that a bond would be in place before proceeding.

Councillor Ashton advised that she knew of one such incident in the Dungannon area where the Developer went bankrupt before a bond was in place.

Councillor McPeake referred to land which was in poor state of repair and not classified as a road and enquired if this could be upgraded to become a road.

The Director of Environment & Property advised that this had to be a road for vehicles to gain access to properties.

Councillor Cuddy enquired if rules weren't followed properly and someone gets granted the policy, then there would be a need for this to be applied to other credible places.

The Director of Environment & Property said that he would hope to take it to a standard where they can be adopted by TransportNI. Even though everything was a ticked criteria, there was still a need for this to be agreed by Council. He said that very few would get through.

The Chief Executive stated that in exercising the General Power of Competence, the test needed to be applied.

Councillor Cuddy said that a few people have applied and were denied and were advised that there was no policy in place.

Councillor Molloy enquired if a project needed to meet all the nine criteria outlined to pass.

The Director of Environment & Property stated that it wasn't necessary to meet all of the criteria.

Councillor Molloy felt that through the General Power of Competence funding was going to be used to cover the downfall where other agencies were involved as this wasn't the case in the old legacy council.

He said that when lands were in a no man's land there was a need to have something there where you can work with other bodies.

Councillor McLean suggested if this was to proceed then a draft policy would need to be drawn up to see where a common sense approach can be applied.

Proposed by Councillor M Quinn  
Seconded by Councillor McPeake and

**Resolved:** That it be recommended to the Council that a draft policy be brought back to Committee for consideration.

### **PR024/17 Recognition Policy**

The Director of Organisational Development drew attention to the previously circulated report to seek approval for a Recognition Policy for Mid Ulster District Council.

Councillor McPeake agreed that some recognition should be made to staff for their years of service but felt that the amounts suggested were a bit small.

The Director of Organisational Development advised that she investigated what other Councils did which included the presentation of watches etc, but felt that a monetary value would be of more benefit.

Councillor Ashton referred to item 2.3, 3<sup>rd</sup> sentence and suggested removing “for example”.

Proposed by Councillor Molloy  
Seconded by Councillor M Quinn and

**Resolved:** That it be recommended to the Council that approval granted to implement the Recognition Policy for Mid Ulster District Council. Item 2.3 of the Policy sentence 3, “for example” to be removed.

### **PR025/17 NILGA Summary Product & Work Plan 2016-17**

The Head of Democratic Services drew attention to the previously circulated report to ask Members to consider the NI Local Government Association Summary Product & Work Plan for 2017-2018.

*Councillors McPeake and S McGuigan declared an interest in NILGA.*

Councillor McLean enquired if NILGA’s role as a whole was value for money for the Council as in his opinion it was a lot of money to be allocating to the organisation which could be better spent elsewhere.

Proposed by Councillor M Quinn  
Seconded by Councillor McKinney and

**Resolved:** That it be recommended to the Council that approval be granted for the 2017-18 Work Plan and subscription of £43,610 for the same period.

Councillor McLean wanted it recorded that he was against the proposal.

### **Matters for Information**

#### **PR026/17 Corporate Improvement Plan 2016-17 – 3<sup>rd</sup> Quarter Progress Report**

The Head of Democratic Services drew attention to the previously circulated report to update Members on the Council’s progress on delivery of the Improvement Objectives set within the Corporate Improvement Plan 2016/17.

**Resolved:** That Members notes the content of the report on Corporate Improvement Plan 2016-17 – 3<sup>rd</sup> Quarter Progress Report.

#### **PR027/17 Update on Equipment Provided to Members of Council**

The Head of Democratic Services drew attention to the previously circulated report to update the Committee on equipment provided to members of Council.

Councillors M Quinn, S McGuigan and McPeake all advised that they didn't avail of a mobile phone device.

Councillor Ashton advised that she, Councillors Burton, Cuthbertson and Robinson all had acquired their laptops from the legacy Dungannon and South Tyrone Borough Council.

Councillor McLean enquired about the outcome of the query raised by Councillor Mallaghan at the meeting of the Policy and Resources Committee which had been held on Wednesday 11 January 2017 regarding Members mobile phones not being fit for purpose.

The Head of ICT advised that he had spoken to Councillor Mallaghan regarding the issue and that options were being investigated and that a report would be brought back to committee for consideration.

Councillor Cuddy enquired whether there had been any further development in relation to Council's previous discussions in relation to the provision of internet connection to Members.

The Director of Finance said he had researched the matter and that the outcome of his investigations to date was that Council could only pay for the cost of broadband but not telephone calls unless the telephone calls were included within a communication bundle provided by Council. He said that the "communications bundle" had not been defined by the Department and he was continuing to seek clarification in relation to this. However, he advised that it was now his interpretation that members' cost of broadband could be reimbursed by Council but not calls. In relation to the reimbursement of the costs of satellite broadband, it appeared that Council would first have to determine what a reasonable standard of provision was as costs varied widely depending on the download speeds, etc. to be provided. However, it appeared that a reasonable cost would probably lie somewhere in the region of between £50 and £100 per month. The Director of Finance advised that he intended to bring a formal paper to this meeting tonight but due to work being focussed on the Rates estimates this had unfortunately not been possible.

Councillor Ashton said that clarification was needed on the correspondence in relation to telephone costs previously issued by the National Association of Councillors (NAC) to Members.

The Director of Finance advised that it appeared that the correspondence referred to related to a letter issued by Councillor Boyle, Secretary of the NAC. Unfortunately that correspondence referred to an annex which he had yet to obtain a copy of. However, recent review of the Department's official index of local government circulars indicates that he appears to have misinterpreted the meaning of "communications bundle" to which he had referred earlier in the meeting and that the outworking of this misinterpretation was that it was probable that his previous advice to Members in relation to Council's authority to reimburse the costs of Members' telephone calls was incorrect. The Director further advised that, pending final clarification of this matter with the Department, he had not processed any claims submitted by Members on foot of his previous advice to Council which had resulted

in Council resolving to reimburse Members the cost of their telephone calls up to £30 per month. He confirmed that a full report would be submitted to the next meeting of the Committee.

Councillor Ashton thanked the officer for this report and welcomed the fact that he was prepared to acknowledge his apparent error.

Councillor Molloy also confirmed that his iPad was provided by the former Dungannon and South Tyrone Borough Council.

**Resolved:** That Members notes the content of the report on Update on Equipment Provided to Members of Council.

**Confidential Business**

Proposed by Councillor Molloy  
Seconded by Councillor S McGuigan

**Resolved:** That items PR028/17 to PR035/17 be taken as confidential business.

**PR036/17 Duration of Meeting**

The meeting was called for 7 pm and ended at 8.45 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_