

**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Tuesday 9 June 2015 in the Council Offices, Burn Road, Cookstown**

<b>Members Present</b>	Councillor McFlynn, Chair  Councillors Burton, Cuddy, Cuthbertson, Gillespie, Kearney, McGinley, B McGuigan, S McGuigan, McNamee, Mullen (7.10 pm), Totten
<b>Officers in Attendance</b>	Mr Cassells, Director of Environment and Property Mr Currie, Lead Building Control Officer (Cookstown) 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 Miss Thompson, Committee Services/ Senior Admin Officer
<b>Others in Attendance</b>	Councillor Ashton  Eco Schools Programme, Ms Fyfe

The meeting commenced at 7.01 pm

**E84/15 Apologies**

Councillors Buchanan, Glasgow and J O'Neill

**E85/15 Declarations of Interest**

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

**E86/15 Eco Schools Programme**

Ms Fyfe provided Members with a presentation on the Eco Schools Programme.

Members were advised that the Eco Schools Programme is an international programme with participation from 59 countries and 15 million pupils. She said Northern Ireland is the only country participating in the Programme to achieve 100% registration and advised that this year is the 20<sup>th</sup> Anniversary of the Programme.

Ms Fyfe said the Eco Schools Programme seeks to promote environmental awareness and practical actions which can be linked to the school curriculum and carried through the whole school and into the wider community.

*Councillor Mullen entered the meeting at 7.10 pm*

Schools participating in the Programme all follow a seven step process and can choose from 10 topics to base their study. She added that participants in the Eco Schools Programme can achieve various levels of awards, the highest being the internationally recognised Green Flag accreditation.

Relating the Eco Schools Programme to Mid Ulster, Members were advised that 127 schools were registered in the Programme with 47 schools achieving a Green Flag.

Future plans for the Programme include developing the Ambassador School Award and strengthening working relationships with Councils and local businesses. Ms Fyfe also referred to the International Operators Meeting taking place in Belfast in November 2015 which will be an opportunity to showcase good practice in Northern Ireland.

The Chair thanked Ms Fyfe for her presentation and spoke in support of the Eco Schools Programme.

Councillor Kearney commended the work of the Eco Schools Programme and their positive links with schools.

In response to Councillor Burton's comments Ms Fyfe advised that work is ongoing with schools to support and encourage achievement towards Green Flag accreditation. In relation to uptake from rural/urban schools, Ms Fyfe advised that there was no remarkable difference in the level of uptake between types of schools.

*Ms Fyfe and Councillor Ashton left the meeting at 7.20pm*

**E87/15      Confirm minutes of the Environment Committee meeting held on Tuesday 12 May 2015**

Proposed by Councillor McNamee  
Seconded by Councillor B McGuigan and

**Resolved**      That the Minutes of the Meeting of the Environment Committee held on Tuesday 12 May 2015 (E54/15 – E75/15 and E83/15) were considered and signed as accurate and correct.

Under Item 66/15, Street Trading Procedures, Councillor S McGuigan raised an issue in relation to a trader in the Dungannon area whose street trading licence expired under the legacy Council. He said the application to renew this licence was made under the legacy council which cost in the region of £600 however he noted if the applicant had waited a short period of time the same application could have been made under Mid Ulster District Council's fee structure which would have saved the applicant £400.

Councillor S McGuigan asked that given the application was made so close to the changeover of fees could it be reviewed.

The Director of Public Health and Infrastructure advised that the details relating to this case would be reviewed.

Councillor Cuddy stated that any similar cases would need to be reviewed equally.

## **Matters for Decision**

### **E88/15 Proposed 40mph Speed Limit at Clonoe, Coalisland and Galbally, Dungannon**

The Director of Environment and Property presented the previously circulated report in relation to a proposal from TransportNI to introduce a 40mph speed limit at Clonoe, Coalisland and Galbally, Dungannon.

Proposed by Councillor Gillespie  
Seconded by Councillor Cuthbertson and

**Resolved** That it be recommended to Council to agree to the proposal made by TransportNI to introduce 40mph speed limits at Clonoe, Coalisland and Galbally, Dungannon

Councillor Gillespie stated that this proposal was previously brought before Dungannon and South Tyrone Borough Council and questioned why it was being brought back to Mid Ulster District Council. The Councillor believed that this proposal was agreed long ago and signage should have been erected by this stage.

The Director of Environment and Property said that the reason the proposal had been brought back to this Council could be due to a process issue on the part of TransportNI. The Director advised that he would request an update from TransportNI in relation to timeframe for erection of signage when advising that Council is in agreement with the proposal.

### **E89/15 Proposed Disabled Parking Bay at Hillcrest, Aughnacloy**

The Director of Environment and Property presented the previously circulated report in relation to proposal from TransportNI to introduce a Disabled Parking Bay at Hillcrest, Aughnacloy.

Proposed by Councillor Burton  
Seconded by Councillor S McGuigan and

**Resolved** That it be recommended to Council to agree to the proposal made by TransportNI to introduce a Disabled Parking Bay at Hillcrest, Aughnacloy

### **E/90/15 Charges for acceptance of recyclable commercial waste at Recycling Centres**

The Head of Environmental Services presented the previously circulated report seeking approval for the proposed scale of charges for the acceptance and disposal of recyclable commercial waste at Council Recycling Centres.

Members were reminded that at the Environment Committee meeting on 8 October 2014 charges were agreed for the disposal of residual commercial waste at Recycling Centres, there are however a range of recyclable waste materials that are

also accepted from commercial sources at recycling centres and that alignment of charges for same was required to ensure a consistent approach across all facilities.

Councillor McNamee referred to the disposal of tyres, where they should be taken and how to ensure they are disposed of properly.

The Head of Environmental Services advised that some recycling centre sites are not licensed to accept tyres. Members were advised that in general when the public dispose of tyres, via commercial premises, a disposal fee would be included in the cost of their transaction to cover the levy the premises must pay to dispose of them.

The Director of Environment and Property advised that the report related to commercial waste in which the items being discussed would be in larger quantities and bulkier than that coming from a domestic property.

Councillor Cuddy enquired if recycling centres would receive “domestic tyres.”

The Director of Environment and Property advised that this material had been accepted in the past but highlighted to Members that tyres cannot be landfilled.

Councillor McGinley felt that the term “domestic tyres” should not be used as a negotiation tool for disposal.

Councillor Burton raised concern in relation to the disposal of tyres fearing that there may be an increase in instances of this type of flytipping.

In response to Councillor B McGuigan’s question relating to how the disposal of tyres is monitored the Director of Public Health and Infrastructure advised that NIEA is the regulator for disposal of waste material, not only for Council but also for premises such as those commercial businesses dealing with waste tyres. The Director also commented that government are currently looking at a producer responsibility scheme for tyres.

The Director of Environment and Property also referred to interest from cement producers who can use waste tyres as an alternative form of producing energy at their premises.

Proposed by Councillor B McGuigan  
Seconded by Councillor S McGuigan and

**Resolved** That it be recommended to Council to approve the report on the proposed scale of charges for the acceptance of recyclable commercial waste at Council Recycling Centres

#### **E91/15      Grounds Maintenance Review of Grass Cutting**

The Head of Property Services presented the previously circulated report seeking approval on proposal to conduct a review of Grounds Maintenance service, with a focus on grass cutting.

Councillor Burton referred to other arrangements previously carried out by grounds maintenance such as tidy ups at unfinished housing developments and the need for

this to be included in any such review. The Member also expressed the importance for grass cutting to be carried out at road junctions in rural areas as a matter of safety.

The Head of Property Services advised that grass cutting of rural roads remains the responsibility of TransportNI.

Councillor Burton also highlighted the upcoming Clogher Valley Show and felt that officers needed to be mindful of any events taking place throughout the District in which maintenance may be required on approach roads beforehand.

The Director of Environment and Property referred to correspondence circulated to Members which detailed the response from Minister for Regional Development in relation to reduced level of service of his department.

Councillor Cuddy enquired if there were any economies of scale to be achieved from the merging of Councils in relation to grass cutting service.

The Director of Environment and Property advised that Council's standard of service has not changed from what it was last year and highlighted that Council has no responsibility for grass cutting along roads but does so as a discretionary measure and for amenity value. He raised concern that there is an expectation on Council to continue all levels of service despite cuts and hoped that the review will address all issues and bring to light any possible efficiencies.

Proposed by Councillor B McGuigan  
Seconded by Councillor Cuthbertson and

**Resolved** That it be recommended to Council to approve the carrying out of a review into the Grounds Maintenance service with particular emphasis to be given to grass cutting and consideration towards special events held throughout the District

## **E92/15 Entertainment Licensing**

The Lead Building Control Officer presented the previously circulated report advising Members of a consultation issued by the Department of the Environment on proposed amendments to Entertainment Licensing Legislation. He said the consultation paper contains proposals and recommendations for amendments to the current legislation and licensing regime.

Councillor McNamee referred to recommendation 19 which states –

*“Where entertainment is provided at a place which has an alcohol licence, the latest time of the entertainment licence should be aligned with the latest permitted time for the consumption of alcohol on those premises.”*

Councillor McNamee felt that this recommendation does not work in anyone's favour and that flexibility is needed in dealing with different types of events. The Member expressed concern that this recommendation would also have the effect of bringing everyone onto the streets at the same time which gives rise to other problems.

The Director of Public Health and Infrastructure directed Members to point 75 within the document which advises that DSD plan to make various changes to alcohol licensing through a Licensing Bill before the end of the current NI Assembly mandate in May 2016.

Councillor S McGuigan referred to recommendation 30 which recommends a system of fixed penalties being introduced for offences including increased powers for Council to deal with unlicensed premises. The Member enquired as to what the proposed fixed penalties would be.

The Director of Public Health and Infrastructure advised that this detail was still to be confirmed.

Councillor McNamee commented that premises still require inspection annually and that licensing fees should reflect the same level of work being carried out.

Proposed by Councillor Cuthbertson  
Seconded by Councillor S McGuigan and

**Resolved** That it be recommended to Council to respond to the consultation on the proposed amendments to Entertainment Licensing legislation, incorporating comments made in relation to recommendation 19 and the need for flexibility regarding finishing times for alcohol/ entertainment licences

Councillor Kearney enquired if the small premises referred to under recommendation 8 which it is proposed will no longer require an entertainment licence will also now be exempt from requiring a fire certificate.

The Director of Public Health and Infrastructure advised that Council will have no responsibility for ensuring a fire certificate is in place.

Councillor McNamee referred to PSNI penalty points system for licensed establishments and enquired if this system was in place yet.

The Director of Public Health and Infrastructure advised that he believed there was a process in place but agreed to investigate and report back to the committee

### **E93/15      Licensing of Cinemas – Policy for Film Exhibition Licences**

The Lead Building Control Officer presented the previously circulated Mid Ulster District Council policy for Film Exhibition Licensing in accordance with The Cinema (Northern Ireland) Order 1991.

Proposed by Councillor Gillespie  
Seconded by Councillor McGinley and

**Resolved** That it be recommended to Council to agree the draft policy for Film Exhibition Licences as outlined in report

## **E94/15      Public Analyst Appointment**

The Head of Environmental Health presented the previously circulated paper seeking approval on the appointment of Public Analyst to act for Mid Ulster District Council.

Proposed by Councillor McNamee  
Seconded by Councillor Kearney and

**Resolved**      That it be recommended to Council that the undernoted persons employed by Minton, Treharne and Davies Limited and Worcestershire Scientific Services be appointed as Public Analysts to Mid Ulster District Council under Article 27 (1) of the Food Safety (NI) Order 1991 under the terms of the original contract - Appointed Public Analysts - Susanne Brookes, Paul William Hancock, Alastair David Low, Rachael Ann New and John Antony Robinson

## **E95/15      Test Purchasing**

The Head of Environmental Health presented the previously circulated report seeking approval for test purchasing to be carried out throughout the District with regard to the selling of age restricted products such as tobacco/tobacco products and butane gas lighter fill.

Councillor McGinley sought clarification on how the programme of test purchasing would operate.

The Head of Environmental Health advised that prior to any test purchasing exercises being carried out, letters would be issued to remind all retailers of legislation and provide advice and guidance. Retailers would also be advised that an exercise to establish compliance would be held within the following three months. At the visit a person aged under 18 (who is usually the child of an environmental health officer) will try to purchase such age restricted products, the Head of Environmental Health advised that the person aged under 18 would be fully briefed prior to the visit and would be accompanied by two environmental health officers at all times during the visit.

Councillor Cuddy declared an interest in this item but did not leave the room.

Proposed by Councillor Burton  
Seconded by Councillor Kearney and

**Resolved**      That it be recommended to Council to proceed with a programme of test purchasing for age restricted products such as tobacco and butane gas lighter refill

## **E96/15      Food Business Approval**

The Head of Environmental Health presented the previously circulated paper seeking full approval of a food business trading as Allingham Transport Limited under the requirements of Regulation EC No 853/2004.

Proposed by Councillor Gillespie  
Seconded by Councillor McGinley and

**Resolved** That it be recommend to Council that full approval be granted to Allingham Transport Limited, 6 Grange Road, Cookstown with the approval number UK ZT 021 EC.

#### **E97/15 Local Air Quality Grant Application**

The Head of Environmental Health presented previously circulated paper advising Members of the change and reduction in funding to Councils from the DoE for local air quality work. Grant applications are required to be completed and forwarded to DoE in a competitive process.

Proposed by Councillor Burton  
Seconded by Councillor S McGuigan and

**Resolved** That it be recommended to Council to support the application made for Air Quality Management Work

Councillor B McGuigan commented on the further cutback to funding of another Council function.

Councillor McGinley commented that Members are almost becoming accustomed to hearing funding is being reduced

**Resolved** That it be recommended to Council to write to DoE expressing concern at further cutback to funding on what is a statutory duty for Council.

#### **Matters for Information**

#### **E98/15 Coalisland and Dungannon (Drumcoo) Recycling Centres**

The Head of Environmental Services presented the previously circulated update on the closure, refurbishment and reopening of Recycling Centres in Coalisland and Dungannon (Drumcoo). Members were advised that work at the Coalisland site was complete and that contractor commenced work at Drumcoo on Monday 8 June.

Councillor Cuddy advised that he had used the recently reopened Coalisland Recycling Centre and raised concern at the standard of finish at the site.

The Head of Environmental Services advised that this matter would be looked at.

Councillor Cuddy also commented on the predicted high usage of Coalisland Recycling Centre during closure of Drumcoo site and the need for alternative sites to be utilised if it is found that the Coalisland centre is not coping with the added pressure.



**E99/15 Property Maintenance Asset Inspections**

The Head of Property Services presented the previously circulated report on the programme of inspections of key property maintenance assets, namely bus shelters, roadside signage and off street car parks.

Councillor Burton referred to the need for regular inspections of bus shelters and signage and emptying of bins at tourist sites, particularly during the summer season.

In reference to the emptying of bins at amenities, the Head of Property Services advised that this would be undertaken through the Parks Service.

Councillor Burton also spoke of the importance of life saving buoys at certain amenities and the need to regularly monitor that they are always in place.

**E100/15 Building Control Workload Analysis**

The Lead Building Control Officer presented the previously circulated report to Members on the workload analysis for Building Control across Mid Ulster District Council.

Members noted the content of the report.

In response to Councillor Cuddy's question the Director of Public Health and Infrastructure confirmed an increase in workload across the District and that two new Building Control Officers will shortly commence employment.

**Confidential Business**

Proposed by Councillor McNamee  
Seconded by Councillor Burton and

**Resolved** That items E101/15 – E107/15 be taken as confidential business.

**E106/15 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 9.10 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_