

Minutes of Meeting of Environment Committee of Mid Ulster District Council held on Monday 5 July 2021 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present Councillor Brown, Chair

Councillors Buchanan*, Burton, Cuthbertson, Glasgow (7.06 pm), Graham, Kearney, N McAleer, B McGuigan, S McGuigan*, McNamee, Milne*, Totten (7.15 pm)*, Wilson (7.10 pm)

Officers in Attendance Mr Kelso, Director of Public Health and Infrastructure
Mr Lowry, Head of Technical Services**
Mr McAdoo, Head of Environmental Services**
Ms Caldwell, Principal Environmental Health Officer**
Mr Scullion, Head of Property Services**
Mr Wilkinson, Head of Building Control**
Mr McKeown, ICT Support
Mrs Grogan, Democratic Services Officer

Others in Attendance Councillor McFlynn
Deputation: Kevin Bloomfield – NI HMO Manager*

* 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 Brown welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. Councillor Brown 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.

E187/21 Apologies

Councillor McAleer.

E188/21 Declarations of Interest

None.

E189/21 Chair's Business

The Chair advised that he had received a request to speak from Councillor B McGuigan and invited him to address the committee.

Councillor B McGuigan thanked the Chair for allowing him the opportunity to address the committee on the important issue of opening times regarding Maghera Walled Garden.

He advised that this was a really good Council facility within Maghera and recent works carried out to link it with Largantogher Walkway by means of opening and closing a gate controlled by a person there. He said that there had been a recent appointment by Council for a full time staff member who was doing a really good job and very passionate about his work as was evident to see when you go into the garden and also working with groups like schools etc. The vicinity of St Lurach's Church and churchyard which was a lovely setting was kept very well and certainly the whole facility in that whole area was very good. He referred to the opening times and advised that he had a number of complaints in relation to the opening times, especially not being open on a Monday as the staff member rightly is entitled to his time off and before the appointment there had been issues there with people coming from a long way away to Maghera along the A6 and arriving and finding the gate locked which was disappointing. He stated that when we have a facility like this and not fully utilising it by not opening it on a Monday, then this was disappointing and said that he was aware that the issue related to a staffing issue and staffing costs. He asked members if they were minded to reopen the facility on a Monday unmanned on a trial basis over the summer period as it was something that should be investigated and no additional costs by trialling this proposal and would take away the issue of disappointment for visitors. He advised that no later than last week there were three people from Ballyclare arrived at the site only to find the gate closed which would have been very frustrating. He said that he didn't see any issue with opening the facility unmanned for one day in the week, with monitoring taking place and would be confident that the people visiting would not cause any damage or harm to the facility.

The Director of Public Health and Infrastructure said that he was aware of a legacy staffing arrangement which had been in place for some time at the Walled Garden and stated that there would be no issue looking at this again. He felt the suggestion was very positive of opening the facility on a trial unmanned basis was a practical solution and could be reviewed at the end of the summer months as necessary.

Councillor B McGuigan said that this was now the time over the summer period to proceed with this on a trial basis and monitor the footfall that uses the facility. He stated that any negative issues relating to opening up the facility unmanned on a Monday would certainly need to be revisited, but was confident that this suggestion was worth trying.

Councillor Kearney said that he would be happy to second Councillor B McGuigan's proposal as it was a good idea. He asked also that investigations be carried out on where the key for St. Lurach's Church was at present as there was a previous arrangement to lift the key at the Leisure Centre and when the key was required to show people around, it wasn't available and asked if research could be done to see where the key currently was.

Councillor Glasgow entered the meeting at 7.06 pm.

Proposed by Councillor B McGuigan
Seconded by Councillor Kearney 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 agree that the Maghera Walled Garden facility be opened on a Monday unmanned on a trial basis and also research carried out on where the key of St. Lurach's Church currently was.

Councillor Wilson entered the meeting at 7.10 pm.

E190/21 Deputation: NI Houses of Multiple Occupation Unit

The Chair welcomed to the committee Mr Kevin Bloomfield from NI Houses of Multiple Occupation Unit and invited him to address the committee.

Mr Bloomfield updated members on HMO's, which included (appendix 1):

- What was an HMO – 4 components:
Accommodation, Persons, Households and Rents
- What was not an HMO – Buildings and establishments: occupied by students, religious communities, armed forces, prisons, owners family, converted flats
- Requirement for HMOs to be licensed
- Granting an HMO Licence
- Fit & Proper Person
- Checklist of Required Documentation
- Standard Licensing Conditions
- Licensed HMOs
- Inspections
- Statutory Notices

The Chair thanked Mr Bloomfield for his presentation and advised that he had a few questions he wished to raise.

The Chair said that firstly in relation to the notices which had been issued enquired if these resulted in any fixed penalty notices and if there were fines, where did the income go to. He also enquired in the event that a household refuses to pay a penalty notice, what action does the HMO take in relation to that.

Mr Bloomfield advised that no fixed penalty notices had been issued in the Mid Ulster area and if there was, then the fixed penalty income would go to Belfast City Council for the administration of the scheme as the scheme itself was self-financing to run on as a neutral cost basis. If an individual refuses to pay fixed penalty costs then the policy was to proceed to prosecution i.e. fixed penalty for running an unlicensed HMO was £5,000 and if a prosecution was sought then the maximum fine the courts could award was £20,000 plus a criminal conviction.

The Chair referred to the number of HMOs and stated that the graph had shown there were 85 licensed HMOs at 31 March 2019 but at 31 July 2021 it shows it was down to 24 although 6 of them were waiting re-approval. He enquired where the other 60 HMOs went within the two years period.

Mr Bloomfield advised that this came down to the change in definition when the 2016 Act came into force. He said that the Act itself included a number of exemptions from the definition as previously some Housing Associations properties would have been HMOs which was no longer the case. The biggest drop out was properties which were converted into flats as under the old definition required 3 people overall in the building from more

than 2 households and now under the new definition they have to be from each individual flat which had 3 people from 2 households. In relation to RQIA properties some fell outside of the definition and the change in the extended definition of family and the number of households had removed a number of the households from the definition also. He advised that all of the properties which were in place on 31 March in the period just before the date of transfer of the Act whilst employed by the Housing Executive, staff had went out and checked those properties, either going out physically checking or checking through the plans of the property to see if they were capable of being occupied for HMOs and checked for their status.

Councillor S McGuigan advised that his query was around definitions and how they had changed. He said that the definition may have changed but the conditions of some of the properties hadn't changed a great deal and there would still be certain concerns that some people were still living in some unsatisfactory living conditions. He also referred to a serious issue in the Dungannon area in years gone by and may have lessened to some degree but how much certainty was the HMOs were being picked up that really do exist.

Mr Bloomfield advised that the ones that they were aware was physically inspected and 47 inspections done over the last 2 years which were primarily complaints and referrals received from members of the public or from other statutory agencies which were followed up by going out and doing a check around HMO usage. He said that none of the inspections resulted in any enforcement action which was satisfactory, but if there were any further complaints received in relation to any properties then colleagues from Environmental Health Department would be in contact with NIHMO if they have any concerns relating to any problem properties and a follow up check would be completed on HMO usage.

He referred to the standard of some properties falling outside of the definition and advised that some of those properties would have had integrated fire alarms, system for emergency lighting and whatever the old standards required to bring it up to standard. At the time those standards would have been classed as reasonable for those types of properties, but now the definitions has been changed, which NIHMO couldn't enforce. Members may be aware that DfC were bringing forward a Bill through the assembly at the moment to look at the wider private rented sector and his understanding of that Bill although he wasn't privy to the whole ins and outs of it was that there were some things in it to tackle some of the issues and gaps left by the change in HMOs, particularly in relation to safety monitoring.

The Chair thanked Mr Bloomfield for attending the meeting to provide an update to members and said that it would be beneficial for the group to provide an update to Council on an annual basis to keep members abreast on what was happening.

Mr Bloomfield agreed that this could be accommodated and he withdrew from the meeting at 7.28 pm.

The Chair advised that members would have received a late paper on Northern Ireland Electricity (NIE) on the Facilitation of Energy Storage Services (FESS) which was brought up at Council in June where it was agreed that a paper be prepared and invited the Director of Public Health & Infrastructure to address the committee.

E191/21 Northern Ireland Electricity (NIE) on the Facilitation of Energy Storage Services (FESS)

The Director of Public Health & Infrastructure presented report to provide members with information on the recent consultation launched by Northern Ireland Electricity (NIE) on the Facilitation of Energy Storage Services. The consultation was launched on 4th June and must be responded by 16th July 2021.

Councillor Wilson wanted to commend staff on putting this together as it wasn't an easy document to read. He referred to the issue of costings within the report under the "Protection of the NIE Supply Network" where it was stated that this was the highest costs across Europe. He felt that a paragraph should also be included referencing the cost to industry as it had a knock on effect on the cost of goods and attracting investment into the area.

Proposed by Councillor Wilson
Seconded by Councillor McNamee 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 approve the draft consultation response to NIE for the 'Facilitation of Energy Storage Services' and request a presentation from NIE Senior Officers on the current network and issues arising at a future meeting. Also that a paragraph be included under "Protection of the NIE Supply Network" to reference the cost to industry as it had a knock on effect on the cost of goods and attracting investment into the area.

Matters for Decision

E192/21 Consultation on Proposed Changes to the NI Carrier Bag Levy

The Head of Environmental Services presented previously circulated report to seek approval to submit a response to the consultation on the NI Carrier Bag Levy.

Councillor Cuthbertson thanked Mr McAdoo for bringing this matter before committee today as he had raised the issue at the full Council meeting last month. He said that the point he had picked up on at the full Council meeting was in relation to the possible removal of the exemptions on all paper bags in which he had raised concerns as some pharmacies and hot food outlets utilise these, but he has now noticed that the Department was reserving the decision and no decision has been made on that yet. He felt that Council should be replying to the Department asking them for an exemption on paper bags. In advised that he had been involved in a few litter picks in the Dungannon area this year and he did not think that plastic bags were a major problem laying in the sides of the roads but more plastic bottles and cans and stuff like that and believes that it's not as big a problem as it's made out to be. He felt that it was unfortunate that large retailers were not selling single use carrier bags and promoting more expensive reusable bags costing up to 50p and then possibly another 25p on top of that which ended up being very expensive.

Proposed by Councillor Cuthbertson
Seconded by Councillor Burton

To leave the levy on carrier bags where it was currently and to keep an exemption on paper bags.

Councillor Burton said that she was happy to second Councillor Cuthbertson's proposal as it was initially the goal to get rid of plastic bags resulting in a lot of retail establishments resorting to use paper bags which were not as harmful to the environment. She referred to food outlets and stated that whilst out on litter picks found paper bags which were not harmful but inside the bags would be a polystyrene food boxes/trays which would be harmful and doesn't know how all these things could be addressed. She advised that a lot of shops had started to wrap their merchandise i.e. clothing in tissue paper and do away with bags, with some creating some beautiful promotional bags which were not harmful to the environment and felt that the Council needed to work with retailers at this time and not make it any more difficult for them to be able to provide a service for the shopper to take their purchases home. She said that it would be rare to go into a pharmacy to get a free prescription and be charged for the bag and would totally agree with the former comments.

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 submission of a response to the NI Carrier Bag Levy consultation and to advise of committee's views on supporting the proposals to not increase the levy on carrier bags and also keep an exemption on paper bags.

E193/21 Consultation Response on Additional Protection for Service Animals in Northern Ireland

The Principal EHO presented previously circulated report to provide Members with information on the recent consultation launched by Department of Agricultural & Rural Affairs (DAERA) on 17th June 2021. This consultation seeks views on a proposal to strengthen protection provided to service animals in Northern Ireland. It is aimed at those stakeholders who work with service dogs and those who have an interest in animal welfare. The list of consultees is not, however, meant to be exhaustive and responses are welcomed from anyone with an interest in or views on the matters covered by this consultation paper.

Councillor Burton said that she would like to propose that this Council does support the consultation as it was a very emotive subject as we were a country which was supposed to love animals and whilst this is service dogs and when you see some of the harmful things that happens to animals, we should be doing anything we possibly can to ensure their safety is paramount while in service.

Proposed by Councillor Burton
Seconded by Councillor Graham 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 agree that Council responds to the online consultation in support of the new legislation to protect service dogs in advance of the response date of 1st August 2021.

Councillor Kearney stated that he would be happy to support the recommendation and said that it was good to see progress on the motion which began life in Mid Ulster on an All-Ireland animal cruelty register which has now made its way to Stormont with over 4,000 signatures. He said that the motion had started in this Council and had certainly gathered momentum which was great to see.

Councillor Milne said that he wished to raise a wider issue relating to cruelty to animals and enquired if this was cruelty in general in terms like cattle and horses etc. He stated that he previously raised the issue around penalties that were imposed on people that were convicted and banned for life from keeping animals. He said his concern related to the fact the loopholes exist where the same offenders/household/farmyard keep animals under the pretext that this has been let out or whatever but in fact the person which has been banned for life has used the loophole to acquire cover from someone else.

Proposed by Councillor Milne

That it be included in the consultation that people that were banned for life from keeping animals, that this also includes the land that they own and also the farmyards that houses these animals.

He said that there was an ongoing situation within his area where a loophole has been abused in a big way and would appreciate if this could be included or some kind of a report submitted to the powers that be to tighten up the rules and regulations around these type of issues.

The Director of Public Health & Infrastructure said that he was aware of the concerns in which Councillor Milne referred to and had communicated with the Department regarding that and would certainly had no issue on following through on this matter again.

Seconded by Councillor B 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 approve that it also be included in the consultation that people banned for life from keeping animals, that this also includes the lands that they own and also the farmyards that houses these animals.

E194/21 Biodiversity – All Ireland Pollinator Plan

The Head of Technical Services presented previously circulated report to update Members on their request at the Council meeting held on 28th May 2021 regarding Mid Ulster District Council registering its support for the All-Ireland Pollinator Plan. This report outlines the framework for this.

Councillor B McGuigan said that he would be happy to propose the recommendation as it was a very important plan and this Council should be working with groups to try and assist in any way they can to deliver the plan.

Councillor McNamee said that he would be happy to second the proposal as there were 99 different types of bees on the Island of Ireland and a third of them were threatened with extinction and agreed that there was a need to manage the lands better and look after our bees.

Proposed by Councillor B McGuigan
Seconded by Councillor McNamee 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 approve that Mid Ulster District Council register as a supporter of the All-Ireland Pollinator Plan.

Matters for Information

E195/21 Minutes of Environment Committee held on 15 June 2021

Members noted minutes of Environment Committee held on 15 June 2021.

Councillor Cuthbertson referred to the defibrillators and advised that he had attended the opening of works and play-park at President Grant's on Saturday and noticed that there was no defibrillator at the site yet since it was proposed and approved last November.

The Principal EHO advised that the procurement process had been completed and the order process was currently ongoing and anticipated that defibrillators should be purchased and with Council shortly for sending out for the relevant locations for installations.

Councillor Burton said that it was great to be present and see the work which had been done in terms of signage and interpreting boards at President Grant's, with staff putting on a fabulous show on the day. She said that the President himself had actually turned up at one stage and was good to see a lot of social media and videos promoting the event and was also good to see a rural location getting the publicity it deserves. She said that she was absolutely delighted to see the play park getting the facelift that it deserved and requested that if at some stage that there was available funding that facilities be considered for older children as this site as this was the request from that area.

She referred to E165/21, page 133 and said that she was aware of the ongoing situation relating to the brown bins and whilst it was hoped that it would be brought back tonight agreed that it was a bit of a short turnaround to expect that. She referred to the latter end of the paragraph and said that she raised the need for bins around the White Lough outside Aughnacloy which had got a wonderful refurb during Covid and was her understanding that Rivers Agency had paid for but it was disappointing to see a large amount of litter which was an ongoing issue and asked that bins be installed at the entrance and possibly at the back of the lough. She said that it was her idea that the Council purchase the bins and then charge for them or ask them to put the bins there themselves, but on a recent visit she did not acknowledge any bins at the site sadly and was dismayed to see the vast amount of rubbish lying about, including facemasks, bottles and cans etc. and had taken a bin liner from her car and filled it up. She concluded by

saying that it was a really nice local beauty spot and no-one wanted to see it getting into a dilapidated state and advised that there were fish in the Lough and a few dead in the water and didn't know if this was a result of rubbish in the Lough but would like to nip this in the bud and enquired if there was any update from the previous Minutes.

The Director of Public Health & Infrastructure advised that he would have the matter followed up and provide the member with an update.

Councillor Graham referred to E165/21 regarding the Review of the Brown Bins and enquired how this was coming along and when it could be reasonably expected.

The Director of Public Health & Infrastructure advised the officer team were reviewing the matter and a report would be brought to the next committee meeting.

Councillor Glasgow said that he was following on from Councillor Cuthbertson's comments regarding defibrillators and said that the Head of Environmental Health had reached out to him following a query he had regarding sourcing one for Drum Manor and was pleased to say that it was his understanding that the Forestry Service had a defibrillator on site. He said that he had raised a further question but may be still awaiting a response but wished to know if the Forestry Service had registered the defibrillator and if the Council could source the exact location as a lot of these defibs are not registered on the actual app and this defeated the purpose, but it's good that it's there as the Council can actually move on and focus on another area they need to step in and assist.

The Director of Public Health & Infrastructure advised that officers would follow the matter up and provide an update to Councillor Glasgow on that.

E196/21 Update on Refuse Collection/Route Optimisation

Members noted update on route optimisation and changes to the refuse collection service.

Councillor Glasgow said that he noticed that this issue was for information but felt it would have been better being brought forward as a decision for some conversation as members may recall that himself and other members had spent some time trying to sort these problems out. He said that he did welcome the communication and in fairness, it was a lot better this time compared to what it was the last time and would give credit where credit was due. He said that he had witnessed for himself the small things which were hooked onto the bin handles over the last few weeks and fairness well done to that. Whilst reading through the report he had observed that 700 more households was going to onto this for the first time and said that he hoped that there was a big move with all these houses being put on to ensure that these new households don't suffer like the previous households had suffered over the last two years whenever this was brought in. He also referred to the matter of optimising which was outlined within the report and potentially speeding it up and enquired where the Council stands in terms of a cost saving, as more bins were going to be lifted at a quicker rate with possibly half a day or a few hours in the day to spare. He asked if this would allow the Council to save money in the long run going down the line and leads on to what he previously asked at one of the Council meetings before the rates were struck last year, was that a report to be brought back on the savings which were associated with the previous route change in the rural Cookstown area which caused so much problems. He said that the Council were now two years into this and he

was keen to see the savings that were actually made and whether the benefits which were put to members in the report at that time had actually been achieved. He concluded by saying that he hoped that this goes a lot better than it previously did, but commended that there was a much better communication and hopefully that this has paid off.

Councillor Cuthbertson said like the previous speaker, he thought that it would be probably better to get the details on savings from the previous trial first before moving on to another one. He said that he presumed that the only savings would be a wage and doing someone out of a job and did not believe that it would be any speedier as there were incidents where bins were not in the right place, pulled back or pushed in a bit, and didn't believe that there would be big savings on it. Unfortunately the men employed in Technical Services were probably one of the lowest paid within the Council and felt that this was just cutting one of the lower paid jobs for the sake of cutting it. He said that he presumed that this would never come into the urban areas and towns as he could not envisage this ever working and asked for the officer's thoughts on that.

The Head of Environmental Services referred to deployment in urban areas and agreed with member that OAVs would not be suitable to empty bins in urban areas because of groupings of bins in particular. He stated that the last phase was not a trial, but simply the last phase of implementation, as part of the ongoing roll out of OAVs across all rural roads in the district, primarily due to health & safety reasons.

In regards to savings, the Head of Environmental Services referred to item 4.1 –

Financial: - "This latest phase of route optimization, which is on a smaller scale to that implemented previously, will not lead to a reduction in vehicles or a resultant saving in maintenance and fuel costs. However OAV collections can be more efficient than that by standard refuse collection vehicles (if bins are presently correctly by residents as requested) and it is hoped this efficiency will enable the growing number of households in the district to be serviced without an increase in budget i.e. doing more with the same level of resource".

Human: - It is important to highlight that there are no staff savings associated with the OAV roll out because the single loaders previously utilized on vehicles on rural routes are being redeployed to standard refuse collection vehicles on built up/urban routes where previously only one loader was deployed but where two are now required due to the continued increase in new houses/additional developments i.e. a rebalancing of resource.

He advised that reading through this section had clarified that there would be no jobs lost.

He referred to the 700 households and the improved communications and advised that all of these households would receive a letter which was provided in Appendix 1 direct to their door and also refers to a collection calendar, a label on their bins and also a video on the website for information.

Councillor Glasgow thanked Mr McAdoo for the update but felt that item 4.1 wasn't satisfactory when it came to financial costs as he was looking the financial detail and not a summary as there was a need to provide the detail from the previous review that was carried out so we can actually see where we are going and in his opinion 6 lines was not good enough when we are dealing with near 4,000 households and deserves more than 6

lines within a report. He said that he was aware of the calendar being put out and previously he had problems which was brought to the Council's attention in relation to our website not actually tallying with the calendar and was under the impression that the Council calendar was not actually controlled internally which may have caused the problems, particular on the Knockaleery Road, Cookstown when they were leaving their bins out last year and realised that the online system wasn't corresponding with what the bin collection times actually was. As a point of clarity enquired whether the operators of the website being made aware of the changes as the calendar may be blown of the bins by the time they get home from work.

The Chair raised the issue of presenting a bin and enquired on a point of clarity if a person's household was on the left was it a requirement to move the bin to the right handside of the road for this machine or does it go up and down the road twice to do each side.

The Head of Environmental Services clarified that there was no requirement for householders to move bins across the road.

The Chair suggested that the financial detail as requested by Councillor Glasgow be brought to the next Environment Committee.

The Head of Environmental Services said that there wasn't financial savings but there would be efficiencies through this implementation which would allow the Council to service the additional households coming on stream which, could be up to 1,000 or more per year, without any additional resource. He advised that the primary purpose of the OAV rollout was health and safety and the safety of the operatives working at the back of the vehicle.

The Chair said that picking up on what Councillor Glasgow had previously said enquired if there were no costs savings during the first time this scheme was rolled out for the 4,000 households.

The Head of Environmental Services advised that this was the phase previous to that when they were rolled out in the Magherafelt area where the Council managed to save a vehicle which was a saving going back three or four years. He said that in relation to this latest phase the cost savings were balanced with staff transferring to more congested urban routes.

Councillor Glasgow said as a matter of clarification for the officer referred to the review in Cookstown in 2019 when this review was carried out and he had raised this at Council and at Committee numerous times whenever there were issues. He advised that it was 2019 when the OAV came to the Cookstown area and was not referring to the Magherafelt area and would be aware that no-one was going to know what the cost savings were going to be and would most certainly enquire when the year passes. He said that he would be keen to see what the savings were regarding the route optimising in 2019/20 in Cookstown as a point of clarity, he was under the impression that people may have to be asked to move their bins to the other side of the roads depending on numbers and he had raised this concern before from a road safety point of view and felt that clarification was needed on this. He felt that no statement should be made indicating that no bins were to be moved across the road when potentially people may have to.

Councillor Burton recalled this being a conversation at a previous meeting where Councillor Glasgow raised the issue of people having to take their bin across the road. She referred to page 146 where it states *“make sure that the handles of your bin are facing away from the road and towards your property and that your bin isn’t tight up against a wall, fence or hedge”* and stated that on the road she lived on if a person left a bin too far out then there would be no bin when they came back as it would be swiped off. She advised that people put their bins out the night before and live on very minor roads and her worry would be if this was going to be rolled out that there were roads within our rural areas would struggle to be able to get these collected and would be times that people would also struggle with how far apart a bin should be. She said that during her term as a Councillor she became aware of how strongly people feel about their bins and you could nearly close down a lot of things but if you close down their bin collection for a day or when a lorry breaks down, the local Councillors phone line is like a hotline as everyone is on saying that their bin wasn’t collected today which was rightly so as it was a service the Council provide. She felt that there could be teething problems when this initiative comes out into other areas and was not looking particularly forward to that time.

The Head of Environmental Services referred to comment regarding narrow rural roads and advised that all roads were accessed for suitability for OAVs and were actually a few which weren’t suitable and these roads were serviced by a smaller 7.5 tonne Mac Pac vehicle if necessary.

Proposed by Councillor Brown

That a report be brought to the next Environment Committee on the cost implication of what has happened over the last number of years with regards to these vehicles and if needed to revert back to the beginning at Magherafelt if need be, but emphasis to be more on the Cookstown area.

The Director Public Health & Infrastructure noted the concern of members in relation to the rollout of the OAV system. He advised the reporting officer had stated in his report that any efficiencies identified will be utilised to offset increased costs which arise each year from new households being added to the weekly collection runs. He agreed with what the officer had indicated regarding the huge issue around workers safety as he had personally observed on vehicle video evidence of a car colliding with the rear of a bin lorry while undertaking collections on a rural road. The car was extensively damaged as a result and the Council employee missed serious injury by approximately three feet. The Director stated it was important that members had a thorough appreciation of the costs involved in delivering the services, but they should also give clear reflection on Councils’ Health & Safety responsibilities in this regard. He confirmed that a more detailed report on the matters will be brought back to the next meeting of the Committee.

Councillor B McGuigan said that this was to do with the Cookstown area and the rollout, but this initiative has been in the Magherafelt area for a number of years and he had received no complaints and as far as he was aware no other members from that area has received any either. He said that it may be a fear of a new system coming into an area that people weren’t used to and all these potential issues could come to light. He took into consideration the Director of Environment & Infrastructure concerns relating to staff standing at the back of a vehicle and the potential danger and felt that this new system was not going to be as problematic as what was being stated here.

Councillor Kearney concurred with previous member and said that he has become accustomed to it in his part of the world for a number of years and stated that he lived on the edge of the village and not only was there a bin lorry and an operative but also a small van with a driver, 2 men in the lorry and felt there was a need to weight this all up and he had no problem with the single lift either and was working alright.

Councillor Glasgow said that he wished to emphasise that he wasn't referring to health and safety as he takes the professional advice by the officers when it comes to health and safety as they know it a lot better than him, but felt he was well within his rights to ask for a costing because we were all elected people around the chamber tonight and the ratepayer wants to make sure that they are getting value for money and it was members job to scrutinise costs. He stated that he was just asking from a costing point of view for Cookstown area in 2019 and that was solely the purpose.

The Director of Public Health & Infrastructure confirmed there was no issue about bringing a report back to the next meeting of Committee.

The Chair said that he was happy enough and took on the points of members and as he lives in an urban area, does not have the privilege of having this lorry coming to lift his bin and took on board the points in which Councillors B McGuigan and Kearney had made, but felt that if costings on a point of principle could be taken back, then this would be appreciated. He said that a price cannot be put on health and safety as no members would wish to see anyone being injured in any way while undertaking their day's work.

Proposed by Councillor Brown
Seconded by Councillor Glasgow 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 that a report be brought to the next Environment Committee if possible on the cost implications of rolling out the OAV collection vehicles as part of the refuse collection service .

E197/21 Tree Planting Scheme at Tullyvar Landfill Site

Members noted update on the recent planting of a new native broadleaf woodland at Tullyvar Landfill Site with grant funding from the DAERA Forest Expansion Scheme.

E198/21 Building Control Workload

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

E199/21 Entertainment Licensing Applications

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

E200/21 Digitisation of Building Control Files

Members noted previously circulated report which provided an update on the completion of the digitisation of records within the Building Control Department.

E201/21 The Application of the Houses in Multiple Occupation Act (Northern Ireland) 2016

Members noted previously circulated report which provided an update on the implementation of the Houses in Multiple Occupation Act (Northern Ireland) 2016 “2016 Act” within Mid Ulster District Council.

E202/21 Correspondence Received from the Food Standards Agency in Relation to the Covid-19 Recovery Plan for Local Authority Delivery of Food Law Controls

Members noted previously circulated report which provided an update on correspondence which has been received from the Food standards Agency in relation to the Covid-19 recovery plan for local authority delivery of food law controls.

E203/21 Bus Shelters Update

Members noted previously circulated report which provided an update on the current bus shelter status.

Live broadcast ended at 8.20 pm.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor McNamee
Seconded by Councillor B McGuigan 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 E204/21/21 to E213/21.

Matters for Decision

- E204/21 Newbridge Picnic Area
- E205/21 Installation of Memorial Tree on Council Property
- E206/21 Pest Control Services – Update
- E207/21 Pavement Café Licence – Application
- E208/21 Purchase of Monitor

Matters for Information

- E209/21 Confidential Minutes of Environment Committee held on 15 June 2021
- E210/21 Ferry Bridge Cycle/Footway, Derrylaughan
- E211/21 Capital Framework – ICT Contracts Update
- E212/21 Capital Framework – IST Contracts Update
- E213/21 Capital Projects – Scoping Contracts Update

E214/21 Duration of Meeting

The meeting was called for 7.00 pm and ended at 9 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.

Houses in Multiple Occupation Act (Northern Ireland) 2016

Kevin Bloomfield
NI HMO Manager



“What is an HMO?”

4 components

a) Accommodation

- separate dwelling (house or flat) or
- single ownership, and share basic amenities

b) Persons

- 3 or more persons, and
- only or main residence

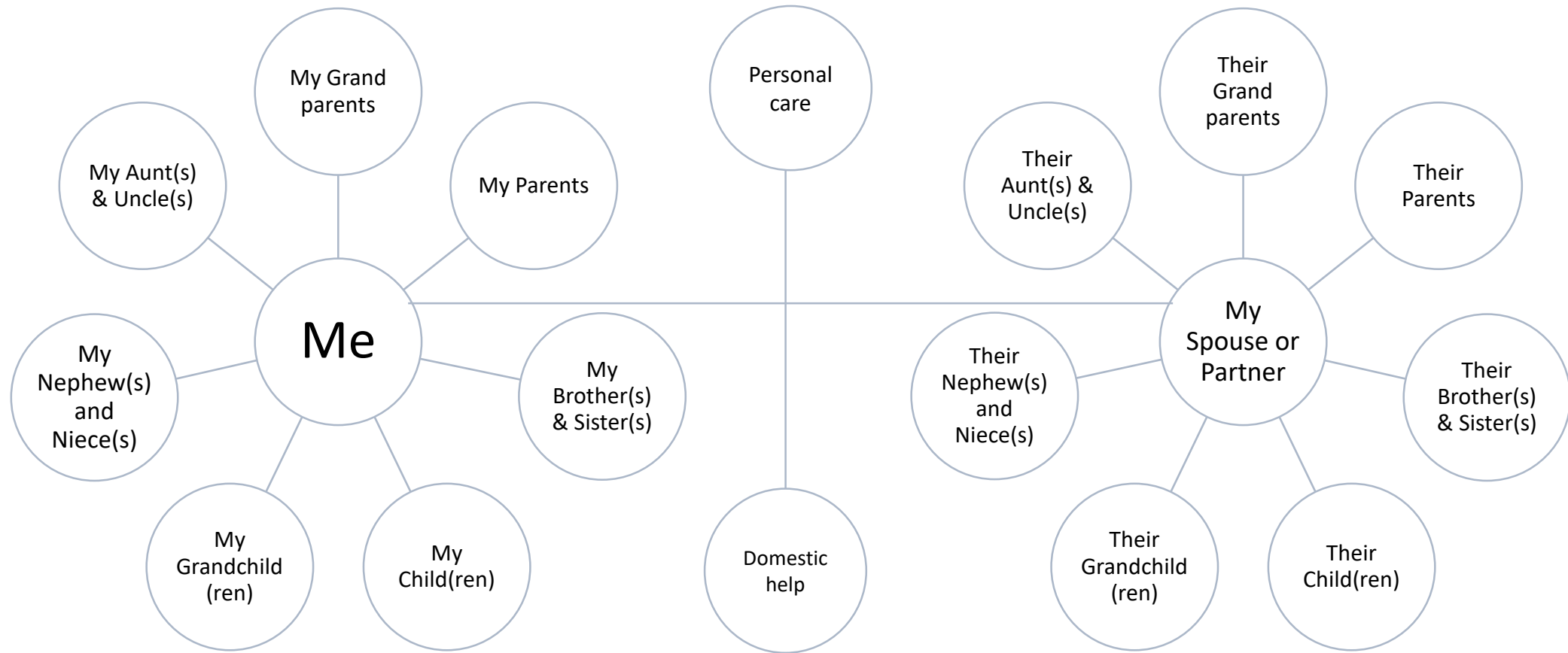
c) Households

- 3 or more households (family and providing domestic help or personal care)

a) Rents

- Rents or other considerations is to be provided in respect to the occupation of at least one occupant

“My household”



“What’s not an HMO?”

Not HMOs

- Buildings controlled or managed by public sector bodies etc.
- Establishments regulated by the Regulation and Quality Improvement Authority
- Buildings occupied by students and managed by educational establishment (Accreditation scheme)
- Buildings occupied by religious communities
- Buildings occupied by members of the armed forces
- Prisons etc
- Buildings occupied by owners (or members of the owners family)
- Converted flats (an individual flat may be an HMO if it is occupied by 3 or more persons from more than 2 households)

“ Requirement for HMOs to be licensed ”

“An HMO licence must specify

- a) the HMO to which it relates,*
- b) the council which issued it,*
- c) The number of persons who are authorised by the licence to occupy the HMO as their only or main residence*
- d) The owner of the HMO,*
- e) Any managing agent of the HMO, and*
- f) Any conditions which the council has decided to include in the licence under section 14*

Every house in multiple occupation (“HMO”) must be licensed under this Act (unless a temporary exemption notice under section 15 is in effect in respect of it)

“ Granting an HMO licence ”

Section 8 - HMO Act (NI) 2016

*see Section 20(4)

The council may grant the licence only if it is satisfied that –	New applications	Renewal Applications
would not constitute a breach of planning control	Yes	Does not apply*
fit & proper persons	Yes	Yes
would not result in overprovision	Yes	Does not apply*
proposed management arrangements are satisfactory	Yes	Yes
fit for human habitation and is suitable for occupation as an HMO	Yes	Yes

“Fit & Proper Person”

Disqualification Order under Section 38 – Not Fit & Proper Person

Regard to offence involving -

- i. Fraud or other dishonesty,
- ii. Violence,
- iii. Drugs,
- iv. Human trafficking,
- v. A firearm Article 2 of the Firearms (NI) Order 2004.
- vi. Offence listed in schedule 3 of the Sexual Offences Act 2003.
- vii. Unlawful discrimination.
- viii. Housing law or of landlord and tenant law.
- ix. Acted otherwise than in accordance with a code of practice approved under section 63.
- x. Regard to ASB engaged in by the owner/manager and/or how they deal with ASB engaged in by the occupants of the HMO.

“ Checklist of required documentation ”

- ✓ Online application form
- ✓ Application fee
- ✓ Electrical installation condition report
- ✓ Fire alarm & detection system installation or servicing certificate
- ✓ Emergency lighting system installation or servicing certificate (if applicable)
- ✓ Current portable appliance test (PAT) certificate
- ✓ Energy performance certificate with a minimum E rating for energy efficiency.
- ✓ Gas safety certificate (if applicable)
- ✓ Date of CO detector installation (if applicable)
- ✓ A declaration as to the condition of any chimneys/flues and date they were last cleaned (if applicable)
- ✓ Fire risk assessment (benchmark to the “HMO Fire Safety Guide” – Recommended standard PAS79)
- ✓ Personal emergency evacuation plans (Peeps) for any disabled or vulnerable occupants
- ✓ Proof of sufficient funding arrangements
- ✓ Anti-social behaviour plan
- ✓ Publication of notice of application

“Standard Licensing Conditions”

for Houses in Multiple Occupation (HMOs) in Northern Ireland

- Section 1** Introduction
- Section 2** Permitted Occupancy
- Section 3** Safety Certification and Declarations Confirming Compliance
- Section 4** Adequate Security Arrangements
- Section 5** Heating and Energy Performance
- Section 6** Physical Standards
- Section 7** Satisfactory Management Arrangements
- Section 8** Rubbish and Environmental Considerations
- Section 9** Anti-Social Behaviour
- Section 10** Variation of a Licence or Change of Details or Circumstances
- Section 11** Competency Training
- Section 12** Legislative Authority

“ Licensed HMOs ”

31 March 2019 (Old definition) = **85**

1 July 2021 = **24[#]**(which includes 6* renewal application pending determination)

3 issued from 1 April 2019

* Where an application to renew a licence is made before the existing licence expires, the existing licence has effect until the application is determined.

“Inspections”

Year	Number of inspections
2019/2020	20
2020/2021	27

“Statutory Notices”

Notice type	Number of notices
Section 5(2) Evidence of Household Notice	2*
Section 44(2): Overcrowding Notice	1
Section 50(2): Suitability Notice with Works	1
Section 78: Powers of Entry (without warrant)	3

*Response pending in one case