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**Minutes of Meeting of Mid Ulster District Council held on Thursday 23 April 2015 in the Council Offices, Circular Road, Dungannon**

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| <b>Members Present:</b>        | Councillor Dillon, Chair<br><br>Councillors Ashton, Bateson, Bell, Buchanan, Burton, Clarke, Cuddy, Cuthbertson, Dillon, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, McPeake, Molloy, Monteith, Mullen, Mulligan, C O'Neill, J O'Neill, M Quinn, T Quinn, Reid, Robinson, G Shiels, J Shiels, Totten and Wilson  |
| <b>Officers in Attendance:</b> | Mr A Tohill, Chief Executive<br>Mrs Canavan, Lead HR Officer<br>Mrs Campbell, Director of Arts and Leisure<br>Mr Cassells, Director of Environment and Property<br>Mr Kelso, Director of Public Health and Infrastructure<br>Mr McCreesh, Director of Business and Communities<br>Mrs Mezza, Head of Marketing Communications<br>Mr Moffett, Change Management Officer<br>Mr O'Hagan, Head of ICT<br>Mr JJ Tohill, Lead Finance Officer<br>Mrs Forde, Member Support Officer |

The meeting commenced at 7 pm.

**C71/15      Chair's Comments**

The Chair Councillor Dillon expressed support to Councillor Mullen who had received a death threat stating that such threats were totally unacceptable and stressed that everyone should offer their support. The Chair further stated her disappointment regarding the attack on the Council Offices stating that everyone is entitled to have their opinion but there are ways and processes to express same.

Councillor M Quinn expressed shock at what had happened to Councillor Mullen and was emphatic that no one should have such threats issued to them, this was like 'mob rule' and the Councillor had suffered enough during 'the troubles' and called on all to support the condemnation against the threat.

Councillor Wilson on behalf of the Ulster Unionist Party condemned the threat against Councillor Mullen.

Councillor Cuthbertson concurred with the condemnation and also condemned the recent pipe bomb attack at Cookstown and the fact that it had been alleged that pipe bombs had been left in Aughnacloy.

Councillor Wilson expressed condolence to Councillor Mulligan on the death of his son-in-law. He also requested that Council send a letter of congratulations to Susan Parke of Cookstown who won the National Royal British Legion Standard Bearer and Rachel McKeown who has become Deputy Youth National Standard Bearer.

Councillor Mulligan expressed his thanks for condolences offered on the death of his son-in-law.

Councillor Reid stated that Council should express its condolence to the families of those who have lost loved ones as a result of road deaths throughout the Borough in the past month. The Chair, Councillor Dillon concurred stating that there had been four of which she was aware within a ten mile radius, one of which the family was known personally to her. The Chair expressed condolences to all.

**C72/15      Apologies**

Apology was received for Councillor Mallaghan

**C73/15      Declarations of Interest**

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

**C74/15      Receive and consider minutes of matters transacted in “Open Business” at Council meeting held on Thursday 26 March 2015**

Councillor McGinley requested change to C45/15 in that proposer be amended to read Councillor B McGuigan.

Proposed by Councillor Buchanan  
Seconded by Councillor Mulligan and

**Resolved** That the Minutes of the Meeting of the Council held on Thursday 26 March 2015 (C41/15 – C62/15 and C70/15), transacted in “Open Business” having been printed and circulated were considered and subject to the foregoing were adopted.

**C75/15      Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee meeting held on Monday 13 April 2015**

Proposed by Councillor S McGuigan  
Seconded by Councillor Reid

**Resolved** That the Minutes and recommendations of the Planning Committee meeting held on Monday 13 April 2015 (P25/15 – P34/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

*Councillor Burton entered the meeting at 7.08 pm.*

**C76/15      Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee meeting held on Tuesday 14 April 2015**

In relation to minute reference E48/15 Councillor Cuthbertson stated it was his understanding that all issues raised at this meeting and the fact that pot holes would not be filled until June would be included in the letter to the Minister.

Discussion ensued as to whether the motion which was item 11 on the agenda should be heard as the minute dealt with the issues being raised. The Chair, Councillor Dillon sought comment from Councillor McGinley who stated that he would concur with Councillor McNamee that street lighting was also an issue and was not dealt within the minute and that the motion should be considered.

Proposed by Councillor Cuddy  
Seconded by Councillor J O'Neill

**Resolved** That the Minutes and recommendations of the Environment Committee meeting held on Tuesday 14 April 2015, (E37/15 –E49/15 and E53/15), transacted in “Open Business”, having been printed and circulated were considered and subject to the foregoing were adopted.

**C77/15      Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources meeting held on Wednesday 15 April 2015**

Proposed by Councillor S McGuigan  
Seconded by Councillor Molloy

**Resolved** That the Minutes and recommendations of the Policy and Resources Committee meeting held on Wednesday 15 April 2015, (PR56/15 – PR66/15 and PR71/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

**C78/15      Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 16 April 2015**

Councillor Elattar advised that it had been Councillor G Shiels who had declared the interest in the Charles Thomson Society, minute reference D66/15.

Councillor G Shiels concurred and requested that the paragraph referring to Charles Thomson Society be amended to read that Charles Thomson was one of the signatories of American Independence.

Proposed by Councillor T Quinn  
Seconded by Councillor McPeake

**Resolved** That the Minutes and recommendations of the Development Committee meeting held on Thursday 16 April 2015, (D52/15 – D68/15 and D72/15) transacted in “Open Business”, having been printed and circulated, subject to the foregoing were considered and adopted.

**C79/15 Standing Orders for Mid Ulster Council**

The Chief Executive stated that Standing Orders for the transaction of business had been discussed at the March meeting of Council and would be considered at the April meeting. The Chief Executive reminded Members that Council had made a submission to the DoE consultation in August 2014 with a view to commentary being reflected in the final Standing Orders to be laid before the NI Assembly for adoption and onward provision by DoE for use, taking effect from 1 April 2015.

The DoE laid the draft Local Government (Standing Orders) Regulations (Northern Ireland) 2015 before the NI Assembly on 24 February 2015 but these were not passed and therefore each Council had to agree their own standing orders. He further outlined that the recommendations coming before Council tonight incorporated Council’s own amendments and those from Senior Counsel regarding standing orders made following the recent Call In procedure.

The Chief Executive referred to and sought agreement on the undernoted issues:

- (i) Annual and Monthly meetings item 1.3, the Council meeting day be the fourth Thursday of each month.
- (ii) Convening Special Meetings item 3.2, ‘the Chair of the Council may call a meeting’ be amended to read ‘the Chair of the Council must call a meeting’.
- (iii) Noted that in the past a hard copy of meeting summons was sent by ordinary post but this was now amended to reflect to allow it to be sent electronically.
- (iv) Chair of Meeting item 6.3, the nominating officer of the political party whose member is chair of the Council shall nominate a member to preside in their absence is contrary to legislation therefore it will be amended to allow members of the meeting to agree a chair.
- (v) Deputations:
  - 11.1 period of notice to be 7 days;
  - 11.2 duration to be determined by the Council be 10 minutes;
  - 11.3 time before deputation can present to Council again six months.

Councillor McGinley drew attention to detail in the report where it stated ‘discussion on their content must be adjourned until the next available meeting of the Council at which they will be placed on the agenda’ and stated that his understanding of that was that the discussion take place in May. In response, the Chief Executive advised that standing orders had been received at the March meeting of Council and thus discussion was to take place at the April meeting.

Councillor S McGuigan referred to an email received by Councillors earlier in the day which indicated that there was to be discussion around standing orders in the incoming week and as such Sinn Féin had not had the opportunity to discuss.

The Chief Executive advised that his understanding was that the email referred to training for chairing meetings and as the standing orders had been taken to the March committee they could be discussed tonight. On receiving clarity regarding the email aforementioned by Councillors the Chief Executive apologised for confusion.

Councillor McLean suggested that the Chief Executive outline the proposed changes and defer recommendation until the May meeting. The Chair, Councillor Dillon stated that Council should proceed as suggested.

In response to Councillor Cuthbertson's question the Chief Executive advised that the email issued earlier in the day was a reminder regarding training on standing orders for Chairs and Deputy Chairs of committees.

Councillor Wilson stated that the understanding of his party colleagues and himself was that the discussion was to be next week and they too were in no position to agree recommendations.

The Chief Executive continued to outline amendments:

- (vi) Order of Business, Item 12. It has been practise that deputations are heard following declaration of members interest
- (vii) Minutes of Committees, Item 15.2. That members raising issues regarding committees be entitled to a reply within 48 hours not 24.
- (viii) Mode of Address, Item 19.4 and Members Conduct item 25.1. Members addressing the chair could do so either standing or seated.
- (ix) Qualified Majority Item 20.3. Dealing with suspension of standing orders should list mandatory elements which cannot be suspended.
- (x) Motions Item 16.2. Incorrect reference and Appointment of more than one Committee Item 23.3 and 23.4 need tidied up.
- (xi) 19.1 members being allowed to remain seated.
- (xii) Recession of a preceding resolution, Item 24 reference 17.1 should read 16.1
- (xiii) Call In Process Item 21.2. Qualified majority changed to simple majority.
- (xiv) Committees Item 27.5. Quorum to govern forum at committee meetings is referred.

The Chief Executive stated he was happy to answer any questions. The Chair, Councillor Dillon deferred the matter to the next meeting of Council.

#### **C80/15        Interim Arrangements for Flags**

The Chief Executive sought direction on the interim arrangements for the flying of flags at Council facilities reminding Members that the matter had been presented to the March meeting of Council at which time the decision had been made to adopt a 'no flags' policy as the interim arrangement. He referred to an admissible 'call in' which had been received in relation to the decision (call in admissible under section

41 (1)(a) and section 41 (1)(b) of the Local Government Act 2014), advised that legal opinion had been sought which advised that the 'call in' did not have merit, Members had been advised of outcome and the matter was now being presented to Council for reconsideration with the decision to be taken by simple majority.

The Chief Executive sought direction from Members to provide interim arrangements for the flying of flags at Council facilities.

### **Proposal One**

It was proposed by Councillor Cuthbertson

To fly the Union flag on designated days.

Councillor McGuigan reiterated his comments made at previous meetings that in relation to flags there should be neutrality and equality which would mean, two flags or no flags. He said no flags flown would achieve the outcome of neutrality.

### **Proposal Two**

It was proposed by Councillor McGuigan

That no flags be flown.

Councillor Wilson seconded Proposal One

Councillor McGinley seconded Proposal Two

The Chair called for a vote on Proposal One.

|         |    |
|---------|----|
| For     | 15 |
| Against | 23 |

The Chair then called for a vote on Proposal Two.

|         |    |
|---------|----|
| For     | 23 |
| Against | 15 |

The Chair then declared that Proposal Two is carried

**Resolved** That as an interim arrangement no flags be flown at Council facilities.

Councillor McLean stated that he felt the proposal to fly the Union flag on designated days at Council facilities was not an unreasonable one as the Unionist were in a minority and over recent months they had seen a continuous erosion of their culture and heritage. The Councillor further stated the Unionist population made up 40% of the Council's population though designated days fell short of 40% of a year. He added that Council was a cold house for unionism.

The Chair, Councillor Dillon stated that Councillor Cuddy had made similar comments the previous meeting on the make-up of the district and this she accepted, but stated that 60% of the population of the District reflected a nationalist/republican culture yet no Tricolour could be flown. The Chair stated that she did not accept it was a cold house for unionism.

Councillor McLean sought further permission to respond and the Chair ruled against. He stated he would respond to the remarks through the press.

Councillor Cuddy stated that he had been an elected representative in Dungannon Council for 14 years and it showed maturity that the Union flag was flown on designated days. The Councillor remarked that elected representatives had built upon this and the current situation in Mid Ulster was creating problems for Unionism as they wanted an acknowledgement that they belong. Councillor Cuddy stated that the Irish Language had a place in both Mid Ulster and Northern Ireland.

The Chair, Councillor Dillon advised Councillor Cuddy that the discussion was around flags and not the Irish Language.

Councillor Cuddy concluded his comments stating that he was disappointed that a way forward could not be found.

Councillor M Quinn stated that the policy of the SDLP was to work towards a neutral workspace and thus it should either be that both flags or else no flags be flown. He concluded his remarks by stating that Council had a lot of more important issues to deal with.

Councillor Cuthbertson stated that he was getting tired of hearing about neutrality when on Monday past a political party had used a Council building for a party political event.

The Chair responded, stating that it was a separate issue that the room was hired as a public space and it was the right of any party to do likewise. She concluded by stating the matter was not an item on the agenda.

#### **C81/14      Conferences and Seminars**

The Change Management Officer referred to details of the undernoted conferences and sought approval for the attendance of Members and officers, the payment of attendance fees and associated costs as incurred.

**C81.1/14    2015 NILGA Annual Conference & Exhibition** on Thursday 18 June 2015 in the La Mon Hotel in Belfast at a cost of £121 per person together with travel and subsistence costs.

Proposed by Councillor McGinley  
Seconded by Councillor McNamee and

**Resolved** That the attendance of Members and officers, the payment of attendance fees and associated costs as incurred be approved and that anyone wishing to attend contact officers.

**C81.2/14 N Ireland Confederation for Health & Social Care (NICON)**  
retrospective approval was sought for Members who had attended the conference on 22 & 23 April at La Mon Hotel, Belfast

Proposed by Councillor McGinley  
Seconded by Councillor McNamee and

**Resolved** That retrospective approval be granted for payment of attendance fees and associated costs incurred by Members who attended the N Ireland Confederation for Health & Social Care conference on 22 & 23 April 2015.

### **Notice of Motion**

**C82/15 Councillor McGinley to move Motion**

Councillor McGinley in moving the undernoted motion stated he would like to see Mid Ulster people getting the service they deserve in relation to the upkeep of roads, street lighting, road gulley emptying, grass cutting and off street car parking.

*The Chief Executive and Lead Finance Officer left the room at 7.39 pm*

The Councillor further stated that he understood that Transport NI had restricted budgets but some of the defaults on Mid Ulster roads were unacceptable and that he was fearful there would be more serious accidents and stated that Council had a responsibility to lobby on the issues.

*The Chief Executive and Lead Officer for Finance returned at 7.40 pm*

Councillor McGinley continued stating that response time for filling of pot holes was not quick enough, street lighting was not up to scratch and extreme times lay ahead as together with street lighting not being up to scratch it was not being extended making conditions in rural areas particularly dangerous. With regard to road gully emptying the Councillor stated that the machines were available but apparently there is no money for diesel to have them operational and if the current spell of weather breaks and there are downpours of rain and flash flooding, conditions will be very dangerous. The Councillor made reference to the transferring of responsibility for car parks which with no accompanying budget was going to cost the Mid Ulster rate payer money.

Councillor McGinley proposed the undernoted motion:

*This council notes with great concern that following recent communications with officials from Transport NI, smaller local roads are no longer to be maintained. The local section engineer has confirmed that potholes will no longer be filled. This follows announcements that the street lighting network is not to be extended,*

*street lights will not be repaired unless in extreme circumstances, road gully emptying to be significantly reduced, grass cutting in towns no longer funded and off street car parks have transferred to council with inadequate maintenance budgets.*

*That this council writes to Minister Danny Kennedy and ask him what measures he intends to put in place to reassure the citizens of Mid Ulster that he can deliver the basic services they deserve*

Councillor Monteith supported the motion stating that it reflected the frustration of everyone and that it was near a pointless exercise to telephone Transport NI. The Councillor made reference to public dismay and local communities who are themselves putting out traffic cones to draw attention to pot holes. Continuing, the Councillor stated that public commitments had been made to the three former Councils in the Spring of last year on resurfacing and yet Council was now being fobbed off with budget restraints. The Councillor further stated that it was time for Transport NI to be accountable, massive amounts of money were spent in Dungannon Town Centre, meetings had been held and promises made regarding disability access in relation to kerbing in Irish Street, work was not done and the same issues are experienced in George's Street and William Street. He added that street lighting improvements now appeared to mean the removal of street lights. Councillor Monteith stated that he fully shared the concerns raised in the motion and that the performance of Transport NI was shocking.

Councillor Ashton adding to the comments aforementioned stated that it was impossible to get the smallest job done with budget constraints being blamed. The Councillor stated that people were extremely frustrated and that Transport NI must work with what they have.

Councillor Kearney stated that the SDLP constituency office was contacted on a daily basis regarding damage to vehicles, lack of grass cutting, street lighting and the amount of pot holes.

Councillor Wilson stated he could not disagree but emphasised that the DRD Minister could not spend what he didn't have and made reference to the budget cuts in the NI Assembly made by Sinn Féin and DUP, highlighting comments in relation to spend such as £2.5 million for an Irish School by the Minister for Education and the promises made surrounding Local Government Reform with transfer of services being cost neutral. Councillor Wilson proposed an amendment to the motion, that this Council writes to the NI Executive to highlight that the budget is inadequate to the requirements.

The Chair, Councillor Dillon stated that the proposal would not apply and be taken as the NI Executive does not decide how any department spends its money and that it was relevant that the letter goes to Minister Danny Kennedy. The Chair further stated that the same Minister had returned millions last year and yet she had dealt with workers losing their jobs because it had been stated that the Department had no money to pay workers to clean gulleys.

Councillor McNamee seconded the proposal of the motion.

Councillor McNamee stated that at the Environment Committee it had been noted that former Councils had received £29k for grass cutting in year 2014/15 yet confirmation had been received from Transport NI that there would not be budget allocation in the 2015/16 year and thus this income in the budget would not be realised. The Councillor continued that lack of grass cutting, weed control, pot hole repair, street lighting and flash floods could lead to loss of life and that the Minister needed to 'stand up to the plate'.

Councillor Wilson stated that the real issue was that if more money was made available to the Department through the NI Executive these issues may not arise.

Councillor Dillon responded that the amendment proposed by Councillor Wilson could not be applied as it would alter the motion and it was the case that each Minister had to prioritise Department spend and this was the area the Minister had decided to cut. She did not understand why the Councillor did not want Council to seek the rationale behind it.

Councillor Wilson asked if a proposal to write to the NI Executive regarding budgeting would be acceptable.

Councillor McGinley stated that it was honourable of the Councillor to defend a Minister of his party but he could bring a different motion next month on the matter.

Councillor McLean stated that the Minister was no different to any other he had to make cuts, the cut was 0.6% and it was a matter of delivery of service and thus he would support the motion.

Councillor McGinley thanked the Councillors for their support.

The Chair called for a vote for the proposal to accept the motion

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|---------|----|
| For     | 31 |
| Against | 0  |

The Chair declared the motion carried.

### **Confidential Business**

Proposed by Councillor B McGuigan  
Seconded by Councillor Gillespie and

**Resolved** That items C83/15 to C87/15 be taken in committee.

*The press left the meeting at 7.55pm*

**C88/15      Duration of Meeting**

The meeting was called for 7pm and ended at 8.10pm .

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_

**B**

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 May 2015 in Magherafelt Council Offices**

|                                |  |
|--------------------------------|--|
| <b>Members Present:</b>        | In the Chair, Councillor Kearney (Chair)<br><br>Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Mallaghan, McAleer, McEldowney, McKinney, McPeake, Mullen, J Shiels, Reid and Robinson   |
| <b>Officers in Attendance:</b> | Mr Tohill, Chief Executive<br>Dr C Boomer, Area Planning Manager<br>Ms M Kearney, Senior Planning Officer<br>Ms K Doyle, Senior Planning Officer<br>Mr P Marrion, Senior Planning Officer<br>Ms S McEvoy, Principle Planning Officer<br>Ms E McCullagh, Senior Planning Officer<br>Mrs Forde, Member Support Officer |
| <b>Others in Attendance:</b>   | Councillors Monteith and Quinn<br><br>Applicant Speakers<br><br>Mr Beckett<br>Mr McBurney<br>Mr McCaffrey<br>Mr McGahan<br>Mr McNally  |

The meeting commenced at 7.00 pm.

**P35/15      Apologies**

None

**P36/15      Declarations of Interest**

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

In response to query from Councillor Bell assurance was given that there was no conflict of interest in the eventuality of a party colleague having a planning application on the agenda.

**Matters for Decision**

**P37/15      Receive and Confirm Minutes of the Planning Committee Meeting held on Monday 13 April 2015**

Councillor Reid requested that the first two sentences of paragraph 7 of page 5 be amended to read 'Councillor Reid wanted it recorded that the whole thing stinks to high heaven and that Planning enforcement was not adhered to. Job creation and expansion will be good for the area but if issues had of been dealt with better Mr Hughes and others may not have objected as much.'

Proposed by Councillor Mallaghan  
Seconded by Councillor Glasgow and

**Resolved** That the minutes of the meeting of the Planning Committee held on Monday 13 April 2015, (P25/15 – P32/15 & P34/15), subject to the foregoing were considered and signed as accurate and correct.

**P38/15      Planning Applications for Determination**

The Chair drew Members attention to the undernoted planning applications for determination.

**H/2013/0182      Residential development of 6 dwellings NE of 1, 3, 5 and 7 Oakdale Manor, Magherafelt for Mr P Scullion**

Ms Doyle (SPO) drew attention to planning application H/2013/0182 advising that it was a full application seeking permission for a residential development of originally eight proposed new dwellings but that it had now been amended to six new dwellings which together with conditions detailed addressed all concerns raised during the application process. The SPO recommended that the committee approve the application.

Proposed by Councillor McKinney  
Seconded by Councillor Bell and

**Resolved** That planning application H/2013/0182 is approved as per Officers report.

**H/2013/0244/F      Change of house type to that previously approved at 170m NW of 150 Gulladuff Road, Bellaghy for Mr Andrew Dempsey**

The Area Planning Manager (APM) drew attention to planning application H/2013/0244/F advising that processing had taken considerable time which together with deferral office meetings with both applicant and objectors had resulted in a change of house type from bungalow to split level dwelling with increase in site curtilage. The APM referred to previous approved farm dwelling H/2013/02606/RM and increase in site curtilage.

Ms Doyle gave an overview of the proposed dwelling via power point presentation highlighting the change of house type to split level with the appearance of a bungalow to the front, revised positioning, increased shrubbery and advised that negotiations with objectors and applicant had resulted in agreement.

Councillor Reid sought clarity as to whether provision of shrubbery was included in the original application or if it was a new process. In response, the SPO advised that shrubbery had been included in the original application but had to be re-addressed in the new application at which time additional shrubbery had been included as the revised site required more landscaping.

In response to Councillor Reid's reference to the number of applications to be dealt with and the fact that the applicant was back for a change of house type after three years the SPO advised she must deal with all applications on her list and that there had been valid objections which had to be considered. The APM advised that sometimes people gain approval and then change their minds for a variety of reasons and new proposals have to be reconsidered.

In response to Councillor J Shiels the SPO assured that neighbours had been considered and thus recommended that the committee approve the application.

Proposed by Councillor J Shiels  
Seconded by Councillor Reid and

**Resolved** That planning application H/2013/0244/F is approved as per Officers report.

**H/2013/0256/F      Retention of existing garage at 170m NW of 150 Gulladuff Road, Bellaghy for Mr Andrew Dempsey**

Ms Doyle, SPO drew attention to planning application H/2013/0256/F that the application was for a shed/garage and it had been previously deferred by the former Magherafelt District Council and subsequently amended plans had been submitted. The SPO highlighted positioning of the proposed shed/garage, the inclusion of metal cladding to improve appearance and windows to be blocked up with remaining in wash area and stairwell for ventilation purposes. The SPO advised that a site visit had taken place objectors had been met with and with the amended plans agreement had been reached subject to conditions outlined in the report.

The SPO recommended that the committee approve the application.

Proposed by Councillor Reid  
Seconded by Councillor Robinson and

**Resolved** That planning application H/2013/0256/F is approved as per Officers report.

**I/2014/0162/F      Increased tower height of wind turbine from 30m as approved to 40m at 356m NW of 30 Limehill Road, Pomeroy, for NI Wind Options**

Ms McCullough (SPO) drew attention to planning application H/2013/0256/F stating that the proposal of the application was to increase the tower height of a wind turbine to 40m. The SPO advised that two objections from neighbouring properties had

been received which had stated the turbine already caused noise disturbance, shadow flicker and had a detrimental impact on the established character of the area and as height increased so would the aforementioned. The SPO stated that the proposal met with all required tests and legislation and recommended that the committee approve the application.

The APM advised that it was now quite common to seek to increase the height of wind turbines from 30m to 40m as the increased height generated more electricity. The APM stating that the proposal met with practise to date voiced concerns that the issue was increasing and asked the Members to note the content of the application as it may be referred to during discussion on policy matters in the future.

On a point of clarity Councillor Reid stating that it was a general question asked if raising the height of the tower eliminated the 'flicker' as he was aware it could be quite devastating to those with epilepsy and autism thinking of the health and wellbeing of people in neighbouring properties. In response the SPO stated that in relation to the increase in height of the turbine it past the test required for the application. Councillor Reid asked if there was still a 'flicker' in response the SPO stated that there may be some element with blades turning but emphasised that tests had been carried out and the proposal was within the parameters of the policy. In response to Councillor Reid's query as to whether the two objectors were happy the SPO advised that no further correspondence had been received nor a request to speak at the meeting. The APM stated that valid objections had to be taken into account but in this instance as stated by the SPO practise to date would deem the application acceptable.

Councillor Cuthbertson asked if the existing turbine was extended or is a new larger one erected. In response the SPO referred to the application which stated 'increase tower height' and that she assumed it was just a piece added on. Supporting the assumption the APM drew a comparison to an extension to a house when the same base and foundation would be used

Proposed by Councillor Bateson  
Seconded by Councillor J Shiels and

**Resolved** That planning application I/2014/0162/F is approved as per Officers report.

**I/2014/0173/LBC   Installation of 4 replica sliding sash windows at Shane Beckett Eaglesfield House, 20 high Cross Road, Cookstown**

The Chair Councillor Kearney advised that the application had been withdrawn.

**I/2014/0174/LBC   Removal of 2.4M of boundary wall at 9 Loy Street, Cookstown, BT80 8PZ**

Ms McCullagh (SPO) drew Members attention to application I/2014/0174/LBC and advised that the address on the agenda should be amended to 9 Loy Street,

Cookstown. The SPO stated that the proposal was to remove a 2.4 m boundary wall as required by gas safety rules.

The SPO advised that an objection regarding the removal of the wall had been received from the Northern Ireland Environment Agency as the building was listed and proposed works would detract from both its appearance and character and result in a loss of its architectural and historic integrity.

The Chair, Councillor Kearney advised that the applicant, Mr Beckett had submitted notification to be permitted to address the committee regarding the application. Inviting Mr Beckett to speak the Chair, Councillor Kearney advised that the address should be no longer than three minutes duration.

Mr Beckett stated that the NIEA in referring to the wall being an important feature of the building emphasised that it had been a 'jerry' built back in 1869 when the properties had been built for the rental market. He continued stating that the wall was 'pink wash' and had no foundation. He further stated that the NIEA had made reference to reinstating the wall and boundary hedge and asked Members to note that he was already in possession of planning permission to remove the boundary hedge. Referring to a pedestrian access he stated that Flogas who required the works for gas safety rules would not permit same.

Continuing Mr Beckett stated that if the wall was so important it would not be 'pink wash' emphasising that it was jerry built for rental market back in 1869 and that a reinstated wall would be without foundation and although he had the option to reinstate 'like to like' it would look really stupid and wouldn't last. Mr Beckett emphasised that he did want the reinstatement of the gardens as in the future the gas pipe would go up the main street and stressed that the work was temporary for a few years. He stated that he was not prepared to go against Flogas safety decisions and further stated that he was a landlord and that the NIEA needed to realise these buildings have to make a living and tenants have the right to expect civilised modern dwellings.

The APM stated that in relation to the building concepts the committee are now empowered to make a decision which would over-rule NIEA and Historic Buildings recommendations but doing so may often have a price as a previous building demolition had nearly resulted in the consequence of lottery funding being removed in Northern Ireland. The APM further stated that the applicant had withdrew another application and had proved to be reasonable and thus recommended that the application be deferred to allow time for a meeting with NIEA.

Proposed by Councillor McKinney  
Seconded by Councillor J Shiels and

**Resolved** That planning application I/2014/0174/LBC is deferred.

#### **Declaration of Interest**

Councillor Cuthbertson declared an interest in planning application M/2014/0190/F and stated if a vote occurred he would not be participating.

**M/2014/0190/F      Retention of existing building and extension of existing curtilage at 23 Cavan Road, Killyman for Mr Andrew Armstrong**

The APM drew Members attention to application M/2014/0190/F stating that it was a complex application which had been amended from its original description to a proposal for retention of existing building for domestic purposes and extension of existing curtilage for domestic purposes. He further advised that an enforcement notice had been served by the Planning Department 20 years previous requiring its removal but the business use of the building had gave planners no issue in the intervening years so the enforcement was not progressed to prosecution. Over the years the property had been sold and the owner started up a business which came to the attention of planners by a neighbour regarding potential of nuisance of traffic. As outlined in the report a planning application was submitted, objections heard and following an extensive investigation the APM stated he would recommend the application for approval subject to conditions outlined in the report. He also drew Members attention to legislation referred to in the report being 2012 which should read 2015.

Councillor Cuthbertson stated that he supported the recommendation of the planner as the building had been there for 24 years and when the current owner purchased the building there was no enforcement order revealed when mortgage searches were carried out.

Proposed by Councillor Glasgow  
Seconded by Councillor Robinson and

**Resolved**    That planning application M/2014/0190/F is approved as per Officers report.

**I/2014/0193/F      Alterations and single storey extension to Moe's Bar at 86 Chapel Street, Cookstown for Clarman & Co**

Ms McCullough (SPO) drew Members attention to application I/2014/0193/F and outlined that it had previously been presented to the former Cookstown District Council as a refusal at which time it had been deferred. The SPO stated that a considerable number of objections had been received regarding noise and road issues. The SPO advised as detailed in the report Transport NI had concerns regarding parking spaces and report had been sought from Council Environmental Health Department regarding noise issues, it was also noted that patrons would be using the front door. Continuing the SPO advised that when the commercial building was demolished it would allow for eight parking spaces, main trading times would be normal hours and many patrons would use taxis and due to the size and nature of the extension it was not anticipated that there would be an increase in service vehicles.

The SPO stated that having considered the application and the objections to same that approval is granted subject to conditions outlined in the report.

In response to Councillor Mallaghan's query the SPO clarified that this was the first time the application had been presented following its deferral by former Cookstown District Council in November and that in considering the application Transport NI and objectors issued had been considered.

*Councillor McEldowney left the meeting at 7.54pm*

The Chair advised the committee that requests to speak on the application had been received and invited Councillor T Quinn, Mr McGahan and Mr McCaffrey to speak.

Councillor T Quinn stated that the residents of Fountain Road and surrounding areas fully support job creation and business and made reference to the application originally coming as a refusal then being moved to approval. Councillor T Quinn stated that the development would affect the lives of residents greatly and would violate their rights in what was a highly populated area. Continuing he made reference to their anguish and posed the undernoted questions:

- 1      Why residents had not been consulted or informed of application?
- 2      Why Transport NI concerns and objections had not been taken on board?
- 3      Why the Planners had not asked for anti-social behaviour reports from PSNI?

The Councillor referred to many incidents of disturbance and highlighted example of 26 April when several squads of PSNI were required outside Moe's Bar, accompanied by two ambulances and people injured had been taken to hospital and a similar incident on the 3 May. Councillor T Quinn also read a letter from objectors which had 25 signatories and stated that the residents had not been given the opportunity to respond to the change in recommendation and that minutes of meetings between Transport NI and the planners had not been made available to the residents and they wished to view them. He further advised that no information had been provided to residents since 11 November until the present day. Concluding Councillor T Quinn stated that the residents would request the application be refused or at the very least deferred until facts could be established and emphasised that they had the right to a normal peaceful existence and the approval of this application would lead families to uproot and this would be a shameful travesty of justice.

*Councillor McEldowney returned to the meeting at 7.58pm*

Addressing the committee, Mr McGahan advised he was speaking on behalf of an 85 year old resident, who with regard to the application had been 'kept in the dark'. He made reference to an image depicting the smoking area proposed in the application which had been shown on power point and stated that it could hold one person or 70 people and stating that it looked more like a beer garden asked the committee if they would like to live next door to it. Concluding he referred to Transport NI objections and that he objected to the courtyard area.

Mr McCaffrey advised that he had been living in the area within 10 meters of Moe's Bar for the past 8 years, he referred to the recommended refusal of the application

on 11 November at which time the SPO had agreed to an office meeting regarding transport issues that residents had been provided with no update and now the recommended refusal had changed to an approval.

Continuing Mr McCaffrey stated that contrary to the decision by Planners the Public House in the application would upset residents by noise nuisance and general disturbance he referred to the two mini riots and stated that the proposed development was contrary to PPS3 as provision for vehicles can not be made clear of the highway. Mr McCaffrey further emphasised that the truth of the matter was that taxis are parked every weekend on the footpath and the pedestrians walk on the road – then taxi swerve in and out like ‘amber gamblers’. He further stated that the application is contrary to PPS3 i.e. ‘moving and parking prejudice to safety and road users’ thus interfering with free flowing traffic on Chapel Road and emphasised that on a regular basis he could not get access to his home.

The Chair, Councillor Kearney reminded speakers of time restrictions.

Concluding, Mr McCaffrey stated that nothing had changed since November 2014 and that the physical and emotional wellbeing of residents is more important than a nightclub emphasising that it is within 5 meters of one resident’s front door. Mr McCaffrey urged the committee to uphold the rights of the residents.

The Chair, Councillor Kearney sought Members comments.

Councillor Reid stated that there appeared to be far too many ‘ifs, buts and maybes’ and asked why if Planners could talk to Transport NI why the PSNI had not been consulted regarding antisocial behaviour. Councillor Reid stated that he had no reason to doubt the gentleman and proposed that the application be deferred for further discussion with all parties concerned.

Councillor Mallaghan stated that with the volume of information presented the committee would need to seek further consideration.

Councillor McAleer concurred and stated that the Transport NI safety aspects were worrying.

Councillor Bateson posed the question as to what was the substantial change in information which brought about the move from refusal to approval.

Councillor Glasgow seconded Councillor Reid’s proposal stating that the report from Transport NI was especially alarming and the fact that the PSNI had not been approached. He concluded by stating that having heard from residents he was alarmed at the situation and the annoyance they were suffering and that they needed the Committee support.

Councillor J Shiels concurred with previous remarks emphasising that there were too many ‘ifs and buts’ and that he felt the residents had been left out of the process. The ‘whys’ needed to be answered and sought clarification if the proposed smoking area had been included. In response the SPO stated that the noise impact of the smoking area had been taken into consideration.

The APM stated that a deferral had been proposed and this was the easy option but the arguments would still stand, emphasising that the objectors had delivered a passionate and reasonable argument for refusal he stated that there were reasonable grounds to refuse. Advising that the change from refusal to approval had been down to the resolve of car parking issues and the decision now was a planning matter. Continuing the APM stated that noise was a valid consideration and Environmental Health were the experts. He stated that the recommendation had attached conditions, that as it was not a licensing issue Planning did not have to consult the PSNI but he had no reason to doubt the residents report. Referring to the application he stated that one side was onto the main road whilst the back of the establishment incorporating the beer garden which although did not open onto the street would generate noise in what was a residential street. Concluding the APM stated that it was deemed appropriate for the application to go either way but deferring it would not forward the issues raised.

Proposed by Councillor Mullen  
Seconded by Councillor McAleer

To refuse the application.

Councillor Reid stated that considering the aforementioned and the proposal to refuse he would withdraw his proposal for a deferral and that although Planning may not be required to consult the PSNI, Council was also a licensing authority and this could come before Council again as there may be continued disturbances. Councillor Glasgow stated that he was happy to withdraw his support in seconding Councillor Reid's proposal.

The APM stated he would determine the wording of the refusal referring to the undernoted:

- (i) Application would be detrimental to neighbourhood due to noise disturbances in residential street;
- (ii) Could result in deterioration of highway safety due to increased traffic, noise nuisance and deterioration of health and safety.

The Chair called for a vote

|           |    |
|-----------|----|
| For       | 14 |
| Against   | 0  |
| Abstained | 1  |

**Resolved** That application I/2014/0193/F is refused subject to reasons to be outlined by Area Planning Manager.

**H/2014/0209      2 storey dwelling adjacent to 2 Beechland Drive,  
Magherafelt for Mr Robert Niblock**

Ms Doyle (SPO) drew Members attention to application H/2014/0209 outlined in the report and stated that the proposal had been previously refused in 2008. Continuing

she stated that for reasons highlighted in the report such as policy, parking, roads together with semi-detached dwellings turned into a terrace the recommendation was to refuse the application.

Proposed by Councillor Bateson  
Seconded by Councillor McPeake

**Resolved** That application H/2014/0209 is refused.

**H/2014/0218/RM Erection of 2 industrial units, 1 utility block, car parking, security fencing and associated works at lands approximately 10M W of unit 10, Station Road Industrial Estate, Magherafelt for Gorsehill Ltd**

Ms McCullough (SPO) drew attention to application H/2014/0218/RM as detailed in the report and advised that one objection had been received stating that they had not been notified but as the residential impact had been negative but that the application had been advertised. The SPO recommended that the application be approved subject to conditions outlined in the report.

Proposed by Councillor McPeake  
Seconded by Councillor Bell and

**Resolved** That planning application H/2014/0218/RM is approved.

**H/2014/0261/O Dwelling and garage adjacent and NE of 39 Creagh Road, Toomebridge for Mrs C McGrogan**

Ms Doyle (SPO) drew Members attention to the proposed application H/2014/0261/0 advising that it was for a dwelling and garage but the site is part of a large agricultural land and making reference to reasons detailed in the report recommended that the application be refused.

The APM stated that it is somewhat complex determining what is a legitimate infill and that once one was permitted someone else applies for another. The APM emphasised that the committee should start considerations by assessing the rural character of an area. He stated that in relation to this application there was a big field with no 'ribbon' and to start to create same would change the rural character.

Proposed by Councillor Bateson  
Seconded by Councillor McPeake and

**Resolved** That application H/2014.0261/0 is refused as per Officers report.

**I/2014/0390/O Infill dwelling and garage at 30m NE of 23 Shivey Road, Cookstown**

Ms McCullough (SPO) drew Members attention application I/2014/0390/0 outlined in the report and stated that a refusal was recommended as the proposal was contrary to CTY8 (Ribbon), CTY14 (Build up and Ribbon) of PPS21.

Councillor Reid asked if the applicant could amend the proposal in any way to attain an approval. In response the APM stated that often over time things may change resulting in a different decision.

*Councillor McKinney left the meeting at 8.38pm*

Councillor Reid sought clarity that if proposal was beside a family complex was it one application approved in every ten years.

Councillor Clarke referred to the Ministerial statement outlined in the report stating that someone could take a different opinion on it.

*Councillor McKinney returned to the meeting at 8.39pm*

The APM stated that if this was a small gap enclosed on three sides planning permission could be granted. However, the site in question was a big open field and therefore it was best to start assessing from the point of assessment of the impact on rural character.

Councillor Clarke stated that he was not opposing recommendation but merely stated that the Ministerial statement was open to interpretation.

The Chair, Councillor Kearney sought a proposer for the recommendation.

Proposed by Councillor Bateson  
Seconded by Councillor McPeake and

**Resolved** That application I/2014/0390/0 is refused as per Officers report.

**I/2014/0402/O      Dwelling at lands 25m N of 54 Meenanea Road, Dunamore for Mr F Corey**

Ms McCullough, SPO drew attention to application I/2014/0402/0 stating that the proposal was not in compliance with the criteria of policy CTY10 part A and CTY 14.

Councillor Mallaghan stated that it was his understanding new evidence had come forward regarding the application and requested that it be deferred.

*Councillor Glasgow left the meeting at 8.45pm.*

Councillor McPeake sought clarity as to whether planning had changed its direction as previously if it could be proved that building had been used for farming it was sufficient. In response the APM stated there was no test case, the starting point is if the farm is active and if there is a business number.

What constitutes an active farm from the viewpoint of the Department of Agriculture appears to be shifting for the purposes of assessing the single farm payment. He

further stated that there were difficulties and that Planning endeavours to help but cannot set rules to be abused.

Proposed by Councillor Mallaghan  
Seconded by Councillor McPeake and

**Resolved** That planning application I/2014/0402/O be deferred.

**H/2014/0439/O Dwelling and garage at 30m NW of 34 Motalee Road,  
Desertmartin for Mr Niall Higgin**

Ms Doyle, (SPO) drew attention to application H/2014/0439/0 outlined in the report and stated it was contrary to guidance detail within CTY1 and CTY10 and thus recommended a refusal.

Councillor Bell stated that it had been brought to his attention that further information was available for consideration and sought a deferral.

Proposed by Councillor Bell  
Seconded by Councillor Gildernew and

**Resolved** That planning application H/2014/0439/0 be deferred.

*Councillor Mallaghan left the room at 8.50pm*

### **Declaration of Interest**

Councillor McPeake declared an interest in application H/2014/0441/F and left the room.

**H/2014/0441/F Dwelling 20M SE of Broagh Road, Knockloughrim, for Mr Peter O'Neill**

Ms Doyle (SPO) drew attention to application H/2014/0441/F stating that it was a change of house type prior to approval H/2011/0286/RM that two letters of objection had been received, there was a dispute regarding land ownership and development had commenced on site. Drawing attention to conditions outlined in the report it was recommended to approve the application subject to conditions outlined in the report.

*Councillor Mallaghan returned at 8.51pm*

In relation to Councillor Bateson's question regarding land ownership the SPO responded that there was a difference of opinion regarding ownership but irrespective of who owns ground approval remains the same.

*Councillor Bell left the meeting at 8.52pm*

Continuing the SPO stated that the development had commenced on the previous application approval aforementioned. The APM emphasised the fact that approval goes with the land irrespective of ownership even if there was a court case.

Councillor Reid asked was there mention of farm expansion to which the SPO responded that an objector had stated approval would impact on any proposed farm expansion he may have but there were no plans to consider.

*Councillor Bell returned at 8.54pm*

Councillor Clarke sought clarification as to whether the land issue could invalidate approval. In response the APM stated it was all very much terminology and language and issues such as visibility could invalidate in the future.

Mullen left at 8.55pm

Proposed by Councillor Bateson  
Seconded by Councillor Clarke and

**Resolved** That planning application H/2014/0441/F is approved as per Officers report.

### **Declaration of Interest**

Councillor Cuthbertson declared an interest in application M/2014/0448/F

**M/2014/0448/F Extension, car parking and synthetic pitch with ball stop fencing at Tamnamore E.O.T.A.S at Tamnamore Road, Dungannon for the S.E.L.B**

Mr Marion (PPO) drew attention to planning application M/2014/0448/F outlined in the report advising that the school was for 8-10 pupils, the proposal is within a settlement, car parking will be moved and approval includes a classroom to the rear of the playing field on lands zoned for mixed use.

*Councillor McAleer left the meeting at 8.57pm*

Continuing the PPO stated that one letter of objection had been received which highlighted problems of access and parking.

*Councillor McAleer and Councillor McPeake returned at 8.58pm*

Following consultations with Transport NI plans had been amended and it was noted that an additional car parking space was being provided and the layby at the front of the school would provide parking for up to five vehicles.

The PPO recommended approval for the application subject to the conditions outlined in the report.

Councillor Cuthbertson advised he had been in contact with the residents of Tamnamore Close who have at times have had access to their properties blocked due to overflow parking from the school. Continuing he stated that there appeared to be confusion over staff numbers Minister of Education stated 10 i.e. five teachers and five support staff, within the proposal it indicates four staff with an increase of

two to six, residents have counted up to 14 number staff. Councillor Cuthbertson further stated that during October/November 2014 trees had been cut down yet the application makes reference to trees and that he was aware that Council had received a complaint today that work had actually commenced and thus this is a retrospective application. Continuing Councillor Cuthbertson emphasised that it was important to keep residents informed giving the example that one family had a child who had severe disabilities and the bus collecting the child on occasions could not get access to Tamnamore Close. Councillor Cuthbertson requested an office meeting regarding the application.

Clarifying Councillor Reid's query Councillor Cuthbertson stated the school was now a centre for pupils who have had difficulties at main stream school. Councillor Reid further queried if the proposed pitch was for service users only during school times or is it for the general public.

The APM stated that the application could not be refused but it was paramount not to have the school and community at loggerheads and suggested that the application be referred back to Planning to revisit parking issues.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Mullen and

**Resolved** That application M/2014/0448/F be deferred.

On a point of clarity Councillor Bateson asked if it was permitted for a Member to declare an interest then propose a deferral. In response Councillor Cuthbertson stated that he would not participate in a vote.

**M/2014/0566/O      Housing development between Annagole Park and Lisahull Park, Dungannon, for Glengannon Inns Ltd**

Mr Marrion (PPO) presented application M/2014/0566/0 for a housing development and advised that two letters of objection had been received and advised that the site is part zoned white land and part zoned for housing. The PPO advised that consultations had been carried out with statutory agencies, that the site had been refused planning permission and went to appeal in the past which had been dismissed. Continuing the PPO advised that contamination had originally been an issue but was no longer so, describing the land he advised it was a piece of ground along the old railway line which was unkempt. The PPO advised that the application had previously been issued in error and recalled but was now before the committee for consideration and asked Members to note that the site identified in the draft area plan as open space but in the actual plan this had been rezoned.

The Chair advised the committee that request to speak on the application had been received and invited Councillor Monteith and Mr McNally to address the committee.

Mr McNally advised he was the Chairperson of Ballysaggart Area Community Association (BACA) and also spoke on behalf of residents of Lisnahull Park. Continuing he stated that the ground had been unofficial open space and should remain so with the pathway and cycle path and that residents have expressed

concern that the land had been allocated for housing development recalling that other open space in the vicinity had been lost when the Northern Ireland Housing Executive had sold land which houses had then been built on.

Councillor Monteith stated that he was a resident of the immediate area and had worked with BACA. He stated that he had grown up in the area and having represented it there was a desire to have it zoned for recreation and open space. In the previous Council set up Dungannon had consistently backed the Planning Service in keeping this area zoned white. Continuing Councillor Monteith stated that planning permission had been refused on phase two land and that adjacent to the site there was approval for 30 houses on phase one land, across the road from Newell Stores which borders the land there was approval for 99 houses, immediately facing it approval for 40 apartments and this application should not be approved as there was some 150 housing units approved within close vicinity of the site.

Councillor Monteith referring to the proposal which detailed two apartment blocks and some housing stated that residents would vehemently oppose apartments as there were small bungalows and housing for people with disabilities in the area. He further stated that the land should be recreational space for whatever houses there are and made reference to the 'Earls Project' with £7million investment in the town had been denied use of the site. Councillor Monteith called for an office meeting to give parks department an opportunity to present how they develop the site. Concluding he stated that residents are entitled to raise concerns and it is important to see that the full process was carried out.

Councillor Mullen thanked both the speakers and concurred with their comments and stated that there are over 600 people on the housing list in Dungannon and over 1,000 throughout the whole district and housing was needed.

The APM stated that the attempts had been made to keep the space open with the inclusion of the cycle path and that previously the planning permission had been refused due to contamination which was no longer an issue yet the feelings of the residents were understandable.

Proposed by Councillor Gildernew  
Seconded by Councillor Mallaghan

That planning application M/2014/0556/0 be deferred.

The Chair Councillor Kearney asked for a show of hands to which

For                    8

**Resolved**   That planning application M/2014/0556/0 is deferred

### **Declaration of Interest**

Councillor Cuthbertson declared an interest in planning application M/2014/0576/0

**M/2014/0576/O**

**3G training pitch and associated changing rooms at  
Stangmore Park, Far Circular Road, Dungannon for  
Dungannon United Youth Football Club**

Mr Marrion (PPO) drew attention to planning application M/2014/0576/0 and outlined details of the proposal which ultimately would result in more open space through development of a 3G pitch and demolition of original clubhouse. He advised that two letters of objection had been received and in order to overcome planning concerns he would recommend approval for the proposal subject to conditions outlined in the report.

Councillor Gildernew sought clarity regarding the period of time to which the conditions had to be adhered to. In response the PPO advised that the Council would investigate any complaints into for example use of flood lights beyond defined hours. The APM stated that it was straightforward to issue a breach of condition notice and the process was not as complicated as health and safety.

Proposed by Councillor Bell  
Seconded by Councillor Bateson and

**Resolved** That planning application M/2014/0576/0 is approved as per Officers report.

**M/2014/0602/F**

**Replacement dwelling and garage 220M NW of 15 Ashfield  
Road, Ballymacab, Clogher, for Mr D Potter**

The Chair, Councillor Kearney advised that application M/2014/0602/F had been withdrawn.

**I/2015/0011/A**

**Retention of existing signage at 2-4 Dungannon Road,  
Cookstown for Tyre Safety Centre**

Dr Boomer (APM) advised that this application had originally been recommended as a refusal but that following consultation the application had removed the electronics from the application, Transport NI had been satisfied and as there were no objectors he recommended that the application be approved.

Councillor Bell stated that as technology advances applications for such signs would be on the increase and sought clarity as to how they were deemed a distraction when really any sign on for example a roof or roadside would be a distraction.

Responding the APM stated that the starting point in law is are they detrimental to visual or dangerous to highway safety, for example highly illuminated and flashing on a main road is somewhat different to being in an alleyway. Councillor Bell stated that Las Vegas and Blackpool would be closed down if this were the case and sought a way in which businesses could be assisted. The APM stated that discussion would lead to a policy debate and advised that in Blackpool illuminations other than on the front were not permitted. Councillor Reid stated that the District was not exactly Blackpool and asked how many accidents had been caused? The APM reminded Members that the recommendation was to approve.

*Councillor McEldowney left at 9.40pm*

Proposed by Councillor Cuthbertson  
Seconded by Councillor McAleer and

**Resolved** That application I/2014/0011/A is approved as per Officers report.

**M/2015/0016/O      Dwelling and garage at lands adjacent to and West of 66  
Mullaghmarket Road, Dungannon, for Mr Connor  
McKearney**

Mr Marrion, (PPO) drew attention to application M/2015/0016/O and advised that the application read Mullaghmarket Road, not Mullaghmore which appeared on the agenda.

*Councillor McEldowney returned at 9.41pm*

Stating that the proposal was in a rural area the PPO stated that the application submitted referred to Policy CTY6 personal circumstances.

Councillor Gildernew sought a referral stating that there was a confidential element to the application which deserved respect this was supported by Councillor Mullen but it was further suggested that the application be heard in committee.

Proposed by Councillor Clarke  
Seconded by Councillor Shiels and

**Resolved** That planning application M/2015/0016/O is heard in committee.

*Chief Executive left the room at 9.44pm*

Open Business resumed

**I/2015/0047/F      Dwelling at 44m NW of 203 Mountjoy Road, Stewartstown  
for Mr Thomas Shepherd**

Ms McCullough (SPO) drew attention to application I/2015/0047/F as outlined in the report.

*Councillor Gildernew left the meeting at 10pm  
Councillor Cuthbertson returned to the meeting at 10pm*

The SPO recommended approval subject to conditions outlined in the report.

Proposed by Councillor Mallaghan  
Seconded by Councillor Clarke and

**Resolved** That planning application I/2015/0047/F is approved as per Officers report.

**M/2015/0050/F      Change of use from licenced bar to ground floor hot food takeaway with office/storage on upper floors, at 70 Scotch Street, Dungannon for D P Realty Ltd**

Mr Marrion (PPO) drew attention to application M/2015/0050/F and highlighted that the proposal was to convert what was a bar to a hot food takeaway and that Transport NI had asked for a refusal. The PPO stated that there was street parking in Scotch Street and that Environmental Health report was fine subject to installation of a ventilation system.

The PPO recommended that the application be approved subject to conditions outlined in the report.

Proposed by Councillor Mallaghan  
Seconded by Councillor Mullen and

**Resolved**    That planning application M/2015/0050/F is approved as per Officers report.

**M/2015/0059/O      Dwelling on an infill site at 60M N of 12 Rossmore Road, Dungannon for Mr Ciaran Quinn**

Mr Marrion (PPO) presented application M/2015/0059/0 and advised that a number of applications surrounding the site had been previously refused and stated that the requested infill could not be granted under policy and thus recommended that the application be refused.

Councillor Mallaghan stated that it was his understanding that new information could be presented and sought a deferral for an office meeting.

Proposed by Councillor Mallaghan  
Seconded by Councillor McAleer and

**Resolved**    That planning application M/2015/0050/F is deferred for office meeting.

**P39/15      Receive Public Utilities Position Paper**

The Chair Councillor Kearney sought committee approval to consider Public Utilities Position Paper at a future meeting to reduce the evening's business.

Councillor Reid made reference to the length of the meeting stating that perhaps planning should be considered over two nights and the length of the meeting was not fair on anyone. The APM stated that it was a learning curve and suggested a special meeting to consider agenda items Public Utilities Position Paper and Transportation Position Paper.

The Chair Councillor Kearney suggested that when persons had requested speaking rights on applications the committee should consider their applications first. Councillor Clarke stated that there may be an advantage to having the public

observing the meeting as they would attain a good view of the process. The APM concurred with this stating it would get the message out in the public arena that Mid Ulster District Council made decisions.

**Resolved** That  
(i) Public Utilities Position Paper be considered at a special meeting of planning; and  
(ii) Planning applications be considered in order irrespective if there are speakers.

**P40/15      Receive Transportation Position Paper**

**Resolved** That Transportation Position Paper is considered at a special meeting of planning.

**CONFIDENTIAL BUSINESS**

Proposed by Councillor McKinney  
Seconded by Councillor McPeake and

**Resolved** That items P41/15 – P44/15 be taken as confidential business.

**P45/15      Duration of Meeting**

The meeting commenced at 7.00pm and ended at 10.30pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_

C

**Minutes of Meeting of Policy & Resources Committee of Mid Ulster District Council held on Monday 11 May 2015 in Magherafelt Offices**

**Members Present:** In the Chair, Councillor Sean McGuigan  
Councillors Ashton, Bateson, Buchanan, Cuddy (7.05 pm), Forde, Gildernew, Mallaghan, McKinney, McLean, McPeake, Molloy, M. Quinn (7.09 pm), T. Quinn and Totten

**Officers in Attendance:** Mr A Tohill, Chief Executive  
Mrs M Canavan, Lead HR Officer  
Ms U Mezza, Head of Marketing Communications  
Mr B O'Hagan, Head of ICT  
Mrs M Grogan, Committee Services/Senior Admin Officer

**Others in Attendance:** Ms Denise Wheatley, Policy ARC Ltd  
Dr John Kremer, Policy ARC Ltd

The meeting commenced at 7.03 p.m.

**PR71/15 Apologies**

Councillor Catherine Elattar.

**PR72/15 Declaration of Interest**

No members declared an interest.

**PR73/15 Receive and confirm minutes of the Policy & resources Committee held on Wednesday 15 April 2015**

Proposed by Councillor Mallaghan  
Seconded by Councillor T Quinn and

**Resolved:** That the Minutes of the Meeting of the Policy & Resources Committee held on 15 April 2015 (PR56/15 – PR70/15) were considered and signed as correct.

**Matters for Decision**

**PR74/15 Mid Ulster Business Award Sponsorship**

The Head of Marketing & Communications presented paper on Mid Ulster Business Award Sponsorship and stated that it was to consider the opportunity to become an 'associate sponsor' of the Mid Ulster Business Awards.

She advised that the Mid Ulster Mail and Tyrone Times organises the Mid Ulster Business Awards which seeks to recognise the achievements of local businesses in a range of 15 categories from Best Retailer to Best Rural Business.

The event presents a number of sponsorship opportunities one of which is to become an 'associate sponsor'.

The awards are a high profile event which receive significant media coverage both print and on-line principally through the Johnston Press group, and offer an opportunity for the Council to send a strong message about its commitment to economic growth and the support for local business.

As well as the coverage, an associate sponsor receives speaking and messaging opportunities at associated award events (launch, gala dinner), prominent logo placement on all promotional material, including brochures and advertisements, prominent positioning of branded items at events, inclusion in official photographs and post-event publicity.

The award launch takes place in June and the gala dinner and award ceremony in November, with opportunities throughout the 6 month period to benefit from associate sponsorship. There are a maximum of 2 associate sponsor opportunities available. The cost of associate sponsorship is £3,000 and can be met within existing budgets.

Proposed by Councillor McPeake  
Seconded by Councillor Forde and

**Resolved:** That it be recommended to the Council that the Council becomes an associate sponsor for the Mid Ulster Business Awards.

*Councillor Cuddy entered the meeting at 7.05 pm.*

#### **PR75/15 Policy for Advertising Planning Applications**

The Head of Marketing and Communications presented paper on Policy for Advertising Planning Applications and stated that it was to review the advertising policy relating to the placement of public notice advertising for planning applications.

She advised that in February the Council agreed a policy for public notice advertising which established the use of 7 local newspapers.

The policy aimed to ensure broad geographic and readership reach across the new district while recognising that the financial impact was difficult to ascertain given a lack of historical data and the anticipated requirements of the new Council. The Council decision included a review of the policy after 6 months.

Monitoring of the advertising spend for planning applications in the first month of the new Council has shown expenditure of £13K.

While the month of April included 2 substantially-sized advertisements and there is no way to predict the size of future advertisements, as these depend entirely on the number of applications received, extrapolating the first month's figure would see planning advertising exceed £150K.

This extrapolated figure is double the spend for planning advertising in 2013-2014 which totalled £71,000 spread across 6 local papers.

There is no means of assessing whether this expenditure related to comparable sized advertisements. Nonetheless the cost after only 1 month warrants an early review of the policy.

The Council is required to advertise in 1 newspaper circulating in the district. No single newspaper covers all of Mid Ulster. However, choosing to use representative titles from those which circulate wholly in the district and from each of the 3 existing newspaper groups (Tyrone Courier, Mid Ulster Mail and Mid Ulster Observer) would allow the Council to achieve a reduction in expenditure, while achieving a balance in geographic reach and readership.

Giving prominence to the publication of new planning applications on the web and using social media and other engagement tools to inform members of the public about where to access information would help to mitigate against any reduction in the number of newspapers used.

Councillor McLean agreed that the best deal should be sought but felt that all areas should be properly covered for ratepayers.

The Head of Marketing and Communications advised that the Tyrone Courier has a large geographical coverage.

*Councillor M Quinn entered the meeting at 7.09 pm.*

Councillor Mallaghan stated that he wasn't convinced that the papers were independently audited and proposed looking at this as a tender exercise as best value for money is essential.

Proposed by Councillor Mallaghan  
Seconded by Councillor Forde and

**Resolved:** That it be recommended to the Council to begin a tender process to include best value based on cost, geographic coverage and on-line content.

## **PR76/15 Preparation of Ulster Scots Policy**

The Director of Culture and Leisure presented paper on Regional and Minority Languages, Draft Ulster Scots Policy and stated that it was to advise Members of the preparation of draft policy document in respect of Ulster-Scots language and to seek authority to assess the equality impact of the draft policy.

She stated that the Council's obligations in respect of Ulster-Scots arise from commitments the UK Government made when the European Charter for Regional and Minority Languages (The Charter) was signed and ratified. The Charter is an international convention designed to protect and promote regional and minority languages. It is designed to protect and promote regional and minority language as a

threatened aspect of Europe's cultural heritage. The Charter does not cover sign language or the languages of minority ethnic communities.

The Council area is made up of a multi-cultural and multi lingual society with linguistic diversity forming part of the cultural and historical heritage of the area. The 2011 census indicates that out of a Mid Ulster District population of 132,025:

- 8,131 or 6.2% of the population have some ability in Ulster-Scots; and
- 1,056 or 0.8% of the population could speak, read, write and understand Ulster-Scots.

The European Charter places an onus on Council to proactively promote Ulster-Scots. It is therefore proposed to develop an Ulster-Scots Policy for the Mid Ulster Council.

The Ulster-Scots agency has highlighted that it is essential that when the Council is undertaking resolute action to promote Ulster-Scots that it is actually doing things which promote Ulster-Scots and which reflect the situation of the language, in accordance with the Charter. The Ulster-Scots Agency has adopted the Fishman Model for reversing language shift, which sets out an eight stage process for language development:

1. Acquisition of the language by adults, who in effect act as language apprentices (recommended where most of the remaining speakers of the language are elderly and socially isolated from other speakers of the language).
2. Create a socially integrated population of active speakers (or users) of the language (at this stage it is usually best to concentrate mainly on the spoken language rather than the written language).
3. In localities where there are a reasonable number of people habitually using the language, encourage the informal use of the language among people of all age groups and within families and bolster its daily use through the establishment of local neighbourhood institutions in which the language is encouraged, protected and (in certain contexts at least) used exclusively.
4. In areas where oral competence in the language has been achieved in all age groups encourage literacy in the language but in a way that does not depend upon assistance from (or goodwill of) the state education system.
5. Where the state permits it, and where numbers warrant, encourage the use of the language in compulsory state education.
6. Where the above stages have been achieved and consolidated, encourage the use of the language in the workplace (lower worksphere).
7. Where the above stages have been achieved and consolidated encourage the use of the language in local government services and mass media.
8. Where the above stages have been achieved and consolidated encourage use of the language in higher education, government, etc.

Progress in development of the language is set out in stages and that moving on to the next stage should only be contemplated when sufficient progress has been made in the preceding stages. The Council's draft Ulster-Scots Policy has reflected this in the proposed actions.

The draft policy will need to be equality screened and may be subject to an EQIA. Professional support of £9,000 would be required to undertake the EQIA.

The Director of Culture and Leisure recommended that members consider and comment on the Draft Mid Ulster District Council Ulster-Scots Language Policy and approval was sought for professional support for an EQIA of the draft policy, if required.

Proposed by Councillor McPeake  
Seconded by Councillor Cuddy and

**Resolved:** That it be recommended to the Council to accept the recommendation of the Director of Culture and Leisure, to assess the equality impacts of the draft policy.

#### **PR77/15      Irish Language Policy EQIA**

The Director of Culture and Leisure presented paper on Irish Language Policy EQIA and stated that it was to advise Members of the progress in respect of the Irish Language Policy assessment of equality impacts and public consultation and to obtain approval for the issue of the EQIA consultation report.

She advised that the Council's obligations in respect of Irish arise from commitments the UK Government made when the European Charter for Regional and Minority Languages (The Charter) was signed and ratified. It is designed to protect and promote regional and minority language as a threatened aspect of Europe's cultural heritage. It does not cover sign language or the languages of minority ethnic communities.

The Mid Ulster Council agreed that the draft Irish Language Policy be issued for public consultation and that the equality impacts of the draft policy are assessed. Policy ARC Ltd have been appointed to undertake the EQIA and consultation requirements.

The Director of Culture and Leisure advised that Ms Denise Wheatley and Mr John Kremer were in attendance to give an overview of the Policy.

The Chair welcomed Ms Wheatley and Dr Kremer to the meeting at which Ms Wheatley updated members on the EQIA Consultation Report.

She advised that in undertaking an Equality Impact Assessment (EQIA) the Council is guided by the Equality Commission for Northern Ireland which has defined a seven stage process:

- Stage 1:      Definition of the aims of the policy
- Stage 2:      Consideration of available data and research
- Stage 3:      Assessment of impacts
- Stage 4:      Consideration of:
  - measures which might mitigate any adverse impact; and

- alternative policies which might better achieve the promotion of equality of opportunity
- Stage 5: Consultation  
 Stage 6: Decision by public authority and publication of report on results of the EQIA  
 Stage 7: Monitoring for adverse impact in the future and publication of the results of such monitoring

**Consultation** – A draft EQIA Consultation report set out the findings of the work to date and explains the consultation and subsequent decision making process. The report will be in English and Irish and made available to:

- **Equality Scheme consultees** – the consultees normally consulted on SECTION 75 issues will be informed of its availability.
- **General Public** – A standard response form for publication will be available on the Council's website. This consultation will be advertised in the regional press.
- **Staff and Trade Unions** – A short paper will be circulated to staff providing a description of the process and the issues under consideration. Staff and trade unions will have the opportunity to contact the consultants via email or telephone. The consultants will also be available to meet staff and trade unions at Council premises in Cookstown, Dungannon and Magherafelt.

It is important that consultees have the opportunity to submit their views on a confidential basis, in order to encourage both a high level of response and a full and frank discussion of the issues. The consultants will therefore facilitate the submission of all responses direct to their offices, through the use of a dedicated email address and PO Box.

**Timeframe** – As the consultation period will include the July holiday period, it would be advisable to allow a total of 13 weeks for responses to be made. The EQIA Decision Report will then be presented to the Policy and Resources Committee in October. The summary timeframe is as follow:

| Activity  | Completion date   |
|---|---|
| Consideration of the EQIA Consultation Report by the full Council     | 11 <sup>th</sup> May 2015 – Policy and Resources Committee    |
| Translation into Irish  | 29 <sup>th</sup> May 2015                                     |
| Formal Consultation   | 1 <sup>st</sup> June 2015 – 28 <sup>th</sup> August 2015      |
| Presentation of the EQIA Decision Report to the Development Committee | 7 <sup>th</sup> October 2015 – Policy and Resources Committee |

The Chair thanked Ms Wheatley and asked members for any comments or questions:

Councillor Cuddy advised that he has nothing against the Irish Language, but Protestants feel isolated in the way it is presented. He stated that members of the former Dungannon Council had a good working relationship and would welcome the EQIA on Ulster Scots.

The Chair thanked Ms Wheatley and Dr Kremer for being in attendance at which they left the meeting.

The Director of Culture and Leisure recommended that members consider the Equality Impact Assessment of the Draft Irish Language Policy Consultation Report and approve the issue.

Proposed by Councillor Bateson  
Seconded by Councillor Gildernew and

**Resolved:** That it be recommended to the Council to accept the recommendation of the Director of Culture and Leisure, to approve the Equality Impact Assessment of the draft Irish Language Policy Consultation Report and approve for issue

#### **PR78/15 Booking Tables at Functions**

The Chief Executive presented paper on Booking Tables at Functions and stated that it was to receive and consider a protocol for use by Mid Ulster Council on making decisions around booking tables at functions and conferences.

He advised that to manage the booking of tables at functions and conferences a protocol has been developed to inform decisions on such requests, when received.

In summary, the protocol sets out:

- As a rule Council will not take and book tables for the attendance of members and officers at gala dinners, award ceremonies, conferences and events of a similar nature, when invited to do so
- Bookings only to be made in exceptional circumstances
- Exceptional circumstances may extend to, but not limited to; (i) when the council or an officer is nominated to receive an award at a ceremony; (ii) when the council or an officer is due to receive an award; or (iii) when the council is hosting a conference or similar event within the district
- Attendance should always be the Chair and/or the Deputy accompanied by a member of staff, if required
- Costs associated with the Chair and Deputy Chair attendance shall be taken from respective annual allowances for the said positions.

The Chief Executive recommended that the committee consider and agrees the protocol for adoption.

Councillor Ashton advised that she would have no issue if it was coming out of an officer or member's budget allocation.

Councillor Mallaghan advised that he would be in favour of the protocol as it clearly states what the circumstances are, with the Mid Ulster Business Awards being the first one.

Proposed by Councillor Mallaghan

Seconded by Councillor Buchanan and

**Resolved:** That it be recommended to the Council to adopt the protocol.

### **PR79/15 Registration Service for Mid Ulster Council**

The Lead HR Officer presented report on Registration Service for Mid Ulster Council and advised it was to inform members on service delivery within Registration in the areas of Cookstown, Dungannon & Magherafelt that need to be reviewed and where possible, align the service.

The meeting was informed that a Registrar had been appointed and the two former Registrars based in Dungannon and Magherafelt are now Deputy Registrars. There are Casual Deputy Registrars based at all three locations.

The Lead HR Officer informed members that different systems are operational in each area and the key issues are:

Appointment Systems:

- Cookstown: computerised Booking System. Monday currently drop in day – change Monday to an appointment day. Appointments Monday – Friday, computerised bookings currently done by Registration staff and Reception Staff
- Dungannon: currently paper based booking system to be computerised (appointments Monday – Friday, currently all bookings managed by Registrar)
- Magherafelt: currently no appointment system, computerised booking system to be implemented

Consider changing Magherafelt day of closure from Monday to Wednesday.

Appointment times to be aligned to – morning first appointment 9.30 am and last appointment 12.30 pm and in afternoon 2.00 pm until last appointment at 4.30 pm. Friday last appointment 3.30 pm.

The Lead HR Officer recommended:

1. Implement an aligned computerised booking system in all 3 locations.
2. Implement an appointment system in all 3 locations Monday – Friday.
3. Change closure day in Magherafelt from Monday to Wednesday.
4. Align appointment hours in all 3 locations (9.30am -12.30pm and 2pm - 4.30pm (Friday 3.30 pm))

Proposed by Councillor McLean

Seconded by Councillor M Quinn and

**Resolved:** That it be recommended to Council to accept the recommendation of the Lead HR Officer.

### **PR80/15 Procurement Policy**

The Chief Executive advised that this paper was unavailable for tonight's meeting but if a matter arises which requires immediate consideration it will be brought to the Council meeting but if not it will be brought to next month's P&R Committee.

## **PR81/15 Mid Ulster District Council Borrowing Arrangements**

The Chief Executive presented paper on Mid Ulster District Council Borrowing Arrangements and advised it was to update Members in relation to borrowing requirements.

The Council previously established authorised and operational borrowing limits of £14,700,000 (fourteen million, seven hundred thousand pounds) and £14,200,000 (fourteen million, two hundred thousand pounds) respectively at its meeting held on Thursday 26 March 2015.

The limits were established to satisfy Council's duty under the:

- Local Government Finance Act (Northern Ireland) 2011 which permits district councils to borrow in accordance with a number of statutory controls; and
- Local Government Local Government (Capital Finance and Accounting) Regulations (Northern Ireland) 2011 which provides further instruction in relation to borrowing by councils and identifies the guidance that councils are to have regard to when determining how much they can afford to borrow

Prior to consideration of this paper Council's actual borrowing consisted of:

- Debt transferred from the legacy councils, i.e. Cookstown District Council £1,209,822 and Dungannon and South Tyrone Borough Council £4,064,212; and
- Debt incurred by Mid Ulster District Council to finance ICT systems convergence in the amount of £180,000 (being £800,000 drawn down less £520,000 repaid prior to 1 April 2015)

Initial borrowing therefore totalled £5,454,034. However, Council has previously committed to financing certain activities by borrowing:

- Statutory Transition Committee and Shadow Council costs in the amount of £1,400,000;
- Costs associated with staff severance arising as a consequence of the reform of local government in the amount of £1,658,000; and
- If the Department failed to deliver upon its ICT systems convergence expenditure, i.e. £520,000 (see above); and
- The capital costs associated with the Heaney Interpretative Centre of £4,100,000 on the express understanding that the associated borrowing costs would be financed from the former Magherafelt District Council resources

Council also previously agreed when it struck its Rate for 2015/16 that the term of the above additional borrowings (Shadow Council and staff severance costs, ICT costs

and Heaney Interpretative Centre costs) should be three, five and twenty five years respectively. Appropriate provision was made in the rate estimates to finance this additional borrowing via the Council's Minimum Revenue Provision (MRP).

Council now needs to borrow additional funds to replenish cash reserves that have been depleted during the Shadow Council period and initial months of the new Council's existence. Total additional borrowing of £7,678,000 is required over the following terms:

- £3,058,000 – 3 years
- £ 520,000 – 5 years
- £4,100,000 – 25 years

The borrowing costs associated with the £4,100,000 loan to finance the capital works at the Heaney Interpretative Centre will be funded by the former Magherafelt District Council reserves.

If approved, the total Council borrowing will be £13,132,034 which will be comfortably within Council's previously established authorised and operational borrowing limits.

Council has the freedom to draw loans from whatever source it deems to provide the best value for money such as the Department of Finance and Personnel or commercial financial institutions.

Members' attention is drawn to the Minister's letter to the former Chair of the Council which confirms that the Department will not honour its commitment to fund Council's ICT systems convergence costs.

The officers are of the opinion that the Minister's assessment that the terms of the commercial borrowing drawn down by the Council (£800,000 with flexible repayment terms) to fund ICT systems convergence do not represent value for money is flawed. The officers base this opinion on the fact that as the commercial repayment terms negotiated by Council were flexible the overall cost of borrowing, as previously defined by the Department as interest plus principal, was actually less than the borrowing costs associated with the 'recommended' borrowing facility with the Department of Finance and Personnel despite its slightly lower interest rate (1.50% as opposed to 1.75%) (DFP fixed interest rates can vary from day to day).

Had Council availed of the 'recommended' borrowing facility for its actual £528,716 requirement (expenditure incurred pre 31 March 2015) its total borrowing costs over the prescribed 2 year minimum term would have been approximately £537,575.62. By comparison, Council's commercial financing arrangement would have incurred maximum total borrowing costs of having access to either DFP's or the commercial financial institution's specific interest calculator). Consequently Council's commercial facility was £8,462.92 cheaper over the prescribed two year term than the facility advocated.

Precise interest costs have yet to be confirmed with the relevant financier but they have been provided in the 2015/16 rate estimates via Council's MRP.

In response to a query about funding towards IT convergence for all Councils the Chief Executive advised that no other Council received funding either.

Councillor McPeake stressed his disappointment at the lack of financial support from the DOE for ICT convergence and felt that it would be worthwhile for himself and Councillor M Quinn as members of the Partnership Panel to take the lead on addressing the issue with the DOE.

The Chief Executive advised that the Council could seek legal advice on the matter..

Councillor Cuddy enquired about a Capital update for members and advised that it would be beneficial to see where we are presently as it would show how money is spent from month to month.

The Chief Executive agreed that updates will be issued to members where the financial reports are ready for issue.

Proposed by Councillor Bateson  
Seconded by Councillor Buchanan

**Resolved:** That it be recommended to the Council to authorise the following additional borrowing over the relevant terms:

- £3,058,000 – 3 years
- £ 520,000 – 5 years
- £4,100,000 – 25 years

And that the officers be authorised to seek the most appropriate financial arrangement either with the Department of Finance and Personnel or a commercial financial institution.

That Members consider what response, if any, should be made to the Minister and/or the Department in relation to the decision not to settle the Council's claim in the amount of £520,000 for ICT systems convergence borrowing costs.

That Council seek legal advice on the matter of funding for ICT convergence.

### **Matters for Information**

#### **PR82/15      Winding Up Claim**

The Chief Executive referred to report on Winding up Claim and advised that it was to provide Members with an update in relation to winding up claim submitted in accordance with the provisions of LG Circular LG 33/2014.

Council having designated at its meeting on Thursday 22 January 2015 the Chief Executive as Winding up Officer in accordance with the requirements of Regulation 11(1) of the Local Government (Transitional, Supplemental, Incidental Provisions and Modifications) Regulations (Northern Ireland) 2014 (PR 6/15).

The £47.8 million previously allocated by the Executive to support the implementation included £0.5 million for the winding up of the twenty six legacy councils.

The Department therefore offered each new council funding to assist them meet some of the costs of winding up their legacy councils. Circular LG 08/2014 confirmed that the maximum amount offered to Mid Ulster District Council was £57,692.

The Circular provided “Guidance to existing and new councils on the reimbursement of costs associated with the winding up of existing councils.” This guidance specified that qualifying costs would consist of legal and audit costs associated with the winding up of the legacy councils’ financial affairs and be submitted by Monday, 11 May 2015.

The legacy councils’ external audit fees for 2014/15 are as follows:

- Cookstown District Council £18,500
- Dungannon and South Tyrone Borough Council £20,000
- Magherafelt District Council £19,000

Total external audit fees £57,500

As the maximum funding available is £57,692, if Mid Ulster District Council claims the external audit fees as winding up costs, there will be a further £192 funding available to be claimed against legal costs associated with winding up the financial affairs of the three legacy councils.

Although Council has incurred a range of legal costs associated with local government reform it is proposed to claim the balance of £192 against the costs of legal advice received in relation to the assignment of legacy councils’ actions to the new Council. The claim was submitted for the maximum amount of £57,692.

The Chief Executive recommended that Members note the contents of the report.

#### **PR83/15      Organisational Development, Finance, Marketing & Communications and ICT Service Improvement Plans 2015/2016**

The Chief Executive presented report and advised it was to receive 2015-2016 Service Improvement Plans for the services of Organisational Development, Finance, Marketing & Communications and ICT.

Part 12 of the Local Government Act 2014 places a general duty on all Councils secure continuous improvement through the undertaking and exercise of its functions. In working towards this across Council’s suite of services this paper provides Service Improvement Plans for the services which fall within the remit of this Committee.

Service Improvement Plans have also been prepared for other Services across the Council and will be presented to other Committees as appropriate.

The Improvement Plans have been compiled in line with the Local Government Act 2014 containing improvement objectives which make a contribution towards one or all of the following, as detailed in the Act:

- Strategic Effectiveness
- Service Quality
- Service Availability
- Fairness
- Sustainability
- Efficiency
- Innovation

Service improvement objectives, as presented, also link to at least one of the council's corporate themes, demonstrating their contribution to the delivery of Council's Corporate Plan. The themes are:

- Delivering for Our People
- Creating Growth
- Building Unity
- Sustaining our Environment

The Chief Executive recommended that Members review, provide comment and note the Service Improvement Plans as presented.

Councillor Ashton raised concern regarding the Insight magazine which was issued to residents in the Coleraine area. She queried about Council boundaries and who is responsible for the issuing of the magazine.

Councillor Ashton also raised concern about 2 major events in the Dungannon area. Bush Road Races Event advertised even though not taking place this year, whilst the 12 July celebrations have been omitted.

The Head of Marketing and Communications advised there was a tight deadline for printing and all the relevant information had not been confirmed by the cut-off point in the Spring-time. It was stated on the magazine to look at the web for up-to-date events.

The Head of Marketing and Communications advised that in relation to boundaries covered, Council boundary areas don't exactly match Royal Mail postcode boundaries which can cause an overlap. Vast majority of mail-drops were done door-to-door. It was added that anomalies were now being identified and a reoccurrence of the situation was not anticipated.

Councillor McPeake advised that if the 12 July celebrations were to be advertised then it's only but right that Republican events be advertised also.

## **Confidential Business**

Proposed by Councillor Molloy  
Seconded by Councillor M Quinn

**Resolved:** That Items PR84/15 - PR87/15 be taken as confidential business.

## **PR88/15 Duration of Meeting**

The meeting commenced at 7.00pm and ended at 8.20pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_

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**Minutes of Meeting of Environment Committee of Mid Ulster District Council held on Tuesday 12 May 2015 in Council Offices, Magherafelt**

**Members Present** In the Chair, Councillor McFlynn (Chair)

Councillors Buchanan, Burton, Cuddy, Cuthbertson, Gillespie, Glasgow, Kearney, McGinley, B McGuigan, S McGuigan, McNamee, Mulligan, J O'Neill, Totten

**Officers in Attendance** Mr Cassells, Director of Environment and Property  
Mr Currie, Lead Building Control Officer (Cookstown)  
Mr Fox, Lead Building Control Officer (Dungannon)  
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** **Rivers Agency Northern Ireland**  
Messrs Calvert and O'Neill

**NI Local Partnership on Traveller Issues**

Councillor Jim Brown, Chairman (Mid and East Antrim Borough Council) and Mr Billy Newburn, Secretary and other representatives

The meeting commenced at 7.00 pm

**E54/15 Apologies**

Councillor Mullen.

**E55/15 Declarations of Interest**

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

**E56/15 Rivers Agency Northern Ireland**

The Chair welcomed Messrs Calvert and O'Neill to give their presentation on Flood Hazard and Risk Mapping.

Mr Calvert, Principal Engineer at Mapping and Modelling Unit of Rivers Agency provided Members with an overview of the Floods Directive. This Directive has been one of the main drivers for the production of detailed flood mapping and Rivers Agency have produced detailed flood maps for river, coastal and surface water. Flood maps and models for dam failure are also being progressed.

The Floods Directive has been very descriptive in terms of what it requires from flood risk maps, these maps should indicate the number of people potentially affected and the impact on economic activity in the area. This type of information will determine if the extent of flooding merits any intervention. Flood hazard maps should show areas which could be flooded in terms of low, medium and high probability including the flood extent, water depths and, where appropriate, the water flow. Mr Calvert presented various flood hazard/risk maps to Members as examples.

In terms of Mid Ulster, Mr Calvert advised that there are no significant flood risk areas in the district, there are however eight areas of further study. In these areas flood mapping has been produced to the same standard required by the Floods Directive for significant flood risk areas.

Mr Calvert also advised Members regarding access to flood maps via various portals for both the public and government agencies.

Councillor Cuddy enquired on procedure if flood plains are found to be infilled.

Mr O'Neill advised that infilling of a flood plain would be in contravention of planning policy and its enforcement would be led by planning.

Councillor J O'Neill thanked Rivers Agency for their ongoing assistance in relation to resolving flooding issues in the Coalisland area and commented that this is the first year housing has not been flooded in Coalisland.

Councillor Cuddy posed the scenario asking where the liability lies if Council passes a planning application for a property on the edge of a flood plain which later becomes flooded.

Mr O'Neill advised that Rivers Agency can provide advice and technical assessments based on probability but that the end decision on whether to grant planning permission lies with the planning department and Council.

*(Messrs Calvert and O'Neill left the meeting at 7.20 pm)*

#### **E57/15        NI Local Government Partnership on Traveller Issues**

The Chair welcomed representatives of the Northern Ireland Local Government Partnership on Traveller Issues to the meeting.

Councillor Brown (Mid and East Antrim Borough Council), Chairman of the Partnership provided Members with an overview of the role of the Partnership which is to provide a local government view on Traveller issues. Councillor Brown also made reference to the numerous achievements of the Partnership over past years and lobbying which is ongoing.

Councillor Brown advised that prior to reorganisation both Dungannon and Magherafelt Councils were members of the Partnership. Elected Members have found membership to the Partnership to be advantageous in providing advice and support on various Traveller issues and a good point of contact between organisations in UK mainland and Republic of Ireland. Councillor Brown also

advised of training courses for staff and elected members and being able to feed into consultations on policies affecting Travellers.

Councillor Brown referred to some of the new duties of Councils such as Community Planning and how this may impact on the Travelling community. Councillor Brown reminded Members that Mid Ulster Council has the highest Traveller occupation in Northern Ireland.

Mr Newburn, Secretary of the Partnership, provided Members with a brief history of the Partnership advising that it is an independent/voluntary organisation which receives no statutory funding. Mr Newburn suggested that Council nominate three elected members to the Partnership along with a Council Officer who can act as a point of contact.

Members agreed to discuss nomination to the Partnership at the next Party Leaders meeting.

*(Councillor Brown, Mr Newburn and other representatives of the Partnership left the meeting at 7.38 pm)*

**E58/15      Receive and confirm minutes of the Environment Committee meeting held on Tuesday 14 April 2015**

In relation to item E48/15 Councillor McNamee asked if response had been received from Minister regarding reimbursement for grass cutting and other functions no longer being carried out by TransportNI.

The Director of Environment and Property advised that this correspondence would not have been sent until after April Council meeting however he did not believe a reply has been received as yet.

Councillor McGinley referred to corporate branding on tonight's reports not being consistent.

The Director of Environment and Property advised he will make the Head of Democratic Services aware of this issue.

Proposed by Councillor S McGuigan  
Seconded by Councillor McNamee and

**Resolved**    That the Minutes of the Meeting of the Environment Committee held on Tuesday 14 April 2015 (E37/15 – E50/15 and E53/15) were considered and signed as accurate and correct.

**Matters for Decision**

**E59/15      Proposed Loading Bay at Market Square, Dungannon**

The Director of Environment and Property advised Members that Council have been consulted upon by TransportNI who are proposing to introduce a loading bay at

Market Square, Dungannon. TransportNI have stated that PSNI have been consulted and are in agreement with the proposal.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Cuddy and

**Resolved** That it be recommended to Council to agree to the proposal by TransportNI to introduce a loading bay at Market Square, Dungannon.

**E60/15 Proposed Waiting Restrictions at Killyman Road, Dungannon**

The Director of Environment and Property advised Members that Council have been consulted upon by TransportNI who are proposing to introduce stretches of limited waiting on Killyman Road, Dungannon. Waiting will be restricted in the layby on the Killyman Road, Dungannon Monday to Friday 8.15 am to 6.15 pm, maximum stay one hour no return within one hour. TransportNI have stated that PSNI have been consulted and are in agreement with the proposal.

Councillor Cuthbertson suggested that Council write to the Department of Justice asking that more car parking be provided on premises of Dungannon Court.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Burton and

**Resolved** That it be recommended to Council to agree with the proposal by TransportNI to introduce limited waiting at the layby on Killyman Road, Dungannon and also write to Department of Justice requesting further car parking be provided at Dungannon Court.

**E61/15 Street Naming and Numbering for New Developments**

Members were presented with policy for Street Naming and Property Numbering of new developments for Mid Ulster District Council.

The Council has responsibility for Street Naming and Property Numbering for new developments and the streets and properties erected thereon. In accordance with The Local Government (Miscellaneous Provisions (NI) Order 1995: Article 11, the Council is tasked with the requirement to approve Street Naming and Numbering of domestic and commercial buildings which may be located thereon .

Where a new development is proposed (i.e. domestic or commercial) which includes the provision of a new street or roadway, Council are obliged to agree an appropriate Road / Street name for the purpose of subsequent addressing. Each new street and each new building erected thereon is allocated a unique reference number. The Pointer Addressing System which is hosted and managed by Land and Property Services, allocates numbers in the form of “Unique Street Reference Number – USRN” and “Unique Property Development Number – UPRN”. As a result the address can then be used by the Emergency Services and utilities to identify the location of the property concerned (e.g. connections for electricity, telephone, etc.) as well as providing the mechanism for obtaining personal legal documentation such as passports, etc.

The draft policy presented forms the basis for the consideration of requests in relation to Street Naming and Property Numbering of new developments across Mid Ulster District Council and will allow for a consistent approach to all requests across the District.

Proposed by Councillor B McGuigan  
Seconded by Councillor Cuthbertson and

**Resolved** That it be recommended to Council to adopt the Street Naming and numbering Policy for new developments.

**E62/15      Tenancy Agreements for Allotments and Community Gardens on Council Property**

The Head of Technical Services presented report on Tenancy Agreements for allotments on Council property including Nunnery Hill Community Garden (Dungannon Park) and Gardening Spaces at Ballygawley Nature Garden.

There are currently 14 allotment plots at Nunnery Hill Community Garden (Dungannon Park) and 7 Gardening Spaces (raised beds) at Ballygawley Nature Garden, Dungannon. Plots are taken by Tenants on a yearly basis (1 April – 31 March), the conditions of letting are set out in the form of Tenancy Agreements issued by the former Council.

The Director of Technical Services advised that most of the existing plot holders have renewed their plot tenancy for this allotment year. The rates for this year have been kept the same. At Nunnery Hill Community Garden the current annual rent is £50 for full size individual plots and £30 for community group plots and half/quarter size individual plots. At Ballygawley the current annual rent is £5 for a raised bed.

As the Tenancy Agreements need to be updated for Mid Ulster District Council the Head of Technical Services drew attention to Section 5 of the Draft Tenancy Agreement in that the Tenant must live in the Mid Ulster District Council Area. Groups acting as tenant must be operational within the District Council area and at least 80% of the participants using the plot must live in the Mid Ulster District Council area.

The Council managed facilities are located at:

- Ballygawley Nature and Garden
- Nunnery Hill Community Garden (Dungannon Park)

A number of Community operated facilities are located and managed by:

- Carnegher Community Association
- Bellaghy Community Association
- Castledawson Community Association

It is proposed that the revised Tenancy Agreement arrangements will apply to all Council owned property and would come into effect at renewal dates.

Proposed by Councillor Buchanan  
Seconded by Councillor Cuddy and

**Resolved** That it be recommended to Council to approve the Draft Tenancy Agreement for Allotments and Community Gardens on Council property.

**E63/15 Bus Shelter Policy**

The Head of Technical Services provided report on policy for the provision of bus shelters across Mid Ulster District Council area.

A number of key differences have been identified in the provision/administration of bus shelter provision inherited from the existing 3 legacy Councils, formerly each Council operated from a guideline framework but there is currently no policy in place for the provision of shelters.

Council is empowered under the Local Government Miscellaneous Provisions (NI) Order 1985, with the consent of the department to erect and maintain on any road within the district of the council, shelters for the protection from the weather or persons waiting to enter public service vehicles. At present there are approximately 370 shelters provided throughout the District managed by the Property Services department.

The Head of Technical Services advised that the policy presented will form the framework for administering bus shelter provision across Mid Ulster District Council. This will allow for consistency and alignment of internal procedures across the District. He also highlighted the procedure guide and application form which will form the process for dealing with a request for bus shelter provision.

In response to Councillor S McGuigan's question regarding outstanding requests for bus shelters the Head of Technical Services advised that there are three outstanding requests from the legacy Councils and that these are being progressed.

Councillors McFlynn and Burton both referred to the importance of maintaining to a good standard the bus shelters erected by Council.

Councillor Cuddy asked if there are any instances of bus shelters not being used.

The Head of Technical Services advised that if a bus shelter is reported as not being used this will be investigated. If it is deemed that the bus shelter is 'vacant' then it can be removed and kept in storage for future use.

**Resolved** That it be recommended to Council to adopt the Policy and Procedural Guidance for the provision of bus shelters across the Mid Ulster District Council area.

**E64/15 Update to Affordable Warmth Scheme**

The Director of Public Health and Infrastructure updated Members on the Affordable Warmth Scheme and provided the Service Level Agreement between Department for Social Development and Council.

The Affordable Warmth Programme builds on the success of the Affordable Warmth Pilots undertaken by local Councils and the Northern Ireland Housing Executive in 2013/14.

The Affordable Warmth Scheme was formally implemented on 18 September 2014 and is expected to run until 31 March 2017, with further extensions, subject to sufficient funding being made available.

As part of the implementation of the Affordable Warmth Programme, the Department for Social Development have committed to fund in full, the support costs for delivery of these arrangements in Mid Ulster District Council to the value of £153k for the 12 month period April 2015 – March 2016.

The Council's role in this Scheme is as outlined in the Service Level Agreement and in particular the following requirements:

- With the consent of the householder, conduct an initial survey to gather information to be forwarded to the Housing Executive for assessment on eligibility criteria for the scheme;
- Aim to refer a minimum of 1,000 completed surveys to the Housing Executive annually. (It was advised that 54 surveys were completed during the month of April). This will include non-targeted referrals;
- Report to DSD that the areas they are targeting are in line with the area poverty rating information provided by DSD;
- Provide householders participating in the scheme with information regarding Energy Advice;
- Where the householder agrees, refer their details (name, address contact number) to the Social Security Agency for the purposes of conducting a Benefit Entitlement Check with them.

Proposed by Councillor McNamee  
Seconded by Councillor McGinley and

**Resolved** That it be recommended to Council to agree the Service Level Agreement between Department for Social Development and Mid Ulster District Council for the Affordable Warmth Scheme.

**E65/15      Council response to Consultation on the Interim Report on the Implementation of the Welfare of Animals Act (NI) 2011**

The Head of Environmental Health advised that the Department of Agriculture and Rural Development (DARD) has issued a Consultation seeking views on the Interim Report of the Review of the Implementation of the Welfare of Animals Act (NI) 2011. Members were provided with a report on Mid Ulster District Council's draft response to the consultation.

Following public concern regarding lenient sentencing in an animal cruelty case investigated and brought before the court, a motion was brought before the Northern Ireland Assembly on 31 March 2014. Consequently, Minister Michelle O'Neill established a Review of the Implementation of the Welfare of Animals Act (NI) 2011, chaired jointly by officials in DARD and Department of Justice (DOJ).

Five Working Groups were established to consider the issues raised by the stakeholders. The Working Groups were also tasked with exploring the options for improvement and proposing recommendations. One of the Working Groups had representation from all of the sub-region lead Councils and this Working Group focused on the issues which were raised by the stakeholders in relation to the enforcement of the animal welfare legislation by Councils.

Following the meetings with stakeholders and a review of the issues by the five working groups, an Interim Report has been produced and contains the emerging issues and the recommendations of the Review. This gives all interested parties the opportunity to consider the recommendations and submit any additional views and evidence before the final report is published in mid-2015.

The Review is considering the implementation of the Act under the following four themes:

- Sentencing
- Delivery Structures – farmed animals, non-farmed animals and wild animals
- Working together (facilitating enforcement)
- Serving the Public

The Head of Environmental Health advised that the Review has collated and considered all of the emerging issues that were raised during the meetings with stakeholders and has compiled a list of recommendations to be assigned to the relevant Bodies. A number of the recommendations will apply to Councils for implementation and these have been considered by members of the Animal Welfare Project Board.

In response to Councillor S McGuigan's question regarding funding and duplication of work the Head of Environmental Health advised that funding received from DARD is specifically for the enforcement of the non-farmed animal welfare service. The Head of Environmental Health agreed with Members' comments with regard to sharing of information and that ongoing partnership working is helping to improve effectiveness.

In response to Councillor Kearney's question regarding collection of carcases the Director of Public Health and Infrastructure advised that Council has fulfilled its civic duty to date and will continue to work with other agencies in this regard.

Councillor Burton felt that Council's response to this consultation needs to be worded in the strongest way possible.

Councillor Cuddy referred to the recent television coverage in relation to puppy farms and asked if there is any learning for the Council from this coverage.

The Head of Environmental Health advised that there are breeding establishments within the Council area and advised that these premises are all inspected and licensed. The Head of Environmental Health advised that officers do follow up on any complaints received regarding such premises.

Numerous Members referred to the importance of establishing the remit of each individual department/agency with regard to animal welfare issues and points of contact for same in order to deal with problems as they arise in a more efficient manner.

Proposed by Councillor S McGuigan  
Seconded by Councillor J O'Neill and

**Resolved** That it be recommended to Council to approve the Council response to the Interim Animal Welfare Review Report.

**E66/15 Street Trading Procedures**

The Director of Public Health and Infrastructure provided report to update Members on administration procedures for Licensing of Street Trading Activity. This Procedure for administration of the Street Trading Licensing regime across Mid Ulster will form part of an overall Licensing and Regulatory Policy.

The day to day administration and process of Street Trading Applications will be dealt with as a 'Delegated' matter as agreed by Committee. In most instances applications for the grant, renewal, transfer or variation of a licence are accompanied by copies of such plans, certificates or other documents as the Council may reasonably require.

As part of the administrative process, copies of applications are sent to statutory bodies such as the PSNI and Transport NI and any comments made as a result of such consultations are to be taken into consideration as part of the decision making process.

The Director of Public Health and Infrastructure advised that there is a duty on local authorities via the EU Services Directive and the Provision of Services Regulations to act 'in as timely a manner as possible' when processing such applications, with potentially large financial penalties for a local authority if their licensing processes are found to be overly restrictive or prohibitive to potential licensees.

Where objections have been lodged, or the application is deemed to have a particular local significance due to the nature, location or size of the proposed activity, the application will be brought to Committee for Members' consideration and determination.

The Director of Public Health and Infrastructure highlighted the proposal to levy a reduced fee of £25 for temporary trading at civic events and the need to establish at tonight's meeting whether a Mobile Trading licence should be issued for a particular locality or throughout the whole District.

Members were in agreement at the introduction of a reduced fee for civic events.

The Director of Public Health and Infrastructure also highlighted to Members question 14 on the street traders application form which asks the applicant to provide details of any previous convictions. Members were advised that this question has been added to streamline the application process as waiting time on Access NI checks can be lengthy.

Discussion ensued regarding Cookstown market which is in private ownership and the difficulties which may arise from this. In response, the Director of Public Health and Infrastructure referred to the recent Continental Market and advised of arrangement between owner of market and Council to defer the normal Saturday market in the town, a fee was paid for this arrangement.

Councillor McNamee referred to previous investigations by Cookstown District Council in seeking to establish market rights for the Saturday market in Cookstown however the cost of this process was found to be inhibitive at over 1 million.

Councillor Glasgow asked if checks are made to ensure pitches are being used.

The Director of Public Health and Infrastructure advised that trading pitches are regularly monitored and if a pitch is found not to be in use over a period of two months then Council will initiate discussions with the trader to establish what the reasons for non-use may be.

In response to Councillor Buchanan's question regarding traders insurance the Director of Public Health and Infrastructure advised that insurance can be sought under the Street Traders Association however Council does not make it a compulsory requirement of application to hold insurance. The only difference to this being is that if an event is being managed by Council then insurance will be required.

Councillor Burton referred to Aughnacloy market which has been in decline over recent years. Councillor Burton commented that Aughnacloy is a well-placed town and the need for Council to support traders and encourage them back to this market.

The Director of Public Health and Infrastructure advised that Council is working with town centre regeneration teams in supporting markets.

Referring back to Mobile Trading licences, Councillor McGinley felt there is a need to move away from issuing a licence for a particular area and that these types of licences should be issued to trade across the District.

Councillor McNamee expressed reservations at issuing Mobile Trading licences to trade across whole District.

Proposed by Councillor McGinley  
Seconded by Councillor Cuddy and

**Resolved** That it be recommended to Council to agree guidance for Street Trading Applications. In addition, a reduced fee for £25 should be levied for temporary trading at civic events and Mobile Trading licences should be issued to trade across the entire Mid Ulster District.

## **Matters for Information**

### **E67/15      Environmental Services Service Improvement Plan**

Members noted the content of the service improvement plans for Environmental Services as previously circulated.

### **E68/15      Property Services Service Improvement Plan**

Members noted the content of the service improvement plans for Property Services as previously circulated.

### **E69/15      Roll Out of Brown Bin Kerbside Collection Scheme**

The Head of Environmental Services updated Members on the rollout of brown bins for the collection of garden and food waste to the remainder of the Dungannon and South Tyrone area which is now operational.

Capital funding was obtained under the DOE/WRAP Rethink Waste Fund in 2013 to purchase 7500 No. brown bins and 2 No. refuse collection vehicles to allow the roll out of the brown bin collection service to the remaining (primarily rural) areas in the Dungannon and South Tyrone borough area. The new vehicles and bins were purchased in 2014; however despite a commitment to commence collections at the start of 2015, the roll out of the service was not progressed and this therefore became an immediate priority for Environmental Services of Mid Ulster District Council on 1 April.

A number of meetings were held with the Environmental Services team in Dungannon at the start of April to identify resources required for the roll out of the scheme and to agree an implementation programme. The roll out of the scheme has involved reviewing the existing brown bin routes and whilst the majority of households will keep the same collection day some will now have a different collection day. Also some households will have a different collection day for the brown bin to their black/blue bin.

The Head of Environmental Services advised that it was necessary to purchase an additional load of brown bins (780 No) to cover outstanding areas at a cost of £13,338 (not allowed for in budget). The cost of printing promotional leaflets was £1000 and in addition the refuse crews were paid one hour overtime during week commencing 27 April to hand deliver same to affected households (21,400 No.) It is also necessary to hire an additional refuse collection vehicle, every other week, at a cost of £600/week to ensure all areas cans be serviced.

Whilst it is hoped collection routes can be adequately serviced by existing collection crews it will be necessary to replenish the casual pool of HGV drivers/operatives to allow for sickness, leave etc. via a recruitment exercise to be undertaken in May.

As the roll out of (free of charge) brown bins to the entire Dungannon area is now complete, it is planned following a further period of one month to allow for any houses which may have been missed inadvertently, to introduce the £25 charge (as agreed previously by Council) for the supply of brown bins from 1 July 2015.

The roll out of the brown bin scheme will result in the collection of a considerable amount of additional garden and food waste for processing however the cost of same has been allowed for in the 2015/16 budget.

Councillor Cuddy referred to cardboard collection for businesses which is under review and due to stop at end of September and suggested that this be deferred until completion of works at civic amenity sites.

The Head of Environmental Services agreed to take on board the Members comments and look at extending the cardboard collection service for business until end of December 2015 when works at civic amenity sites is due for completion.

**E70/15        Local Authority Collected Municipal Waste Management Statistics – October to December 2014**

Members were provided with the NIEA Northern Ireland Local Authority Collected Municipal Waste Management Statistics Report for October to December 2014.

On a Northern Ireland basis, the latest figures show that for the first time since 2009/10, Northern Ireland's household dry recycling and composting rate has shown a slight decrease from the same quarter in the previous year (38.6% 2014/15, 39.1% 2013/14). Although there was a slight increase in dry recycling, this was offset by a decrease in composting. The net effect would have been almost zero except that household waste arising's have slightly increased (198,242t in 2014/15, 193,312t in 2013/14), causing this small decrease in the household recycling and composting rate.

Of all household waste collected 23.1% was recycled and 15.6% was composted. A recycling rate of 45.6% was recorded during the previous quarter for July - September 2014. (This decrease can partly be explained due to lower composting rates during winter months).

The total tonnage of household waste sent to landfill for this quarter was 88,826 tonnes, down 7.8% compared with the same period a year earlier (96,300 tonnes). This means that 44.8% of Northern Ireland's household waste was sent to landfill across the quarter.

In total, 59,497 tonnes of biodegradable LAC municipal waste were sent to landfill during this quarter, 7.7% less than in the same quarter the previous year (64,449 tonnes). This equated to 20.4% of the annual Northern Ireland Landfill Allowance Scheme (NILAS) allocation used in this quarter and 57.1% used in the first three quarters of the year.

According to the Department for Environment, the reduction in landfill has been largely achieved through an increasing proportion of waste being diverted for energy recovery, with much of that material being used in the production of refuse derived fuel (RDF).

In Mid Ulster, the performance in terms of waste recycling/composting has been poorer for the period October to December 2014, due to seasonality. The four latest quarters for which published data is available i.e. January 2014 to December 2014 shows the overall percentage of household waste recycled/composted by the three

existing Councils collectively was approximately 47%. This meets the NI Executive's Programme for Government interim recycling target of 45% by 2015. However there is further work / improvement required to achieve the EU Revised Waste Framework Directive target of recycling 50% of household waste by 2020.

With regards to NILAS performance, although Dungannon and South Tyrone Borough Council will individually exceed its annual NILAS allocation/target for 2014/15, Mid Ulster District Council as a whole will achieve compliance. The total annual NILAS allocation for Mid Ulster decreases to 21,330 tonnes in 2015/16 and falls progressively to 16,932 tonnes in 2019/20.

Again, based on the four latest quarters for which data is available, Mid Ulster as a whole has landfilled 15,700 tonnes of biodegradable LAC municipal waste. Therefore assuming no significant decrease in our performance (due to unforeseen circumstances) over the next four years NILAS target compliance should be achieved up to 2019.

Members felt that, going forward, a brief summary of waste/recycling statistics be provided.

**E71/15      Notification of Buildings of Special Architectural or Historic Interest**

Members were advised that Advanced Notice of Listing of Buildings of Special Architectural or Historic Interest has been received for St. Columba's Church, Sixtowns Road, Straw, Draperstown, Magherafelt BT45 7BD.

As part of the requirements of the Planning Act (Northern Ireland) 2011, the Northern Ireland Environment Agency must consult with the Local Authority concerned, should Council offer no comment within six weeks of receiving notice it is assumed that Council is in agreement with the proposed listing.

The Department in the report, have indicated that the seven-bay Gothic Revival Style Church, built in 1852-53, with sand stone detailing and a pitched internal slate roof, is of significant historical interest due to the fabric and detailing, both internally and externally and has been proposed for listing on this basis.

Councillor B McGuigan commented that this proposed listing further adds to the character of the building and it was

**Resolved**    That it be recommended to Council that St. Columba's Church, Sixtowns Road, Straw, Draperstown be listed as a building of special architectural/historic interest.

**E72/15      Entertainment Licensing Applications**

Members considered report on Entertainment Licensing Applications received across Mid Ulster District Council for the month of April. The applications received are processed using the Delegated Authority Procedures agreed by Council.

Entertainment Licensing applications are received on a weekly basis throughout the District by the Building Control Service. Statutory Consultations are carried out with

PSNI and NIFRS for each Entertainment Licence Application submitted. All premises are inspected in accordance with the requirements for Entertainment Licence as outlined in the Policy and Procedures agreed by Committee and appropriate verification checks on equipment and documentation are undertaken.

The list of applications for April 2015 is as follows:

| Name of Applicant      | Name of Premises               | Address of Premises                 | Type of Licence | Max No Patrons |
|------------------------|--------------------------------|-------------------------------------|-----------------|----------------|
| DARD                   | Loughry College                | 76 Dungannon Road, Cookstown        | Occasional      | 300            |
| Lawrence Knox          | Molesworth Presbyterian Church | 69 Molesworth Street, Cookstown     | Occasional      | 300            |
| Gary Coleman           | St Patrick GFC                 | 111 Ballyneil Road, Loup            | Occasional      | 440            |
| H & T McGlone          | Mary's Bar                     | 10 Market Street, Magherafelt       | Full            | 560            |
| Desmond & Laura Salley | Salley's Bar and Restaurant    | 86 Main Street, Aughnacloy          | Full            | 200            |
| Ciaran McCausland      | McCausland's Bar               | 38 Main Street, Donnaghmore         | Full            | TBC            |
| Ciaran McCausland      | The Brewers House              | 73 Castlecaulfield Road, Donaghmore | Full            | TBC            |
| Andrew Sleeth          | Integrated College Dungannon   | 21 Gortmerron Link Road Dungannon   | Occasional      | 640            |
| Eamon McCaffrey        | The Auction Room               | 24 The Square, Moy                  | Full            | 319            |
| Ronald Graham          | Royal British Legion Dungannon | 54B Scotch Street, Dungannon        | Full            | 150            |

Members noted the content of the report.

### **E73/15 Building Control Workload Analysis**

Members were provided with an update on the workload analysis for Building Control across Mid Ulster District Council as below:

| <b>Workload Analysis</b>                                       | <b>April 2015</b>  | <b>Accumulative 2015/16</b> |
|--|--------------------|-----------------------------|
| Total number of Applications                                   | <b>162</b>         | <b>162</b>                  |
| Full plans applications received                               | <b>73</b>          | <b>73</b>                   |
| Building Notices applications received                         | <b>76</b>          | <b>76</b>                   |
| Regularisations applications received                          | <b>13</b>          | <b>13</b>                   |
| Estimated value of works submitted                             | <b>£14,800,000</b> | <b>£14,800,000</b>          |
| Number of inspections carried out by Building Control Officers | <b>963</b>         | <b>963</b>                  |
| Commencements  | <b>278</b>         | <b>278</b>                  |
| Domestic Dwellings   | <b>78</b>          | <b>78</b>                   |
| Domestic alterations and Extensions                            | <b>186</b>         | <b>186</b>                  |
| Non-Domestic work  | <b>14</b>          | <b>14</b>                   |
| Completions  | <b>170</b>         | <b>170</b>                  |
| Domestic Dwellings   | <b>33</b>          | <b>33</b>                   |
| Domestic alterations and Extensions                            | <b>130</b>         | <b>130</b>                  |
| Non-Domestic work  | <b>7</b>           | <b>7</b>                    |

Members noted the content of the report.

#### **E74/15              Proposed Charging for Policing Services at Special Events**

The Director of Public Health and Infrastructure advised Members of notification received from PSNI Headquarters, in regards to a proposed Policy to Charge for the Provision of Policing Services under Section 11 of the Policing (Northern Ireland) Act 2000. These arrangements will primarily apply to Special Events and undertakings which occur on private property, for example concerts and sporting events. Although the legislation has been in place for some time, this will be a significant change in policy practice in regards to the Management and Policing of Special Events.

As Members may be aware, the Council is now operating a Mid Ulster District Council Safety Advisory Group and Terms of Reference have been drafted as part of the arrangements for addressing public safety at large scale events of this nature. A copy of the PSNI Policy in regards to this matter has been requested but is still to be received.

Members were asked to note, “*Where the PSNI have been unable to resolve concerns with the promoter/event organiser, the PSNI will seek to raise these concerns with the appropriate licensing body for the event, they may submit an*

*objection for example to the granting of an Entertainment Licence or seek to have conditions placed on the Licence for the event. Whilst these avenues for raising safety and security concerns around a licensed event already exist they have been formalised in the new Policy as appropriate steps to take where agreement cannot be reached with the promoted/organiser.”*

The Director of Public Health and Infrastructure advised that these arrangements would regularise the procedures for Policing at Special Events and it would be important to ensure that a co-ordinated approach is taken to address all issues of concern to ensure public safety. The introduction of the Mid Ulster District Council – Safety Advisory Group will assist in formulating these procedures. The PSNI have indicated they would be happy to provide further briefing on this matter at the request of Members.

Councillor McGinley felt that PSNI should be invited to a future meeting of Committee to seek clarification on what fees will be.

Councillor S McGuigan referred to the negative impact on small groups due to the proposed charging for policing services whilst other parades are not being looked in a similar manner. Councillor S McGuigan suggested that Council write to the Parades Commission and Minister for Justice to raise concerns.

Proposed by Councillor McGinley  
Seconded by Councillor S McGuigan and

**Resolved** That it be recommended to Council to invite PSNI to a future meeting of Environment Committee to discuss proposed charging for policing services at special events. Council to also write to Parades Commission and Minister for Justice raising concern that small groups are being targeted with the proposed charges whilst other parades are not being looked at in the same manner.

**E75/15      Building Control, Environmental Health and Technical Services Service Improvement Plans**

Members noted the content of the service improvement plans for Building Control, Environmental Health and Technical Services as previously circulated.

**Confidential Business**

Proposed by Councillor McNamee  
Seconded by Councillor S McGuigan and

**Resolved** That items E76/15 – E82/15 be taken as confidential business.

**E83/15      Duration of Meeting**

The meeting was called for 7.00 pm and ended at 9.20 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_

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**Minutes of Development Committee Meeting of Mid Ulster District Council held on Thursday 14 May 2015 in Magherafelt Offices**

**Members Present:** Councillor F Burton, Chair

Councillors Clarke, Dillon, Elattar, Forde, McAleer, McEldowney  
McNamee, Molloy, Monteith, O'Neill, T Quinn, J Shiels, G Shiels  
and Wilson

**Officers Present:** Mr McCreesh, Director of Business and Communities

Ms Campbell, Director of Culture and Leisure

Mr Glavin, Head of Leisure

Mr McCance, Head of Culture and Arts

Ms McKeown, Head of Economic Development

Mr Browne, Head of Tourism

Mr Hill, Head of Parks

Ms Linney, Head of Community Development

Mr Moffett, Head of Democratic Services

Mrs McKernan, Secretariat

**Others in Attendance:** **Children in Northern Ireland**

Ms Pauline Leeson, Chief Executive, CiNI

Ms Annie Clarke, Locality Development Officer CiNI

**Federation of City Farms and Community Gardens**

Ms Miriam Turley, Manager

The meeting commenced at 7pm

**D73/15      Apologies**

Councillors Clarke and Reid

**D74/15      Declaration of Interest**

Councillor Burton declared an interest in Flavour of Tyrone but did not leave the room.

**D75/15      Deputation on Children in Northern Ireland**

The Chair welcomed Ms Leeson and Ms Clarke to the meeting and invited them to make their presentation. Following the presentation Councillor J. Shiels asked if there was any interest in expanding to Magherafelt. Ms Leeson informed Councillor J. Shiels that there is a similar scheme in Northern Health Board and she would forward the details. She requested members consider joining the Children in

Northern Ireland as Councillors support would be most welcome. The Information Service is free and Council membership would be £500.

The Chair thanked Ms Leeson and Ms Clarke for their presentation. Ms. Leeson and Ms Clarke left the meeting at 7.20 p.m.

**D76/15 Deputation on Federation of City Farms and Community Gardens**

The Chair welcomed Ms Turley to the meeting and invited her to make her presentation. Following the presentation she invited Councillors and/or council officers to attend the next forum meeting, details of which she would forward. The Chair asked how often the forum met and Ms Turley responded that the annual forum meeting is held in the spring whilst further meetings were held in the autumn. The Chair thanked Ms Turley for her presentation and she left the meeting at 7.35pm.

The Chair asked members if they wished to discuss the presentations further. Mr McCreesh suggested that officers consider both presentations and bring back a report with suitable recommendations. This was agreed by members.

**D77/15 Confirmation of Minutes**

**Receive and confirm minutes of the Development Committee meeting held on Thursday 16 April 2015**

Proposed by Councillor Monteith

Seconded by Councillor J. Shiels

**Resolved:** That the minutes of the Development Committee held on Thursday 16<sup>th</sup> April 2015 (items D52/15 to D68/15) were considered and signed as accurate and correct

Councillor Wilson said it would be a good idea to have name plates for members at meetings to provide each other with an opportunity to get to know their colleagues in the new Council.

Councillor Wilson drew attention to two events that took place in Cookstown and Magherafelt which he attended. He indicated that he felt the Magherafelt event was very poorly attended whilst the Cookstown event was a tremendous success and congratulated the organisers. He suggested members and staff are advised of upcoming events to generate better attendance. Mr McCreesh said all events taking place this year will be monitored and every effort made to maximise impact within the

District. Councillor Dillon suggested that members be routinely notified of all events happening across Mid Ulster.

The Chair commented that in the previous Dungannon and South Tyrone Council, members received a weekly sheet advising of the incoming week's events. Mr McCreesh agreed to take these comments on board and the officer team will consider an appropriate event notification process.

### **Matters for Decision**

#### **D78/15      Benburb Community & District Association, Space and Place Funding**

Mr Hill sought approval to engage and co-partner with Benburb and District Community Association on the proposed development of facilities for a healthy village project. The Community Association are seeking Council support in delivering the Space and Place lottery funded programme to develop a walk to fitness trail on Council Parklands within Benburb Village. The potential fund to be secured is £100k.

The Council is being asked to support a community partnership in relation to the proposed development of the facilities and to be involved in the initial designs and implementation stages of the project.

The project will require a schedule of works to be completed under licence in relation to the project. Council is being asked to provide support and advice through the application process and to undertake insurance and maintenance responsibility on completion.

Councillor Monteith said he was familiar with the site and that Council should support the Community Association as the project was a good opportunity for community to develop facilities in the area.

Proposed by Councillor Monteith  
Seconded by Councillor Molloy

**Resolved:** That is be recommended to Council to:

- Engage and co-partner with Benburb and District Association in relation to the Space and Place development project.
- Provide support and advice through the application process.
- Undertake insurance and maintenance responsibilities on completion of the project.

**D79/15**

### **Northern Ireland Fly Fishing Association**

Mr Hill asked members to consider a request from the Northern Ireland Fly Fishing Association(NIFFA) to host an International Fly Fishing Competition at Dungannon Park Lake Fishery. The competition matches would involve visiting teams from England, Scotland, Wales, Republic of Ireland and Isle of Man.

NIFFA had requested Council to reserve the Park Lake on Saturday 13 June for a home leg match between Northern Ireland and Republic of Ireland, with a practice day on 12 June. They have requested a contribution in kind that would provide the use of the lake for free over the two days and that access would be restricted in favour of the visiting competitors. NIFFA have indicated that it is customary for teams to display their national emblems as part of the international flavour of the event.

Councillor J. Shiels said the event would be a good PR exercise and asked what the cost would be to anglers. Mr Hill said the cost to visiting anglers would be £10 per day. Councillor Wilson asked how many anglers would be participating and Mr Hill confirmed that there would be approximately 20. Councillor Wilson proposed that the Council provide the use of the lake for free over the two days (12 - 13 June 2015) to NIFFA to host an International Fly Fishing competition.

Proposed by Councillor Wilson

Seconded by Councillor McNamee

**Resolved:** Recommend to Council to:

- Host the International Fly Fishing competition at Dungannon Park lake fishery.
- Provide the facility free of charge to NIFFA.
- That PR for the event associated to the venue will be approved and managed through the Councils Communication team.

**D80/15        Economic Development Update**

*Mid Ulster Local Economic Development Plan* - Ms McKeown updated members on key activities related to economic development and said work was progressing on:

- Mid Ulster Economic Development Plan
- Broadband
- Investors in People

She summarised the Mid Ulster Local Economic Development Plan under the four headings; (i) Economic Growth/ Sectoral Diversification; (ii) Employability and Skills; (iii) Town and village Regeneration; and (iv) Infrastructure and Connectivity.

Ms McKeown advised that three business workshops were held in Cookstown, Magherafelt and Dungannon on 28, 29 and 30 April 2015 to present the feedback received from businesses following the Community Planning and Economic Development Plan consultations. She advised there was a general consensus from the business community that the actions contained in the Plan, met with local needs. She added however, that due to the medium/long term nature of many of the actions, it is recommended Mid Ulster's Local Economic Development Plan is extended to cover the period 2015-2020.

The Chair said there was very positive feedback from the Dungannon workshop. Councillor Wilson said it is important after going through the consultation process, that the Plan is not stalled.

*Broadband* - Ms McKeown outlined that an invitation had been extended to officials in the Department of Enterprise, Trade and Investment (DETI), inviting them to meet with Council at the earliest possible opportunity to discuss ongoing problems associated with broadband not-spots and receive an update on DETI's Broadband Improvement Project. She advised that a response was received from Mr Alan Preston, Telecoms Branch, DETI, on 5 May 2015, indicating that in the present climate pressures on resources create difficulties for officials to attend evening meetings. The response did however, offer to brief Ms McKeown so she could inform members of progress.

Councillor Wilson said Council should write to the new Minister for Enterprise, Trade and Investment indicating how dissatisfied Council were with the response received from Mr Preston. Councillor Dillon said she agreed with Councillor Wilson that the Minister be invited to Mid Ulster to discuss ongoing broadband issues in the area.

Proposed by Councillor Wilson  
Seconded by Councillor Dillon

**Resolved:** Council write to the Minister for Enterprise, Trade and Investment expressing dissatisfaction at the response received from Mr Preston and invite the Minister to Council to meet with Members at the earliest possible opportunity to discuss ongoing local broadband problems.

Councillor Monteith said that at the previous meeting he raised the issue of roaming charges within the southern region of the District and that governments in the European Union had opted not to ban them even though the European Union itself had stated they should be abolished and asked for this matter to be reviewed also.

**Investors in People** - Ms McKeown advised that the former Dungannon and South Tyrone Borough Council had paid a financial contribution to the Department of Employment and Learning during the 2014/15 financial year to deliver Investors in People Programme to seven businesses in their area. The business recruitment process has not commenced as yet, and it is recommended that applications are

invited from businesses across the wider Mid Ulster District Council area to participate on the programme.

Proposed by Councillor Forde  
Seconded by Councillor T Quinn

**Resolved:** That it be recommended to Council to extend the reach of the Investors in People Programme to the wider Mid Ulster region to allow all businesses in the district to apply to the programme.

#### **D81/15      Super Connected Broadband proposal to Councils**

Ms McKeown gave an overview of the Super Connected Broadband Proposal. She indicated that a pilot programme is being delivered in Belfast City Council area, providing small and medium sized enterprises and social enterprises located in their area, with grants (vouchers) up to £3,000 to avail of faster broadband connections. The initiative is funded by the Department for Culture, Media and Sport (DCMS) and there is now an opportunity for other parts of N Ireland to participate in the scheme as Government has provided an additional £40million funding up to March 2016.

To date the Belfast scheme has been successful, and is estimated that each voucher contributes to the creation of 3 jobs and £133,000 in turnover per business over 3 years.

With the opportunity to extend the scheme, Belfast City Council is proposing to manage the initiative on behalf of Councils (via a Service Level Agreement) to ensure businesses across the region can access this support. Participating Councils will be responsible for marketing and stimulating demand in their respective areas.

Belfast City Council has advised of costs that need to be covered to allow the current system to accommodate the new council areas ,such as Experian business data, rebranding and hosting. This will necessitate an initialisation charge of £8,000 per Council. Belfast City Council will meet the ongoing administration cost to deliver an extended voucher scheme by claiming 10% of the value of the grants from DCMS, meaning no other costs to each Council. This will cover the costs for processing applications, enquiries and reporting requirements.

The Chair asked of the benefits from the £8,000. Councillor J. Shiels asked can the £8,000 be reduced. Councillor Dillon asked how businesses would be made aware of the scheme and the costs associated with advertising.

Ms McKeown advised that if Mid Ulster Council agrees to participate in the scheme it would provide an opportunity for businesses in the district to avail of faster broadband connections. She pointed out, however, that the nature of the funding cannot support those businesses without any broadband connection, only those that have an existing broadband connection. She further added that the funding of

£8,000 cannot be reduced as Belfast City Council is charging a flat fee of £8,000 per Council area, which is non-negotiable. To promote the scheme, it is proposed to make local businesses aware of it via mailshots to businesses on our database and by press articles in the local papers.

Proposed by Councillor T. Quinn  
Seconded by Councillor Elattar

**Resolved:** Recommend to Council participate in the scheme and provide £8,000 funding from the Economic Development Budget for the financial year 2015/16 towards scheme costs including administration, processing applications, enquiries and reporting requirements.

#### **D82/15      Town Centre Action Plan (2015/16)**

Ms McKeown said the Town Centre Action Plan aims to prioritise the development of our town centres through the provision of a comprehensive range of activities during 2015/16 in the 3 principle towns Cookstown, Magherafelt and Dungannon whilst also addressing the smaller towns of Coalisland and Maghera.

Councillor McNamee said public realm scheme is a key priority going forward. Councillor Monteith said there was a need to differentiate and sell each town. He said business must be kept informed of what is happening and there is a need to concentrate on the town centre first approach. He said Mid Ulster Council must not be made a 'scapegoat' for other agencies, which happened in Dungannon previously during the public realm scheme.

Councillor Elattar said Maghera was not listed in the report and Ms McKeown confirmed it will be.

Proposed by Councillor Wilson  
Seconded by Councillor Dillon

**Resolved:** Recommend to Council:

- To co-ordinate and promote 'Small Business Saturday' across the main towns in the region.
- To approve of the Town Centre Action Plan 2015 – 2016

#### **D83/15      Blackwater Regional Partnership funding application**

Ms McKeown updated members on the achievements to date of the Blackwater Regional Partnership and potential opportunities for development. She sought permission for Blackwater Regional Partnership to allocate staff time and technical

assistance to develop potential applications for the EU INTERREG Programme and EU LIFE+ Programme.

Over the last two years the Blackwater Regional Partnership has been looking at future opportunities for the region and has identified the following opportunities:

1. Development of a greenway along the towpath of the Ulster Canal from Clones to Portadown. Funding opportunity INTERREG V
2. Practical conservation projects to protect the valuable environmental habitats on Sliabh Beagh. Funding Opportunity INTERREG V
3. A demonstration environmental project on Sliabh Beagh to protect the habitat for the endangered bird of prey – The Hen Harrier. Funding opportunity LIFE+
4. Practical conservation projects and education programme to improve the water quality and the angling product on the River Blackwater and its tributaries. Funding opportunity INTERREG V

All four projects are key infrastructure projects that will improve tourism, environmental and recreational product for visitors to the region and facilitate the creation of new farm diversification and activity tourism businesses and employment.

In recent meetings with SEUPB and LIFE+ Unit in Dublin the projects appear to fit very well into the actions and criteria for the INTERREG and LIFE+ programme objectives.

Proposed by Councillor McNamee  
Seconded by Councillor T. Quinn

**Resolved:** Recommend to Council:

- Approval of £6,000 is allocated at this stage to work up potential applications for INTERREG and LIFE+ on behalf of Mid Ulster Council, Monaghan County Council and Armagh, Banbridge and Craigavon Councils and
- The Blackwater Heritage Officer is permitted to spend time working up potential applications on condition that core job objectives continue to be met

#### **D84/15      Blackwater Heritage Project**

Ms McKeown updated members on the Heritage Lottery project delivered by the Blackwater Regional Partnership. She sought permission for Blackwater Regional Partnership to procure publishing services for a quality book on the Ulster Canal and an exhibition illustrating “Life on the Ulster Canal”.

She said the key issues proposed were:

1. To publish a “coffee table book” on the Ulster canal. The format of the book is based on “By the Shores of Lough Neagh” written by Brian Cassells which has sold over 1,000 copies in the last few years
2. To develop a mobile exhibition “Life on the Ulster Canal. The exhibition will include two display stands, old artefacts and samples of cargo

The estimated cost of publishing the book and initial publicity has been costed at £7500 for 1,500 copies. It is expected that at least 500 copies will be sold at £10 each which will leave a shortfall of £2500. The Heritage Lottery Fund has agreed that at least £2500 can be claimed from the Heritage Lottery Fund as part of the community engagement project.

The estimated cost of the canal exhibition is £3300 to include graphic design and publicity. The Heritage Lottery Fund has agreed that all of the cost can be claimed from the Heritage Lottery Fund as part of the community engagement project.

Proposed by Councillor McAleer  
Seconded by Councillor McNamee

Resolved: Recommend to Mid Ulster Council to approve the procurement of publishing a book on the Ulster Canal and the development of an exhibition on the assurance that at least 500 books are sold and there is no nett cost to Mid Ulster Council.

#### **D85/15                    Paper on Business Education Partnership proposal**

Ms McKeown provided members with an overview of the Business Education Partnership’s request for funding of £32,945. She advised that Dungannon and Cookstown Business Education Partnership (BEP) were formed in 1997 to promote greater co-ordination between the business/education sectors in the two Council areas.

She highlighted that for a number of years the BEP had received core funding from the Department of Education, with match funding for the delivery of eight programmes being provided by the former Dungannon and Cookstown Councils.

Mid Ulster District Council has received a funding request from the BEP for the year 2015/16. Main issues arising;

- BEP is proposing to expand their programme to include schools in the Magherafelt District (i.e. to cover the entire Mid Ulster area) targeting up to 5000 students
- The programme of six proposed activities includes those programmes previously delivered in Dungannon and Cookstown.
- In previous years total costs were in the region of £23,600 (with Dungannon and Cookstown Councils contributing up to 55% of costs). However, due to no further

funding being provided from the Department of Education this request is for 100% of all costs (part-time salary office costs and programme delivery costs) totalling £32,945.

Ms McKeown indicated that previously Councils in Dungannon and Cookstown provided contributions to undertake similar initiatives to strengthen linkages between schools and businesses. However, given the proposed increase in funding requested and the requirement for Council to become the sole funder, it is recommended that in line with programmes of this scale, even whilst strategically fitting with Council's draft Local Economic Development Plan, this programme should be tendered openly to test the market and seek value for money in the future. It was recommended to respond to BEP to advise that Council plans to tender for the delivery of pre-enterprise type initiatives such as this in the future.

Councillor J. Shiels suggested a letter be sent to the Minister of Education asking him to reconsider withdrawing Department of Education's funding towards Dungannon and Cookstown Business Education Partnerships in 2015/16. Councillor Dillon agreed with the recommendation to decline the proposal.

Councillor J Shiels asked if there were any other agencies that could help fund this initiative, rather than Council. Councillor Monteith added that whilst the project ideas are good, statutory agencies should be funding these types of initiatives and indicated that Council cannot be expected to provide 100% funding. Councillor Monteith further added that Colleges should be able to assist in areas such as providing assistance with interview skills. Councillor Wilson said the Business Education Partnership provides a good service and indicated that he wasn't sure whether he needed to declare a conflict of interest or not and said that other agencies and enterprise centres could deliver some of these or similar initiatives.

Proposed by Councillor Wilson  
Seconded by Councillor T. Quinn

Resolved: That Council write to BEP asking them to reconsider their proposal and recommend they work with other agencies and resubmit a further proposal for Council to consider.

Councillor McNamee asked if this expenditure would have to go to tender and Councillor Dillon said in her view, it would. She added that to be sure that young people were getting the help they required data is needed to examine other support available in this area. Mr McCreesh said he felt the recommendation contained in the report was the appropriate course of action at this time and that Council should formulate its own pre-enterprise programme to meet the needs identified in Mid Ulster's Local Economic Development Plan and seek value for money via a public procurement process, which any organisation could bid for.

Proposed by Councillor McNamee  
Seconded by Councillor Dillon

**Resolved:** Recommend to Council to:

- Respond to BEP to advise that Council plans to tender for the delivery of pre-enterprise type initiatives.
- Write to the Minister of Education seeking his Department to reconsider withdrawing funding towards Dungannon and Cookstown Business Education Partnership activity for 2015/16.

Councillor Wilson withdrew his proposal as referenced and resolved.

#### **D86/15                      Specification for Tourism Strategic Plan**

Mr Browne presented a specification to procure a business consultancy to develop a 5 year (2015 – 2020) strategic plan for Mid Ulster District Council. He said Council would require the successful tourism related business consultancy to deliver the following:

- A prioritised Strategic Plan (2015 – 2020) on how the Mid Ulster District Council can meet, develop, support and grow the tourism sector in Mid Ulster in a unique and innovative way, which is demand driven and create economic opportunities for investment
- The Council are seeking to profile the tourism sector in Mid Ulster District Council area. The plan should set and verify baselines and reference key indicators including current visitor numbers, revenue, bed nights, employment etc. and set annual key performance targets from 2015 – 2020. Currently Tourism NI has identified the baseline for Tourism in the Mid Ulster region compared to the rest of NI at 3% of the total market spends and overnight trips.
- Identify key marketing opportunities for the tourism sector in the Mid Ulster District Council area through the development of a marketing action plan for 2015 – 2020.
- Profile as a key aspect of this plan the PR and Marketing of the Heaney Centre and Heaney Country projects.
- Identify an effective partnership delivery approach for the Mid Ulster District Council Tourism Action Plan. This model should focus on partnerships with the private, public, community and voluntary tourism sectors and their specific roles.
- Investigate the opportunities and make recommendations for new events in the region and any funding opportunities available.
- Provide a full action and marketing plan, with costs referencing Mid Ulster District Council to all funding opportunities available to successfully deliver.

- Funding for the development of a Tourism Strategic Plan of £10,000 would be required.

Councillor Monteith sought clarification on requirement of external consultants to undertake this piece of work. Mr Browne informed members that professional support brings with them a fresh approach, independence and a network of expertise. He said this exercise is a huge opportunity for Mid Ulster and requires the support of specialised tourism consultants. Councillor Wilson queried whether it was beneficial to provide the budget allocation within the tender exercise. Mr Browne responded there are pros and cons for either approach and Council wants to secure best value for money within the budget.

The Chair made reference to a letter from the Department of Enterprise Trade & Investment regarding its allocation and spend schedule to Flavour of Tyrone. Mr Browne said he was aware of the financial pressures faced by Flavour of Tyrone and will discuss same with Invest NI at a meeting on Friday 15 May 2015 and report back to Council.

Proposed by Councillor T. Quinn  
Seconded by Councillor Forde

**Resolved:** That Mid Ulster Council approves the specification to procure a tourism related business consultancy to develop a 5 year tourism strategic plan.

D87/15 Carland Crane Project

Mr Hill presented a request from Carland Area Regeneration Association for Mid Ulster District Council to accept maintenance and insurance responsibilities for the Carland Crane Industrial Heritage Project.

Carland Area Regeneration Association was awarded a HLF grant of £12000 for the industrial heritage Project. An industrial crane dating from around 1830 which signifies the remnants of an important quarry in Carland was restored and placed in the townland of Carland. The history of Carland stone and stonemasonry will also be explored and a DVD or booklet produced to record the restoration of the crane from start to complete.

He referred to the key issues as:

1. Dungannon Council has previously supported other community partnerships in relation to local industrial heritage projects
  2. Dungannon Council had discussed undertaking insurance and maintenance responsibility for the industrial art piece (crane) on completion of the project but had not formally agreed it.

3. Carland Area Regeneration Association will acknowledge Council support and host a formal launch of the project

Councillor Dillon asked how much it would cost to accept maintenance and insurance responsibilities and Mr Hill responded that the cost would be minimal. He said periodic inspections would be carried out but there was no public access. Councillor McNamee asked if this was setting a precedent. Mr Hill responded that Dungannon Council had such an arrangement at Moygashel which had become part of the landscape.

Councillor Wilson said he found consideration of the request difficult and agreed with Councillor McNamee's concerns and said criteria be developed.

Ms Campbell said that whilst Dungannon Council has discussed the project it was a decision Mid Ulster District Council had to make. She highlighted the risk of Council setting a precedence that would result in similar requests, and responsibilities coming to Council. Ms Campbell suggested that the matter be deferred to a future meeting when officers would present a report on the process and conditions Council should apply with these types of requests. She suggested that officers would liaise with the group to identify other ways in which they could access funding for maintenance and insurance.

## **Matters for Information**

### **D88/15 Reservoirs Bill and audit requirements**

Mr Hill presented his report to inform members of Council's role and responsibilities in relation to the Reservoir Bill and current Audit requirements. He said the N.I. Assembly is presently considering the Reservoirs Bill and it expected to be enacted later this year. The legislation will require reservoirs in N. Ireland to be capable of holding 10,000 cubic metres or more of water above the natural level of surrounding land in order to protect the public.

There are two reservoirs under the responsibility if Mid Ulster Council, Dungannon Park Lake and Ballysaggart Lough.

He drew attention to:

1. The Council will be required to provide evidence of the current condition surveys and related information of actual capital expenditure carried out along with estimates of any future works required in the interests of reservoir safety.
2. Any surveys and reports older than six years will not be admissible.
3. Based on requirements placed on the Council it will be necessary to commission suitably qualified structural engineering consultants to conduct the condition surveys at a cost of £3,500 for each location. The Council is in possession of a current survey for Dungannon Park Lake (RPS 2010) which is scheduled for review this year. It would be advisable to complete both pieces of work in order

to satisfy the requirements of Rivers Agency and to inform Council to any future liabilities associated to their reservoir locations.

Quotations will be sought for the necessary surveys and reports for two locations, Dungannon Park Lake and Ballysaggart Lough.

Councillor Monteith said this was an audit requirement and it was a public safety issue. Councillor Monteith highlighted the need to have a plan that Integrated Ballysaggart Lough into Dungannon and associated development plans. He suggested that an initial development scoping study be done for Ballysaggart Lough and how it would be developed. He also asked that the local community and residents be consulted with. Councillor Molloy asked if there was any funding. Mr Hill said Rivers Agency have not identified any funding for the surveys. Councillor Wilson said that reservoirs should be looked at as assets and asked if they would be looked at as part of the development of the Tourism Strategy e.g. Lough Fea and Brockagh Lough. Ms Campbell said Council will be looking at all types of facilities and would be putting forward development plans which will be part of our programme of work.

Proposed by Councillor McNamee  
Seconded by Councillor Monteith

**Resolved:** Recommend to Council to conduct the necessary structural surveys at a cost of £3,500 each and submit along with supplementary information to Rivers Agency within an agreed time frame.

#### **D89/15      Culture and Arts Progress Report**

Mr McCance updated members on the progress being made in Culture and Arts Services and highlighted events that will be occurring in the future. He said The Culture and Arts facilities and programmes provided in Mid Ulster are designed to maximise participation from all sections of the community.

He summarised key highlights as follows:

- A range of Easter events were held in both the Burnavon and Ranfurly House. The auditorium in the Burnavon had an average occupancy rate for April of 82%
- An Arts and Cultural Development Programme and Irish Language Development Programme were delivered and included floral art, language courses and educational activities
- 'A sense of our past' exhibition facilitated by RNIB was held in the Burnavon. Samples of work from various centres that participate in the Disability Stakeholders programme throughout Dungannon are currently on display in Ranfurly House.

## **D90/15            Leisure Services Progress Report**

Mr Glavin updated members of the progress being made regarding activities in Leisure Services and highlighted events that will be occurring in the future. He summarised key highlights as follows:

1. In conjunction with the Southern Sports Partnership a comprehensive Coach Education programme has been completed in the Mid Ulster area. A range of generic and sports specific courses were successfully delivered.
2. A comprehensive programme of activities took place over Easter which included and IFA Easter camp, 50+ exercise activities, football camps etc.
3. A spring fitness programme commenced on the 1<sup>st</sup> April in Dungannon Leisure Centre and the swimming programme continued with classes available for up to 500 customers.
4. The free weight area in Meadowbank Sports Arena has been refurbished and 'Couch to 5k' programme has been very successful
5. A second cancer rehabilitation programme in conjunction with Charis has been launched in Cookstown Leisure Centre.

Councillor Forde enquired on the Greenvale Leisure Centre Consultative Group and when it would next meet. Ms Campbell highlighted that the group met twice yearly with the next meeting scheduled for September 2015. Council had agreed that five members would sit on the Committee. She suggested Councillors address any issues with the centre via Mr Glavin or herself.

## **D91/15            Sports Facility Strategy for N. Ireland**

Mr Glavin updated members on the progress of the Sport N.I. (SNI) led Sport Facility Strategy for N.I. He drew attention to key issues as follows:

1. All Councils have already submitted details of existing local sporting and leisure facilities into a Data Hub.
2. On a Council level, consultations will be carried out by Rachel Fowler, Managing Director Leisure. Ms Fowler is proposing to consult with the following stakeholders in each legacy area:
  - Elected Members Officers
  - Council Officers including Planners
  - Key Sports Clubs – those who have facilities, whether they are already used by the community and particularly if there is potential for them to be used
  - Key local Secondary Schools – on same basis as above; and
  - Key local groups/organisations/individuals who can influence/help resource/input into the development of future facility provision e.g. Health, Education, PSNI, Community/Voluntary organisations.

3. Ms Fowler will also review all other local strategic documents such as information collected as part of the Community Planning process. Ms Fowler is proposing the following consultations:

- 1 session for Elected Members perhaps before an existing meeting
- 1 daytime session for Council Officers including Planners
- 1 daytime session for key local groups/individual, schools, sports clubs, community/voluntary organisations in each legacy area.
- 1 evening session for key local groups/individual, schools, sports clubs, community/voluntary organisations in each legacy area.

Members were asked to attend the meetings on development of the Sports Facility Strategy for NI and propose a convenient time for member consultation.

Councillor Monteith suggested a meeting on a night on its own or prior to a Committee meeting. Councillor Dillon said she disagreed, some councillors had other commitments which may make attendance at an evening event difficult. She suggested that the option of a meeting during the day should also be available. It was agreed that members would be able to attend a meeting during the day along with officers and also one in the evening for members only.

#### **D92/15                    Paper on Community Development Update**

Ms Linney updated members on progress relating to the Community Development Section and provided further information regarding a number of specific areas within the report:

- Community Support – On the proposed funding cut from DSD; Ms Linney and the Director of Business and Communities had a meeting with DSD officials and made clear that the cut of some 43% to the Community Support General Fund was a major blow to services. The Department agreed to consider concerns which have subsequently been submitted to DSD.
- Financial Assistance - The grant application process is now closed and there has been a very positive response. Over 600 applications have been received and officers are to be commended on the work they have undertaken over the last month to support groups with their submissions. Eligibility checks are currently taking place which will be followed by an in-depth assessment process.
- The Good Relations Plan is being finalised with OFMDFM for funding. OFMDFM budgets have been reduced and cuts will now be passed on to Councils. Council officers are currently working with OFMDFM and the Community Relations Council on an updated Plan and are presenting cases to protect the good practice that has taken place across the 3 legacy Councils and our community partnership projects. A further update will be brought to the next meeting.

- A PCSP Action Plan is being developed for initial service delivery. The Partnership will be established in June/ July and Council is being advised on this process by NI Policing Board.
- The Neighbourhood Renewal Programme is being rolled out by DSD through 2015/16. In the autumn it is envisaged Council will start to consider the nature, shape and content of any such programme across Mid Ulster when the responsibility transfers in 2016/17.
- A Community Planning Engagement Event with statutory agencies has been organised for the 4 June 2015.

Councillor Wilson welcomed the report and said it was difficult for staff to work in a vacuum, particularly where budgets have not been confirmed.

Councillor Monteith asked what the current position is on funding or non-funding of eleventh night bonfires. Ms Linney responded in the past, legacy Councils had funded festivals and can still do but bonfires specifically are not funded. Councillor Monteith queried the proviso in place to ensure no flags or emblems would be burnt. Ms Linney responded that some communities decide to have a festival and not to have a bonfire and others have committed to a range of principles on safety and emblems, however, the burning of emblems would be a policing issue and can be brought through the PCSP. The burning of tyres would be an environmental issue.

Proposed by Councillor Wilson  
Seconded by Councillor G. Shiels

**Resolved:** Recommend to Council to note the update on Community Development as outlined in the report.

#### D93/15                    Paper on Rural Development Programme

Mr McCreeesh provided an update to members on the new Local Action Group (LAG) formation process in Mid Ulster relating to the 2014-2020 NI Rural Development Programme. £10.6 million has been allocated to the Mid Ulster District Council for the delivery of LEADER elements of the 2014-2020 RDP by the LAG. The LAG has appointed Mid Ulster District Council as its administrative and financial lead in the development and implementation of its local rural development strategy for the area. He referred to:

- A second meeting of the LAG facilitated by Council staff was held on Monday 27 April to continue background preparation work. A draft Articles of

Association has been discussed and once finalised the LAG will be incorporated as a Company Limited by guarantee.

- It is envisaged that DARD will assess LAG formation applications before the end of May. On approval the application and appointment, DARD will issue guidance notes and a template to the LAG allowing for development of an interim local rural development strategy to commence.
- Council will assist the LAG in the preparation and animation of its local strategy through a service level agreement (SLA) with DARD. The scope of the services to be provided under this SLA will include assisting the LAG in the identification of rural needs and priorities through further additional consultation already completed on community planning and Councils economic development strategy.
- It is envisaged that the strategy preparation and animation process will cover the period June – October 2015.
- DARD officials are commencing a series of negotiations and discussion with the EU and are working towards June 15 for sign off or to reach letter of comfort stage to allow programme activities to move forward.

Councillor Dillon referenced pending DSD legislation being considered By NI Assembly on functions transferring to Local Government in 2016/17. She informed members that the legislation proposed, rather than specifically targeting social need focusses upon economic regeneration which may mean that funding could be diverted away from addressing deprivation and poverty.

Councillor G. Shiels agreed that such safeguards and assurances to ensure that funding is targeted at appropriate areas of deprivation across in Mid Ulster would be important. He also referred to electoral wards having different levels of deprivation within them. Members agreed that this issue be urgently raised with Mid Ulster MLA's.

## **D94/15      Service Improvement Plans: Business & Communities**

### **94.1 Community Development; 94.2 Economic Development; and 94.3 Tourism**

Mr McCreesh presented members with update on 2015 – 2016 Service Improvement Plans for the service of Community Development, Economic Development and Tourism outlining key issues.

Proposed by Councillor McNamee  
Seconded by Councillor J. Shiels

**Resolved:** Recommend to Council approval of the Business & Communities Service Improvement Plans for 2015-2016 for Community Development, Economic Development and Tourism.

**D95/15      Service Improvement Plans: Culture & Leisure Department**

**95.1    Culture & Arts; 95.2 Parks; and 95.3 Leisure**

Ms Campbell presented and sought approval for the Culture and Leisure Department's Service Improvement Plans. The service improvement plans and objectives are linked to Council's corporate objectives and improvement themes.

Councillor Wilson referred to page 5 of the Service Improvement Plan (Culture & Arts) point 2.2.1 and asked for further information on the Ranfurly House budget. Ms Campbell agreed to provide Councillor Wilson with the breakdown.

Proposed by Councillor McNamee  
Seconded by Councillor J. Shiels

**Resolved:** Recommend to Council approval of the Culture and Leisure Services – Service Improvement Plan for 2015-2016.

**CONFIDENTIAL BUSINESS**

Proposed by Councillor Monteith  
Seconded by Councillor Dillon

**Resolved:** That items D96/15 – D97/15 be taken as confidential business

**D98/15      Duration of Meeting**

The meeting commenced at 7 p.m. and ended at 9.35 p.m.

Chair \_\_\_\_\_

Date \_\_\_\_\_

F

|                          |                           |
|--------------------------|---------------------------|
| <b>Subject</b>           | Standing Orders           |
| <b>Reporting Officer</b> | A Tohill, Chief Executive |

| <b>1</b> | <b>Purpose of Report</b>   |
|----------|--|
| 1.1      | To consider for adoption Standing Order for the transaction of Mid Ulster District Council business. |

| <b>2</b> | <b>Background</b>  |
|----------|--|
| 2.1      | Council at its meeting of Thursday 5 June 2014 resolved to use the model standing which were being consulted on by the DoE at that time, subject to the outcome of the consultation. To date Council has been using the Model Standing Orders for the transaction of council and committee meetings. |
| 2.2.     | The matter of agreeing new Standing Order was brought before Council (March and April) and minute references C52/15 and C79/15 refers to discussion on same.   |

| <b>3</b> | <b>Key Issues</b>  |
|----------|--|
| 3.1      | <p>To update Council on the development of new Standing Orders for the transaction of council and committee meeting business:</p> <ul style="list-style-type: none"> <li>• Council made a submission to the DoE Consultation in August 2014 (see Appendix A)</li> <li>• The DoE laid the draft Local Government (Standing Orders) Regulations (NI) 2015 before the NI Assembly on 24 February 2015 but was not passed</li> <li>• In lieu of this, Council received Standing Orders, updated by council officers, to reflect the submission made to the DoE consultation with the addition of other procedural elements to enhance business transaction. Advice received from legal advisors on a recent call-in was also incorporated. The mandatory elements as prescribed by the Local Government Act 2014 were included</li> <li>• The standing orders were received at March Council and stood adjourned to April Council. Item C52/15 refers.</li> <li>• Council was presented with the Standing Order in April. Minute reference C79/15 refers. Appendix B sets out the Standing Orders now presented for consideration and adoption.</li> </ul> |

|          |   |
|----------|---|
| <b>4</b> | <b>Resources</b>  |
| 4.1      | <u><b>Financial</b></u> - N/A                                   |
| 4.2      | <u><b>Human</b></u> - N/A                                       |
| 4.3      | <u><b>Basis for Professional/ Consultancy Support</b></u> - N/A |
| 4.4      | <u><b>Other</b></u> – N/A                                       |

|          |  |
|----------|--|
| <b>5</b> | <b>Other Considerations</b>  |
| 5.1      | A decision on the Standing Orders was deferred from April Council with the matter to be placed on the agenda for consideration at May Council. |

|          |  |
|----------|--|
| <b>6</b> | <b>Recommendations</b>   |
| 6.1      | That Council resolves to use the Standing Orders as presented. |

|          |   |
|----------|---|
| <b>7</b> | <b>List of Documents Attached</b>                           |
| 7.1      | Appendix A: Mid Ulster Council Response to DoE Consultation |
| 7.2      | Appendix B: Standing Orders                                 |

**Mid Ulster District Council response to DOE Consultation on the Draft Local Government (Standing Orders) Regulations (Northern Ireland) 2014 and Model Standing Orders**

**General**

1. Standing Order No3 provides that 5 members or one fifth of the whole number of members may call a meeting of the Council. This figure should be 8 or one fifth in the context of a 40 member Council.
2. Standing Order No4 provides that a summons to attend a meeting shall be left or sent by ordinary post to the usual place of residence of every member. Council requests that the issuing of the summons can be via email.
3. Standing Order No12 provides for the Order of Business at Council meetings. The model Standing Orders make provision for the inclusion of matters arising and Any Other Business on the agenda. Council considers this provision to be bad administrative practice, of doubtful legality. Council notes that Standing Order No12 contradicts the correct provisions as outlined in Standing Order 4(3).
4. Standing Order No15 provides for any member to raise an issue regarding any matter appearing in the minutes submitted to the Council for approval. If they put the request in writing to the Chairperson of the committee 24 hours before the council meeting they are entitled to a reply when the proceedings of the committee are submitted for approval. Council considers 48 hours to be a more appropriate period.
5. Standing Orders No19.4 and 25.1 provide that the mode of address is to stand when addressing the Chair. Council considers that Members should be allowed to address the Chair while seated.
6. Standing Order 7.1 provides for a quorum at council meetings, Council considers that Standing Orders should include a quorum for committees and that this be set at one third on the whole number of members on the committee.

**Call In**

7. Council endorses the response submitted by the Committee on the Administration of Justice to this consultation exercise.
8. Council endorses the view of NILGA that some decisions of Council should also be subject to "call-in" subject to a provision being included in a Council's constitution that a certain number of days must elapse before a decision can be acted upon to allow it to be called in.

9. It is suggested that a legal opinion should be sought within one working day of an admissible call in under section 41(1) (b) of the Act. Councils considers that two to five working days is a more appropriate timeframe.

10. Standing Order No21.3 notes that committee minutes should be published within two working days of the meeting. Council considers that five working days is a more reasonable timeframe.



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Standing Orders

March 2015

## **MODEL STANDING ORDERS FOR COUNCILS**

### **Definitions**

“2014 Act” means the Local Government Act (Northern Ireland) 2014

“2014 Executive Arrangements Regulations” means the Local Government (Executive Arrangements) Regulations (Northern Ireland) 2014

“2014 Standing Orders Regulations” means the Local Government (Standing Orders) Regulations (Northern Ireland) 2014

“call-in” means a requisition for the reconsideration of a decision as provided for in section 41(1) of the 2014 Act.

### **In Standing Order 21**

“budget” means the expenditure authorised by a council under section 3 of the Local Government Finance Act (Northern Ireland) 2011;

“clerk” means the clerk to the council appointed under section 41 of the Local Government Act (Northern Ireland) 1972;

“committee” means a committee appointed under section 7 of the 2014 Act;

“delegated authority” means the discharge of a function under authority fixed by a council under section 7 of the 2014 Act;

“decision maker” means the body or person making an executive decision, a decision under delegated authority or a key decision;

“executive” means a cabinet-style executive or a streamlined committee executive as provided for in section 21(2) of the 2014 Act;

“executive decision” means a decision taken by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a council;

“key decision” means a decision under executive arrangements which is likely –

(a) to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council’s annual budget for the service or function to which the decision relates; or

(b) to be significant in terms of the effects on communities living or working in an area comprising two or more electoral areas in the local government district of the council;

“member” means a member of the council; and

“policy framework” means the policies and procedures agreed by the council in relation to the delivery of a function or functions of the council.

### **In Standing Order 23**

“2000 Act” means the Political Parties, Elections and Referendums Act 2000;

“member” means councillor;

“nominating officer” in relation to a party, means

- (a) the person registered under the 2000 Act as the party’s nominating officers; or
- (b) a member of the council nominated under the 2000 Act for the purposes of Schedule 1 to the 2014 Act; and

“party” means a party registered under the 2000 Act in the Northern Ireland register (within the meaning of that Act).

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## **1. Annual and Monthly Meetings**

(1) In every year that is not a local election year the Council shall hold an Annual meeting in the month of June.

(2) In any year which is a local government election year, the Annual Meeting shall be held within twenty-one days immediately following the election, at such time as the Council may fix at the offices of the Council or at such other place as the Department may direct.

(3) A meeting of the Council for the transaction of general business of the Council shall, subject to any deviation which special circumstances may render desirable, be held on the fourth Thursday of every month. Other meetings of the Council for the transaction of general business shall be held as the Council considers necessary.

(4) Meetings of the Council shall not take place on a Public or Bank Holiday, a Saturday or a Sunday. When the day of a meeting falls on one of these days, the meeting shall be held on the next following weekday instead.

## **2. Time and place of meetings**

The Annual Meeting and other meetings of the Council shall be held at 7pm in the Council Chamber, except where otherwise fixed by statute or by special summons.

## **3. Convening Special Meetings**

(1) The Chair of the Council may call a meeting of the Council at any time.

(2) The Chair of the Council must call a meeting of the Council if a requisition for such a meeting, signed by not less than 5 members, is presented to him/her (Local Government Act 2014, Sch. 5, Sec. 4); and, if he/she refuses to call a meeting on such a requisition or if, without so refusing, he/she does not call such a meeting within the period of seven days from the date of service of the requisition on him/her, any five members, may on that refusal or on the expiration of those seven days call a meeting of the Council.

## **4. Notice and Summons of Meetings**

Three days at least before a meeting or special meeting of the Council, a Committee or Sub-Committee:

(1) notice of the time and place of the intended Meeting shall be published at the offices of the Council. Where the Meeting is called by members, the notice shall be signed by them and shall specify the business proposed to be transacted thereat;

(2) a summons to attend the Meeting, specifying the business proposed to be transacted thereat and signed by the Clerk shall be served on every member at least three days before the meeting. Want of service of this summons shall not affect the validity of a Meeting;

(3) except in the case of business required by statute, or where in the opinion of the Chair of the Meeting the business should be considered by the Meeting as a matter of urgency, no business shall be transacted at a meeting of the Council, a Committee or Sub-Committee other than that specified in the summons relating thereto.

## **5. Chair to be taken**

At each meeting of the Council, the Chair shall be taken at the time for which the meeting is convened, and business immediately proceeded with.

## **6. Chair of Meeting**

- (1) At a Meeting of the Council, the Chair of the Council, if present, shall preside.
- (2) If the Chair of the Council is absent from a Meeting of the Council, the Deputy Chair of the Council, if present, shall preside.
- (3) If neither the Chairperson nor Deputy Chairperson are present at a Meeting of the Council, a member of the Council chosen by the members who are present must preside
- (4) If discussion arises on the allocation of the position of Chair, the Clerk shall exercise the powers of the Chair to assist in the regulation of that discussion.
- (5) Any power of the Chair of the Council in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

## **7. Quorum**

- (1) Subject to sub-paragraph 7.4, no business shall be transacted at a Meeting of the Council unless at least one-quarter of the whole number of members are present.
- (2) If during a meeting, the person presiding, after the number of members present is counted, declares that a meeting is inquorate and it is unlikely that there will be a quorum present within a reasonable time, he shall declare the meeting adjourned.
- (3) Any uncompleted business on the agenda of a meeting adjourned under Standing Order 7(2) above, shall be tabled for discussion at the reconvened meeting. No business, other than the uncompleted business on the agenda of the meeting adjourned, may be discussed at the reconvened meeting.
- (4) Where more than one-quarter of the members become disqualified at the same time then, until the number of members in office is increased to not less than three-quarters of the whole number of members, the quorum of the Council shall be determined by reference to the number of members remaining qualified instead of by reference to the whole number of members.

## **8. Admission to meetings**

- (1) Subject to the provisions of this Standing Order, every Meeting of the Council shall be open to the public.
- (2) The public and press may attend only in those parts of the Council Chamber provided for their accommodation at meetings of the Council, unless specifically excluded in accordance with the provisions of Standing Order 10; or as required by the Council to comply with provisions in relation to Fire Safety and Health & Safety.
- (3) The admission of the public is upon the understanding that they must continue at all times to be seated, and that no expression of opinion or noise of any kind be allowed from them.
- (4) At all times during which a Meeting of the Council is open to the public, the Council shall, so far as is practicable, cause to be made available to duly accredited representatives of newspapers, attending for the purpose of reporting proceedings at the meeting, reasonable facilities for taking reports of these proceedings and, on payment by those representatives or their newspapers of any expenses which may be incurred, for transmitting such reports to their newspapers.
- (5) Taking photographs of proceedings or the use of any other means by members of the public to enable persons not present to see or hear any proceedings (whether at that time or later) or making of any oral report of any proceedings as they take place shall be prohibited unless expressly permitted by the Council.
- (6) The use of social media by member of the council, members of the public or journalists shall be permitted, during those proceedings that are open to the public, to the extent that its use does not disrupt proceedings.

## **9. Record of attendances at meetings**

The names of the members present at a meeting of the Council shall be recorded by the clerk.

## **10. Exclusion of the public**

- (1) The public shall be excluded from a Meeting of the Council whenever it is likely that, during the transaction of an item of business, confidential information would be disclosed to them in breach of an obligation of confidence.
- (2) The Council may by resolution exclude the public from a Meeting of the Council (whether during the whole or part of the proceedings at the meeting) for such special reasons as may be specified in the resolution being reasons arising from the nature of the business to be transacted or of the proceedings at the Meeting.
- (3) The Presiding Chair may at any time during the proceedings, if he/she thinks it necessary to secure order, direct the removal of any individual or group of individuals from the Council Chamber, or order the Council Chamber to be wholly cleared of members of the public.

(4) The Council, having excluded the public, shall only consider the matter referred to it by the resolution. If it should be deemed necessary to consider any matter not included in the resolution, the public shall be re-admitted and the Chair may ask leave of the Council to take up the consideration of such additional matters as may be deemed desirable.

(5) The Council, having excluded the public, shall not have the power to adjourn its own sittings or to adjourn a debate to a future sitting. If the business referred to in the resolution is not transacted, the Council may be resumed and a member of the Council may move that the Council again exclude the public on a future day to deal with the business specified in the resolution which was not transacted.

(6) If the Council, with the public excluded, has transacted part of the business referred to it, without being able to reach a decision on all the business so referred, a member of the Council may, with leave of the Council, report on the progress to that point and ask the Council's permission to sit again.

(7) When the Council, having transacted business with the public excluded, submits its report to the Council, a motion for its adoption shall then be moved and put. No questions or discussion shall be permitted on the report or the motion for its adoption.

## **11. Deputations**

(1) Deputations, from any source, shall only be admitted to address the Council provided the Clerk has received seven day's notice of the intended deputation and a statement of its objective.

(2) The deputation shall be confined to the presentation of a statement, or copy of resolutions, and shall not make more than two short addresses by any two members of the deputation. The totality of the address shall not exceed 10 minutes.

(3) Deputations should not be repetitive and, where possible, issues of a similar or linked nature should be contained in one deputation. Where a single deputation with a presentation has been made, the Council may decline to accept another deputation on the same issue from the same individual or group for a period of six months.

## **12. Order of Business**

Subject to any statutory requirements to the contrary, the order of business at every meeting of the Council shall be as follows:

- a) confirmation of the Minutes of the last stated Meeting and of all adjourned meetings and special meetings held since the last stated Meeting;
- b) declaration of members interests;
- c) matters arising;
- d) deputations;
- e) business required by statute to be transacted at the Meeting;
- f) adoption of the minutes of the proceedings of any committees and consideration of reports, if any, from such committees;
- g) reports of officers, public bodies, agencies etc, if any, may be considered

and such orders given thereon as may be deemed necessary;

- h) reports on decisions/recommendations subject to the reconsideration procedure;
- i) other Reports;
- j) correspondence and matters not already dealt with;
- k) sealing of documents; and
- l) consideration of motions of which due notice has been given, in the order in which they have been received.

### **13. Minutes of the Council**

#### **13.1 Keeping of; as evidence; etc**

(1) Minutes of the proceedings of a Meeting of the Council, or of a committee or sub-committee, shall be drawn up and entered in a bound book kept for that purpose.

(2) No discussion shall take place upon the Minutes except upon their accuracy.

(3) Any minute purporting to be signed as mentioned in sub-paragraph (1) shall be received in evidence without further proof.

(4) Until the contrary is proved, a Meeting of the Council or of a committee or sub-committee thereof in respect of the proceedings of which a minute has been so made and signed shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee or sub-committee, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

#### **13.2 Signing of**

The Minutes of a Meeting of the Council shall be signed at the next ensuing Meeting of the Council by the Chair presiding, if approved by the meeting at which they fall to be signed.

### **14. Submission of Minutes**

(1) In order to give sufficient time for the printing of the minutes and for their perusal by the members of the Council, minutes of meetings of a committee held later than seven clear days before the meeting of the Council shall not be submitted to that meeting for approval. This may be dispensed with where a committee considers the matter to be of extreme urgency and records such a decision in its minutes.

(2) It shall be the duty of a committee, through the Chair or his/her representative, when its minutes are submitted for approval, to call the attention of the Council to any resolution or matter of an unusual or special character contained therein.

### **15. Minutes of Committees**

(1) A motion or amendment shall not be made or proposed, or any discussion

allowed on the proceedings of committees with reference to any matter within the remit of a committee which does not appear on the minutes submitted to the Meeting of the Council.

(2) Any member wishing to raise an issue regarding any matters appearing in the minutes submitted to the Council for approval and who states his/her request in writing to the Chair of the committee forty-eight hours before the commencement of the Meeting of the Council shall be entitled to a reply when the proceedings of the particular committee are submitted for approval.

(3) A reply to an issue raised at the meeting regarding any matter in the minutes, without written notice, shall be at the discretion of the Chair of the committee.

(4) Any matter in the minutes of a committee on which a request for reconsideration, under section 41 of the 2014 Act, has been lodged with the clerk of the Council shall be identified, and may not be the subject of discussion at that meeting.

## **16. Motions**

(1) Every motion shall be relevant to some matter:

- i) in relation to which the Council:
- a) has power or duties;
- b) is not prevented from taking action on by other legislation;
- ii) which directly affects the local government district or its residents; and
- iii) for which the Council is legally competent.

### **16.1 On notice**

(1) Notice of every motion, other than a motion which under Standing Order 16.2 may be moved without notice, shall be given to the Clerk not later than at least seven clear days before the next Meeting of the Council. The motion must be clear in meaning otherwise it shall be rejected until such time as it is resubmitted in clear language, and not later than seven clear days before the meeting.

(2) A motion shall be rejected if the wording or nature of the motion is considered unlawful or improper.

(3) All notices shall be dated and numbered as received, and entered in a register to be kept for that purpose. This register shall be open to inspection by every Member of the Council.

(4) Notices of motion shall be entered by the Clerk in their proper place upon the Summons Paper in the order in which they are received.

(5) If a motion set out in the Summons is not moved either by a member who gave notice, or by some other member on his behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

(6) If the subject matter of any motion of which notice has been properly given comes within the remit of any committee it shall, upon being moved and seconded, stand referred without discussion to that committee, or to such other committee as the Council may determine, for

consideration and report. The Chair presiding may, if he/she considers it urgent and necessary to the dispatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

(7) If a notice of motion fails to be considered at a Meeting of the Council, such notice of motion will only be included on the Summons Paper for the following meeting if submitted in writing to the Clerk by the member concerned not later than seven clear days, at least, before the Council meeting.

(8) Any notice of motion which fails to be considered at two consecutive meetings will not be accepted for inclusion on the Summons Paper for a period of six months from the date of the second meeting at which the matter has failed to be considered.

## **16.2 Without notice**

The following motions may be moved without notice:

- a) to appoint a Chair of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or members thereof arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions flowing from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) to suspend Standing Orders, in accordance with Standing Order 30.1;
- n) to exclude the public and press in accordance with section 42 of the 2014 Act;
- o) to not hear further a member named under Standing Order 25.3 or to exclude them from the meeting under Standing Order 25.4.

## **17. Amendments**

(1) When a motion is under debate at any meeting of the Council, an amendment or further motion shall not be received, with the exception of the following:

- a) to amend the proposal; or
- b) that the Council do now adjourn; or
- c) that the debate be adjourned; or
- d) that the question be now put; or
- e) that the Council do proceed to the next business.

### **17.1 To amend the Proposal**

(1) An amendment must be legitimate and within the scope of the notice convening the meeting. It must not be a direct negative; must be relevant to the proposal which it seeks to amend, and not inconsistent with anything already agreed upon at the same meeting. An amendment must relate solely to the proposal which it seeks to amend, and not be, in effect, a new proposition on a different matter, and must not place a greater responsibility on the meeting than the original proposal.

(2) An amendment to a motion shall be either:

- a) to refer a subject of debate to a committee or to an officer for consideration or re-consideration;
- b) to leave out words;
- c) to leave out words and insert or add others; or
- d) to insert or add words

but such omission, insertion or addition of words shall not have the effect of directly negating the Motion before the Council.

(3) When an amendment upon an original proposal has been moved, the question to be put shall be "That the amendment be made". Where any amendment is agreed, the question to be put shall be "That the proposal, as amended, be agreed". Where any amendment is rejected the question of the substantive proposal shall be put.

### **17.2 That the Council Do Now Adjourn**

(1) Any member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the Council do now adjourn". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal, which shall be put to the vote without debate.

(2) In the event of the proposal for the adjournment being carried, the Chair shall (unless stated in the proposal) fix the date for the adjourned meeting for the continuation of the debate on the proposal or amendment under discussion at the time of the adjournment, and for the transaction of the remaining business (if any) on the Agenda for the meeting so adjourned.

(3) A second proposal "that the Council do now adjourn" shall not be made within half-an-hour unless, in the opinion of the Chair, the circumstances are materially altered.

### **17.3 That the Debate be Adjourned**

(1) Any member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the debate be adjourned". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.

(2) Before putting to the meeting a proposal "that the debate be adjourned", the Chair presiding shall call on the mover of the proposal or amendment under discussion to reply on the question of adjournment and, after such reply, which will not prejudice the right of the mover of a proposal to reply on the original question, shall put the proposal for adjournment of the debate to the vote without further debate.

(3) If the proposal be carried, the Council shall proceed to the next business on the agenda, and the discussion of the adjourned debate shall be resumed at the next meeting of the Council unless a special meeting of the Council shall be called for the purpose.

(4) On resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first. A second proposal "that the debate be adjourned" shall not be made within half-an-hour. A member shall not move or second more than one proposal for the adjournment of the same debate.

#### **17.4 That the Question Be Now Put**

(1) Any member who has not already spoken to the proposal or amendment then under debate may move "that the question be now put". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.

(2) If the Chair is of the opinion that the subject before the Council has been sufficiently discussed, he shall put the proposal "that the question be now put" to the vote without debate and if same is carried, the proposal or amendment under discussion shall be put to the Council.

(3) A second proposal "that the question be now put" shall not be made on the discussion of the same question within half-an-hour.

(4) A member shall not move or second more than one proposal "that the question be now put" on the discussion of the same question.

#### **17.5 That the Council Do Now Proceed to the Next Business**

(1) Any member of the Council who has not already spoken to any proposal or amendment then under debate may move, "that the Council do proceed to the next business". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal which shall be put to the vote without debate.

(2) If the Chair is of the opinion that the subject before the Council has been sufficiently discussed, he shall put the proposal "that the Council do proceed to the next business" to the vote without debate and if same is carried the proposal or amendment under discussion shall be put to the Council.

(3) When a proposal is carried "that the Council do proceed to the next business", the question under discussion shall be considered as dropped.

(4) A second proposal "that the Council do proceed to the next business" shall not be made on the same question within half-an-hour.

(5) A member shall not move or second more than one proposal "that the Council do proceed to the next business" on the discussion of the same question.

## **18. Amendments to Regulatory Decisions**

- (1) No amendment may be moved to a minute which is a Regulatory Decision.
- (2) For the purposes of these Standing Orders, a Regulatory Decision is a determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal, or enforcement action in exercise of powers of the Council as the local planning authority [or those powers specified in Executive Arrangements Regulations]; or any application for which the Council is the licensing authority.

## **19. Rules of Debate**

### **19.1 Motions and amendments to be reduced to writing and seconded**

- (1) A Motion or Amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order 16.1, it shall, if required by the Chair presiding, be put into writing and handed to the Chair presiding before it is further discussed or put to the meeting.
- (2) A Member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

### **19.2 Alteration of motion**

- (1) A Member may alter a motion of which he/she has given notice as proposed with the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (3) Only alterations which could be made as an amendment may be made.

### **19.3 Withdrawal of motion**

- (1) A Member may withdraw a motion of which he/she has given notice under Standing Order 16.1 at any time after the meeting has commenced provided that he/she has not moved the motion or spoken on it and has the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may withdraw any other motions which he/she has moved with the consent of both the meeting and seconder. The meeting's consent will be signified without discussion.
- (3) No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### **19.4 Mode of address**

Members may address the Council's Chair by standing or remaining seated. While a Member is speaking, the other members shall remain seated unless rising to a point of order or in personal explanation.

A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.

#### **19.5 Precedence in speaking**

Whenever two or more members rise together to speak, the Chair shall decide who has precedence.

#### **19.6 Place of member speaking**

A member when addressing the Chair shall remain in the place allocated to him/her in the Council Chamber.

#### **19.7 Member called to order**

If any member, while speaking, be called to order, he/she shall resume his/her seat and shall not again address the Council until the Chair has disposed of the question of order.

#### **19.8 Definition of point of order**

A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the member shall specify the Standing Order or provision and the way in which he/she considers it has been broken.

#### **19.9 Member may raise a point of order**

A member may raise a point of order and shall be entitled to be heard immediately.

#### **19.10 Ruling of Chair on point of order**

The ruling of the Chair on a point of order shall not be open to discussion.

#### **19.11 Member to speak to motion**

A member who speaks shall direct his/her speech strictly to the Motion under discussion, or an amendment thereof.

#### **19.12 Member shall not speak more than once**

A member who has spoken on any Motion shall not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another member;
- b) if the Motion has been amended since he/she last spoke, to move a further amendment;
- c) if his/her first speech was on an amendment moved by another Member to speak on the main issue whether or not the amendment on which he/she spoke was carried;
- d) in the exercise of a right to reply given by Standing Order 19.9;
- e) on a point of order.

### **19.13 Duration of speeches**

Except with the permission of the Council, a member, in introducing a Motion, shall not speak for more than ten minutes and in replying, for more than five minutes.

### **19.14 Addressing the Council**

The Council during its sitting, shall not, unless with the consent of the Council, be addressed by any person who is not a member of the Council.

### **19.15 Only one motion / amendment may be moved and discussed at a time**

(1) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(2) If an amendment is not carried, other amendments to the original motion may be moved.

(3) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

### **19.16 When a motion is under debate no other motion shall be moved**

When a Motion is under debate no other Motion shall be moved except the following:

- a) to amend the motion;
- b) to adjourn the meeting;
- c) to adjourn the debate;
- d) to proceed to the next business;
- e) that the question be now put;
- f) that a Member be not further heard;
- g) by the Chair under Standing Order 25.4, that a Member do leave the meeting.

### **19.17 Chair rising during debate**

Whenever the Chair rises or otherwise calls the meeting to order during a debate, a Member then speaking shall cease and the Council shall be silent.

### **19.18 Chair not to receive motion for direct negative**

The Chair shall not receive a Motion for a direct negative to a question but, on the conclusion of the debate, the question shall be put and resolved in the affirmative or negative.

### **19.19 Mover's right of reply**

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

## **20. Voting**

### **20.1 Majority**

Subject to any statutory provisions to the contrary, any matter will be decided by a simple majority of those members present and voting.

### **20.2 Chair's casting vote**

If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

### **20.3 Qualified majority [MANDATORY]**

A qualified majority shall be required in relation to a council's decision on:

- (a) the adoption of executive arrangements or prescribed arrangements as the council's form of governance (section 19 of the 2014 Act);
- (b) the method to be adopted for filling positions of responsibility (Schedule 1 of the 2014 Act);
- (c) the method to be adopted for appointing councillors to committees (Schedule 2 of the 2014 Act);
- (d) a call-in made in accordance with section 41(1)(b) of the 2014 Act; and
- (e) the suspension of standing orders, other than Standing Orders 20.3, 21, 22 and 23, which cannot be suspended.

### **20.4 Show of hands**

Unless a ballot or recorded vote is demanded under Standing Order 20.5, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **20.5 Recorded vote**

If, before a vote is called, any member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

## **21 'Call-in' Process [MANDATORY]**

### **21.1 Decisions subject to call-in**

- (1) The following decisions may be subject to call-in in such manner as is specified in these standing orders:
  - (a) a decision of the Council
  - (b) a decision of the executive;
  - (c) an executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
  - (d) a key decision taken by an officer or officers of the council;
  - (e) a decision taken by a committee under delegated authority in accordance with section 7 of the 2014 Act; and
  - (f) a decision taken by a committee to make a recommendation for ratification by the council.

- (2) The following decisions shall not be subject to call-in:
- (a) a decision on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism;
  - (b) a decision which is deemed to be a case of special urgency in accordance with regulation 26 of the 2014 Executive Arrangements Regulations;
  - (c) a decision where an unreasonable delay could be prejudicial to the council's or the public's interests;
  - (d) a decision taken by an officer or officers which is not a key decision;
  - (e) a decision by the executive which serves only to note a report from or the actions of an officer or officers.
- (3) No decision shall be subject to call-in more than once for each of the reasons specified in section 41(1) of the 2014 Act.

## 21.2 Call-in procedure

- (1) A call-in must be submitted in writing to the clerk by 10am on the fifth working day following:
- (a) in the case of a decision of the council, the date of the Council meeting at which the decision was taken; and
  - (b) in the case of a decision of a committee, the date on which the decision to which the call-in relates was published
- (2) If a call-in received after the relevant period specified in paragraph (1), it must be deemed inadmissible.
- (3) A call-in shall:
- (a) specify the reasons why a decision should be reconsidered; and
  - (b) subject to sub-paragraph (5) of this standing order, be deemed to be inadmissible if the reasons are not specified.
- (4) In the case of a call-in submitted under section 41(1)(b) of the 2014 Act, members must state in the reasons specified under sub-paragraph (2) of this standing order:
- (a) the community that would be affected by the decision; and
  - (b) the nature and extent of the disproportionate adverse impact.
- (5) Within one working day of receipt of a call-in, the clerk must confirm that:
- (a) it has the support of 15 per cent of the members of the council; and
  - (b) the reasons for the call-in have been specified.
- (6) Where the reasons have not been specified on the requisition the clerk must notify the members making the requisition that it must be considered inadmissible if reasons are not specified in writing within the specified deadline.
- (7) Where an admissible call in of a council decision has been received under section 41(1)(a) of the 2014 Act, the clerk must include the decision on the agenda for reconsideration at the next available meeting of the council, at which it will be taken by a simple majority.
- (8) Within two working day of receipt of an admissible call-in submitted under section 41(1)(b) of the 2014 Act, the clerk must seek the opinion of a practicing solicitor or barrister in accordance with section 41(2) of the 2014 Act.

(9) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act confirms that the call-in has merit, the clerk must:

- (a) furnish the opinion to members; and
- (b) include the decision on the agenda for the next available meeting of the council, at which it will be taken by a qualified majority.

(10) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act indicates that the call-in does not have merit, the clerk must:

- (a) furnish the opinion to members; and
- (b) include the decision on the agenda for the next available meeting of the council, at which it will be taken by a simple majority.

### 21.3 The call-in process: committee arrangements

(1) For the purposes of reconsideration of a decision pursuant to a call-in the minutes of a committee which record a decision:

- (a) taken under delegated authority; or
- (b) for ratification by the council

must be published within five working days of the conclusion of the meetings. That date of publication must be regarded as the date of publication for the purposes of a call-in.

(2) If a call-in is not received by the deadline specified in paragraph 4(1) of this standing order, the decision specified in:

- (a) paragraph 5(1)(a) of this standing order must be implemented; or
- (b) paragraph 5(1)(b) of this standing order must be tabled for ratification by the council.

(3) The tabling for ratification of a decision specified in paragraph 5(1)(b) of this standing order, or the implementation of a decision specified in paragraph 5(1)(a) of this standing order, must be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision maker may rescind the decision at any time prior to the call-in being resolved.

(4) If an admissible call-in is made in accordance with paragraph 4(2) of this standing order and section 41(1)(a) of the 2014 Act, the council must appoint an ad hoc committee of the council, the membership of which will be:

- (a) the Chairs of all committees of the council; and
- (b) the deputy Chairs of all committees of the council to consider the process adopted by the decision-making committee.

(5) The Chair and deputy Chair of the committee which was responsible for the decision which is the subject of the call-in must not have voting rights at a meeting of the committee appointed in accordance with sub-paragraph (4) of this standing order.

(6) The members who submitted the call-in, or a member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Chair, address the meeting, but must not have voting rights.

(7) A committee appointed in accordance with sub-paragraph (4) of this

standing order may:

- (a) refer the decision back to the decision maker;
- (b) in the case of a decision taken under delegated authority, support the decision; or
- (c) in the case of a decision for ratification by the council, refer the decision to the council.

(8) Where a decision has been supported in accordance with sub-paragraph (7) of this standing order, that decision must:

- (a) be approved;
- (b) be inserted in the Register of Decisions; and
- (c) become operative from the date of the meeting at which the committee appointed in accordance with sub-paragraph (4) of this standing order confirmed support for the decision.

#### **21.4 The call-in process: executive arrangements**

(1) The proper officer must, within two working days of the production of a statement in accordance with regulations 28 and 29 of the 2014 Regulations, submit to the council a notice detailing the decision(s) recorded in the statement.

(2) The notice prepared in accordance with sub-paragraph (1) of this standing order must specify:

- (a) those decisions that are not subject to call-in;
- (b) the deadline for receipt of a call-in; and
- (c) the overview and scrutiny committee, as determined by the proper officer, that will consider a call-in in accordance with section 41(1)(a) of the 2014 Act.

(3) If a call-in is not received in respect of a decision, that decision may be implemented after the deadline expires.

(4) If a call-in is received which specifies that the decision was not taken in accordance with the budget or policy framework agreed by the council the call-in must be referred to the council for decision.

(5) The implementation of a decision must be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision-maker may rescind the decision at any time prior to the call-in being resolved.

(6) The clerk must place a call-in on the agenda of the overview and scrutiny committee specified in the notice prepared in accordance with subparagraph (2) of this standing order. The overview and scrutiny committee must meet within 5 working days of receipt of the call-in. More than one call-in may be considered at a meeting of an overview and scrutiny committee.

(7) Subject to sub-paragraph (7) of this standing order, the consideration of a matter under subparagraph (5) of this standing order by an overview and scrutiny committee may be adjourned, provided that:

- (a) the Chair presiding at the meeting; and
- (b) the Chair of the executive agree a date for the continuation of the meeting.

(8) A meeting convened in accordance with subparagraph (5) of this standing order may only be adjourned under subparagraph (6) in order to:

- (a) allow for additional information to be obtained; or
- (b) permit additional witnesses to attend.

(9) The members who submitted the call-in, or a member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Chair, address the meeting, but must not have voting rights.

(10) In response to a call-in made in accordance with section 41(1)(a) of the 2014 Act, an overview and scrutiny committee may:

- (a) support the decision; or
- (b) refer the decision, along with the recommendation of the overview and scrutiny committee, back to the decision maker.

(11) Where a decision has been supported in accordance with sub-paragraph (9) of this standing order, that decision must:

- (a) be approved;
- (b) be inserted in the Register of Decisions; and
- (c) become operative from the date of the meeting at which the overview and scrutiny committee confirmed support for the decision.

(12) Where a decision has been referred back to a decision maker in accordance with sub-paragraph (9)(b) of this standing order, the decision maker must:

- (a) consider the recommendation of the overview and scrutiny committee; and
- (b) reconsider the original decision.

## **22 Positions of responsibility, etc. – Time Limits [mandatory]**

(1) Subject to sub-paragraph (2) of this standing order, in relation to positions of responsibility selected in accordance with paragraphs 2(1) and 2(2) of Schedule 1 to the 2014 Act, the period specified for:

- (a) the nominating officer to select a position of responsibility and the term for which it must be held; and
- (b) the person nominated to accept the selected position is 15 minutes.

(2) An extension to the period specified in sub-paragraph (1) of this standing order may be granted subject to the approval of the council. Such an extension may be requested by:

- (a) the nominating officer;
- (b) the person nominated to hold the selected position; or
- (c) another member.

## **23 Appointment of more than one committee [MANDATORY]**

(1) Where the Council appoints more than one committee at the same meeting in accordance with paragraph 5 of Schedule 2 to the 2014 Act, for the purposes of determining the number of places that must be allocated across the parties and independent members of the Council, it must agree:

- (a) the number of committees to be appointed; and
- (b) the number of councillors that shall constitute the membership of each committee.

(2) The total number of places to which a nominating officer of a party may nominate members who stood in the name of that party when elected must be calculated in accordance with paragraphs 2 to 4 of Schedule 2 to the 2014 Act and any resolution of the Council made thereunder.

(3) A nominating officer's function under paragraph 2(1)(b) of Schedule 2 to the 2014 Act shall be exercised in such manner as to ensure that:

- (a) all members of a committee are not nominated by the same nominating officer;
- (b) a nominating officer of a party may nominate members who stood in the name of that party to fill the majority of places on a committee, if the majority of members stood in the name of that party; and
- (c) subject to (a) and (b), the number of members nominated by each nominating officer of a party, in so far as far as is reasonably practicable, bear the same proportion to the number of places on that committee as is borne by the number of members who stood in the name of that party.

(4) Nominations made in accordance with sub-paragraph (3) of this standing order shall take into account any positions of responsibility on a committee held by a member who stood in the name of a party.

## **24 Rescission of a preceding resolution**

(1) No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed by a member unless the notice thereof given in pursuance of Standing Order 16.1 bears the names of at least 15% of the members of the Council.

(2) When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months.

(3) This Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee [or a Call-in]

## **25 Members conduct**

### **25.1 Addressing the Meeting**

When a member speaks at the Council they may remain seated or stand to address the meeting through the Chair. If more than one member stands, the Chair will ask one to speak and the others must sit, should they be standing when addressing the meeting.

### **25.2 Chair standing**

When the Chair stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

### **25.3 Member not to be heard further**

If at a meeting any Member of the Council, misconducts himself/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively or by willfully obstructing the business of the Council, the Chair or any other Member may move "that the Member named be not further heard". The Motion, if seconded, shall be put and determined without discussion.

#### **25.4 Member to leave the meeting**

If the Member named continues to behave improperly after such a motion is carried, the Chair or any other Member may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

#### **25.5 General disturbance**

When the Chair is of the opinion that the due and orderly dispatch of business is impossible, he/she in addition to any other powers vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

### **26 Disturbance by public**

#### **26.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

#### **26.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

### **27 Committees**

#### **27.1 Appointment of Committees**

The Council shall at the annual meeting appoint such Committees as it is required to appoint under any statute or any Standing Order and may appoint at any time such other Committees as are necessary to carry out the work of the Council.

Subject to any statutory provision in that behalf the Council shall not appoint any member to a Committee so as to hold office later than the next annual meeting of the Council.

#### **27.2 Committees**

The following Committees shall be appointed:

- (a) Audit Committee - up to eight elected members
- (b) Policy and Resource Committee – up to 16 elected members
- (c) Environment Committee – up to 16 elected members
- (d) Development Committee – up to 16 elected members

(e) Planning Committee – up to 16 elected members.

### **27.3 Duties of Committees**

The Committees shall have charge of and be responsible to the Council for the undertakings and matters outlined within the constitution.

### **27.4 Standing Orders of Committees**

All Standing Orders of the Council shall, where appropriate and with necessary modification, apply to Committee and Sub-Committee meetings.

### **27.5 Quorum at Committees and Sub Committees**

Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee or Sub Committee unless at least one third of the whole number of the Committee is present.

### **27.6 Day and Hour of Committee Meetings**

Each Committee may from time to time fix its own day and hour of meeting and shall notify the Council accordingly.

### **27.7 Special Meetings of Committees**

The Chair of the Council or of a Committee may call a special meeting of a Committee at any time. Subject to any statutory provision in that behalf a special meeting shall also be called on the requisition of not less than three members of the Committee, delivered in writing to the Clerk, provided always that no two Committees shall sit at the same time.

### **27.8 Sub-Committees**

Each Committee may appoint Sub-Committees for specific purposes. A Sub-Committee shall meet as often as necessary for the transaction of the business for which it was appointed. The minute of the Sub-Committee shall, whether appointed under this Standing Order or otherwise, be submitted to the parent Committee for confirmation previous to being brought before the Council.

### **27.9 Attendance at Committees and Sub-Committees**

Every member of the Council may attend meetings of any Committee or Sub-Committee and shall be heard on any matter but shall not, unless they are a member of the Committee or Sub-Committee vote on any matter or propose any resolution or amendment.

### **27.10 Inspection of Documents**

A member of the Council may, for purposes of their duty but not otherwise, on application to the Clerk, inspect any document which has been submitted to a Committee or to the Council and shall, on request, be supplied for the like purposes with a copy of such a document. Provided that a member shall not knowingly inspect and shall not call for a copy of any such document which relates to a matter in which they are professionally interested or in which they have

directly or indirectly any pecuniary interest as defined in the Councillors Code of Conduct and that this Standing Order shall not preclude the Clerk from declining to allow inspection of any document which is, or in the event of legal proceedings, would be protected by privilege.

Subject to any statutory provision in that behalf, no member of the Council shall, without the consent of the Council, be entitled to inspect any document in the custody of any officer of the Council if, in the opinion of that officer and of the Clerk, the document is of a confidential nature.

## **28 Planning Committee Protocol**

Members shall make reference to and observe the protocol resolved by Council for the regulation and transaction of Planning Committee business. The protocol is detailed in Annex A.

## **29 Council Seal**

### **29.1 Sealing of Documents**

The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of a Committee having lawful powers or to which the Council have delegated their powers in this behalf.

### **29.2 Record of Documents Sealed to be Kept**

Where the Common Seal shall have been affixed at any meeting of the Council and entry of the sealing of every deed and other document shall be made in the minutes of the Meeting of the Council at which the affixing of the Seal took place.

A record of all documents sealed shall be kept in a book containing particulars of such documents and signed by the Chair and Clerk who attested the sealing.

## **30 Suspension and amendment of Standing Orders**

### **30.1 Suspension**

A member may move a motion for the suspension of one or more of these Council Standing Orders. A motion under this Standing Order shall require the support of a qualified majority vote within the meaning of section 40 of the 2014 Act. Suspension can only be for the duration of the meeting. The Minutes of the meeting must record the reason for the suspension. Mandatory standing orders may not be suspended by a council.

### **30.2 Amendment**

Any motion to, add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. The mandatory standing orders may not be added to, varied or revoked by the Council.

## **31 Interpretation of Standing Orders**

The ruling of the Chair as to the interpretation, construction or application of any of these Standing Orders or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

Draft

# PROTOCOL FOR THE OPERATION OF PLANNING COMMITTEES

DRAFT

**January 2015**

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## **PURPOSE OF THE PROTOCOL**

1. This protocol has been drafted by the Department of the Environment to assist the 11 new councils in setting up and running planning committees. This advice and guidance is not mandatory (although it does refer to a number of statutory requirements); rather it highlights what is considered to be best practice with regards to the operation of planning committees (following research in other jurisdictions). While councils have a degree of latitude in relation to how they will run their planning committees, it is important to ensure that planning decisions are taken, and are seen to be taken, in a fair and equitable manner, and that there is a degree of consistency across the 11 councils so that applicants are not faced with a variety of processes. Councils can decide to incorporate any or all of these recommendations into their standing orders / constitutions.
2. Councils should consider drawing up their own procedures to supplement this document; for example, expanding on public speaking rights, format of committee meetings, how to conduct site visits etc. Further advice and guidance may be requested from the Department, if considered necessary.
3. Councillors should refer, as necessary, to the mandatory Councillors' Code of Conduct, guidance issued on the Code by the Commissioner for Complaints, and to any relevant advice and guidance issued by the Department in relation to planning.

## **REMIT OF THE PLANNING COMMITTEE**

### ***Development management***

4. The main role of the planning committee is to consider applications made to the council as the local planning authority and decide whether or not they should be approved. In order to ensure that decisions are taken at the appropriate level, and in accordance with agreed timescales, it is strongly recommended that the decisions of the planning committee in determining applications made to the council should be taken under full delegated

authority, meaning that the decisions of the committee will not go to the full council for ratification. However, if councils decide to retain the option of referring certain major applications to the full council for determination, it is recommended that these should be restricted to applications which are significantly contrary to the local development plan or contentious cross-boundary applications.

### ***Development Plan***

5. Each council is required by section 8 of the Planning Act (NI) 2011 to prepare a plan for its district to be known as a plan strategy. The strategy must set out the council objectives in relation to the development land in its district, and its strategic policies for the implementation of those objectives. After the plan strategy has been adopted the council must then prepare a local policies plan. This will set out the council policy in relation to what type and scale of development is appropriate and where it should be located.
6. Both these documents comprise the local development plan. This plan forms the basis for public and private investment decisions, providing a degree of certainty as to how land will be developed. In law, planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise. This means that where land is zoned for a particular use, the planning committee should ensure it is reserved for that use: for example, an application for housing in an area zoned for housing should be approved unless the design and layout fails in terms of the environmental, open space and access standards, or its design and layout has a detrimental impact on the character of the area or neighbouring amenity.
7. The planning committee's role in relation to the local development plan is to approve the local development plan before it is passed by resolution of the council. The planning committee should also ensure that the local development plan is monitored annually, particularly in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the plan strategy or the zonings, designations and policies as contained in the local policies plan.

### ***Development Plan Transition Arrangements***

8. Until such time as the council has adopted its plan strategy the council's local development plan will be taken to be the extant Departmental development plan for that part of the council district.
  
9. When the council has adopted its plan strategy, the local development plan will be the council's adopted plan strategy and the extant Departmental development plan read together. If there is a conflict between the council's plan strategy and the extant Departmental development plan the conflict shall be settled in favour of the council's adopted plan strategy.
  
10. When the council has adopted its local policies plan, the local development plan will be the council's adopted plan strategy and local policy plan as defined in Section 6 of the 2011 Act.

### **SIZE OF COMMITTEE**

11. A recent study<sup>1</sup> carried out for the Welsh Government into the operation of planning committees in Wales found that there was no simple link between the size of a committee and its efficiency and effectiveness and that, in fact, the bigger committees often had lower attendance levels, greater inconsistency and cost more to operate. In addition, if all members of the council are on the planning committee there is less room for members to act as advocates for their constituents. It is strongly recommended, therefore, that a planning committee should consist of between 20% and 50% of council members (depending on the size of the council) and that there should be a quorum (e.g. 50% of committee members). Councils can decide whether substitute members are permitted. The Head of Planning would be expected to attend all planning committee meetings, in addition to the planning officers presenting their reports.

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<sup>1</sup> 'Study into the Operation of Planning Committees in Wales' by Fortismere Associates with Arup (July 2013)

## **FREQUENCY OF MEETINGS**

12. Councils are free to determine the frequency of their planning committee meetings, depending on their governance models and schemes of delegation. .

## **ENFORCEMENT**

13. It is strongly recommended that all enforcement activities are delegated to planning officers, who can use their professional judgement on what enforcement action to take, if any, to address alleged breaches of planning control as established by the council's policies. Planning committees can be informed of progress on cases and can request a report from officers to the committee on any enforcement matter (but the committee should not take any decisions on enforcement action). In addition, planning officers should prepare a quarterly report on the progress of formal enforcement cases which should be circulated to all councillors, not just planning committee members (this could be in relation to the number of notices issued, convictions obtained etc. as opposed to individual cases).
14. Each council should prepare an enforcement strategy detailing how enforcement action will be dealt with, which should be agreed by the planning committee.

## **SCHEMES OF DELEGATION**

15. Section 31 of the Planning Act (NI) 2011 requires each district council to introduce schemes of delegation. Schemes of delegation allow decision-making for local, generally non-contentious, applications to be delegated to a council's planning officers to act on the council's behalf in implementing its planning policies. The details of each delegation scheme, which will only relate to applications within the category of local developments, will be for individual district councils to determine (a scheme of delegation cannot include major or regionally significant applications). The Department will be issuing a separate Guidance Note on Schemes of Delegation.
16. This means that the majority of planning applications (and other consents such as listed buildings, advertisements etc.) should be determined by planning officers rather than by the direct consideration and vote of the planning committee; however, such decisions are

still, legally, decisions by the council. The overall objective is to ensure that district council arrangements for decision-making on applications for local developments are efficient whilst ensuring that proposals that raise strong local views or sensitive issues for the local environment can still be dealt with directly by elected members.

17. There are certain statutory restrictions on which applications can be delegated to officers – the Planning (Development Management) Regulations (NI) 2015 state that an appointed officer cannot determine an application for planning permission where the application is made by the council or an elected member of the council, or the application relates to land in which the council has an interest. Instead, these applications must be determined by the planning committee. Apart from these restrictions it will be up to an individual council to decide if it wishes to place any further restrictions on which applications can be delegated to planning officers - for example:
  - applications made by a planning officer, senior officer of the council or a close relative or partner;
  - applications which have an objection (or a number of objections); and / or
  - an associated application is being determined by the planning committee.

#### **REFERRAL OF DELEGATED APPLICATIONS TO THE PLANNING COMMITTEE**

18. Delegation of planning applications to officers is seen as a critical factor affecting the overall performance of the development management process as it helps to ensure that decisions are taken at the most appropriate level, procedures are clear and transparent, costs are minimised and members have more time to concentrate on the more complex or more controversial cases. (It is recommended that, over time, councils should aim to have 90 – 95% of applications dealt with under delegated arrangements.) It is essential, however, that members have the opportunity to request, where they consider it appropriate, that an application, which would normally fall within the scheme of delegation, be referred to the planning committee for determination.
19. However, a balanced approach is necessary and councils should ensure that applications are not unnecessarily referred to the planning committee as this may result in delay to the

processing of applications. The scheme of delegation should include a procedure, to be determined locally, whereby councillors are able to request that the planning committee consider a proposal. In addition, the Head of Planning can refer any matter which they consider suitable for determination by the planning committee. Members of the public should not be able directly to request that an application be referred to the planning committee. Any referral request must clearly specify the planning grounds on which the request is being made to ensure that applications are not unduly delayed.

20. It is recommended that councils monitor the number of applications referred to the planning committee to ensure that only those that are significant or controversial are considered by the planning committee.

#### **FORMAT OF PLANNING COMMITTEE MEETINGS**

21. Councils are free to operate their planning committees in accordance with their own standing orders. The following recommendations and paragraphs are made to provide some advice and guidance to councils following research into best practice. It is recommended that:

- the planning officer should prepare a weekly list that will indicate which applications are to be considered by the planning committee and which are to be determined by officers under delegated powers;
- all planning committee members should be sent the agenda in advance of the meeting with a report on each application not delegated to officers;
- officers should prepare an addendum on the day of the meeting to report any updates since the agenda was issued; and
- the Chair should hold a briefing session with planning officers on each application to be considered in advance of the planning committee meeting.

22. The meeting is presided over by the Chair of the planning committee. Following the approval of the minutes of the previous meeting and apologies, councillors should declare any interests they have on the agenda items, which should be recorded in the minutes of the meeting. The councillor must leave the meeting for that item.

23. The report prepared and presented by the case officer makes a recommendation on whether the application should be approved, approved with conditions or refused. Plans and photographs may be shown. After the planning officer presents the report members have an opportunity to listen to speakers, ask questions of the officer and debate the case. The planning committee then discusses the application before taking a vote (proposed and seconded followed by a show of hands) on whether or not to agree with the officer's recommendation. The Chair has a casting vote. Members can add conditions to a permission but they cannot amend the application itself (for example, by allowing a one-bedroom flat if the application is for a two-bedroom flat). Any additional conditions should be proposed and seconded before being voted on by members. Members should be aware that conditions can be tested at appeal and they should, therefore, be necessary, enforceable, reasonable and relevant to planning and the development under consideration.
  
24. Members must be present for the entire item, including the officer's introduction and update; otherwise they cannot take part in the debate or vote on that item. However, the chair of the planning committee can use their discretion in exceptional circumstances.

## **PRE-DETERMINATION HEARINGS**

25. In order to enhance scrutiny for applications for major development which may raise issues with particular sensitivity for a local area, Regulation 7 of the Planning (Development Management) Regulations (NI) 2015 sets out a mandatory requirement for pre-determination hearings for those major developments which have been subject to notification (i.e. referred to the Department for call-in consideration, but that have been returned to a council for determination). A council's planning committee will therefore have to hold a hearing prior to the application being determined. In addition, councils may also hold pre-determination hearings, at their own discretion, where they consider it necessary, to take on board local community views, as well as those in support of the development. The intention is to give applicants and those who have submitted relevant representations the opportunity to be heard by the council before it takes a decision. This will make the application process for major development more inclusive and transparent.

26. The scope to hold these hearings is likely to apply only to those applications for major developments which have attracted a significant body of relevant planning-based objections. It would be for an individual council to judge when a significant body of relevant planning objections was a sufficient material consideration to warrant a pre-determination hearing, taking account of:
  - the relevance of the objections in planning terms;
  - the extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation; and
  - the numbers of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.
27. Any hearing should take place after the expiry of the period for making representations on the application but before the council decides the application. It will be for the planning committee to decide whether it wishes to have a hearing on the same day as the related planning application is determined by the planning committee or to hold a separate hearing. The scale and complexity of the planning issues will have to be considered. In holding a hearing the planning committee procedures can be the same as for the normal planning committee meetings (e.g. number of individuals to speak on either side, time available to speakers etc.). The planning officer will produce a report detailing the processing of the application to date and the planning issues to be considered. If the planning committee decides to hold the hearing on the same day as it wishes to determine the application the report to councillors should also contain a recommendation.

## **PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS**

28. Good practice, following research in other jurisdictions, suggests the following procedures should be followed when conducting planning committee meetings:
  - planning committee meetings should be open to the public;
  - requests to speak should be received by the council (in writing or by email) no later than 12.00pm two working days prior to the meeting setting out the planning reasons the speaker wishes to raise; however, at the meeting the Chair can decide

whether to allow any relevant information to be tabled which was not made available to members in advance of the meeting;

- the planning committee should be provided with copies of these statements;
- other councillors may attend and speak about an application but only planning committee members can vote;
- local councillors may speak for 5 minutes, members of the public (including agents / representatives etc.) for 3 minutes;
- in addition to councillors addressing the planning committee, one person from those objecting to the proposal and one person in support of the proposal should be allowed to speak. Where there is more than one request to speak, the 3 minutes should be shared between them or they can appoint one representative;
- if an objector speaks the applicant should be allowed to respond if they wish even if they have not registered to speak in advance;
- the planning committee may seek clarification of those who have spoken on any issues raised by them but not enter into a debate with them;
- no documentation should be circulated at the meeting to members by speakers;
- applications where there will be speakers from the public should be taken first;
- Planning officers can address any issues raised and the planning committee can question officers; and
- the Chair may agree to accept representations outside these procedures under exceptional circumstances.

#### **DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

29. The planning committee has to reach its own decision. Officers offer advice and make a recommendation. Planning officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the planning committee or its members. This is acceptable where planning issues are finely balanced as there should always be scope for members to express a different view from officers. A planning committee can accept or place a different interpretation on, or give different weight to, the various arguments and material planning considerations.

### ***OVERTURNING RECOMMENDATION TO APPROVE***

30. Any member who does not agree with the officer recommendation to approve an application can propose reasons for refusal, which need to be seconded by another member and then voted on. Any decision by the planning committee must be based on proper planning reasons. The planning officer should always be given the opportunity to explain the implications of the planning committee's decision. The reasons for any decisions which are made contrary to the planning officer's recommendation must be formally recorded in the minutes and a copy placed on the planning application file / electronic record.
31. Councillors who reject a planning application that officers have advised them to accept risk being overturned on appeal (to the Planning Appeals Commission), with the potential for costs awarded against the council if no sound reasons for the decision have been given. The Chair should seek the views of officers (including the council's solicitor) before going to the vote in terms of reasons for refusal that are contrary to officer recommendation. Officers should endeavour to summarise what are considered to be the main reasons for refusal referred to by members during the debate and include advice on what would be reasonable and what would not be reasonable reasons for refusal.
32. If officers consider that the suggested planning refusal reasons are reasonable and capable of being defended on appeal members should vote on the reasons for refusal. If the view of officers is that the reasons for refusal are either in whole or in part not capable of being defended then members should give consideration to deferring determination of the planning application until the next planning committee and ask for a further report (and / or site visit) to ensure it has all the relevant information it considers necessary to inform its decision. Advice and assistance should be sought from council solicitors, as necessary.
33. In the event of an appeal against a refusal of planning permission contrary to officer recommendation, it is a matter for each council to decide who should attend the appeal to defend the decision. However, the following options are available:

- councils could require planning officials to prepare the case for written submissions and / or attend the appeal even if it is against their recommendation;
- some may require the members who proposed and seconded a motion to refuse consent contrary to officer recommendation to be called as council's witnesses;
- some may use planning consultants or different planners from those who made the original recommendation.

***Overturning recommendation to refuse***

34. If the planning committee decides to approve an application against the officer's recommendation to refuse, the planning committee should be aware that, while there is no right of third party appeal, there is the possibility that the decision could be subject to judicial review. Again, councils will have to decide who should defend the council's decision in court.
35. It is critical that the minutes accurately reflect the discussions and decisions taken during the meetings as these could be used as evidence should any complaints be made about how decisions are taken. Members may wish to consider taking their own notes on controversial applications.

**DECISIONS CONTRARY TO LOCAL DEVELOPMENT PLAN**

36. In general, planning decisions should be taken in accordance with the local development plan (in so far as it is material to the application) unless material considerations indicate otherwise. If a planning committee member proposes, seconds or supports a decision contrary to the local development plan they will need to clearly identify and understand the planning reasons for doing so, and clearly demonstrate how these reasons justify overruling the development plan. The reasons for any decisions which are made contrary to the development plan must be formally recorded in the minutes and a copy placed on the planning application file / electronic record.

## **DEFERRALS**

37. The planning committee can decide to defer consideration of an application to the next meeting for further information, further negotiations or for a site visit. Members should be aware, however, that deferrals will inevitably have an adverse effect on processing times and should restrict themselves, where possible, to one deferral only. In addition, there should be clear reasons why a deferral is necessary.

## **SITE VISITS**

38. It is recognised that, on occasions, members of the planning committee may need to visit a site to help them make a decision on a planning application (e.g. where the impact or effect of the proposed development is difficult to visualise from the plans or photographs, or the application is particularly contentious). However, these visits should be undertaken on an exceptional basis as they are time-consuming and expensive. Where required, they may be identified by officers in consultation with the Chair or they may be asked for by planning committee members, but these should only be permitted where the benefit is expected to be of considerable value.
39. The planning committee clerk should contact the applicant / agent to arrange access to the site. Invitations should then be sent to members of the planning committee. Site visits are not an opportunity to lobby councillors or to be used to seek to influence the outcome of a proposal prior to the planning committee meeting. Councillors should not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land, they will not have the information provided by the planning officer, and, in some circumstances (e.g. where a councillor is seen with applicant or objector) it might lead to allegations of bias. It is recommended that only planning committee members, officers, and local councillors should be permitted to attend the site visit. Where possible, the full planning committee should attend site visits, unless there are good reasons (e.g. a member is already very familiar with the site). The clerk to the planning committee should record the date of the visit, attendees and any other relevant information.

40. Planning officers should prepare a written report on the site visit which should then be presented to the next planning committee meeting at which the application is to be determined.

## **TRAINING**

41. It is strongly recommended that councillors sitting on planning committees should be required to attend relevant training on planning matters before they can sit on the planning committee – this would allow for a generally consistent approach to be taken. This requirement should be extended to planning committee members continuing to receive relevant training on an ongoing basis. It is also strongly recommended that planning committee chairs should receive separate, additional training in relation to their roles.

## **NETWORK**

42. It is recommended that a network of planning committee chairs should be established and meet regularly to discuss matters of common interest.

## **REVIEW OF DECISIONS**

43. On an annual basis members should inspect a sample of implemented planning decisions in order to assess the quality of decision-making. This should include a sample of decisions delegated to officers to give assurance that the scheme of delegation is operating effectively and in line with the council's views.

## **LEGAL ADVISER**

44. It is strongly recommended that the planning committee has access to legal advice on planning matters, preferably attending each planning committee meeting.

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|--------------------------|--|
| <b>Subject</b>           | Conferences and Seminars               |
| <b>Reporting Officer</b> | P Moffett, Head of Democratic Services |

| 1   | <b>Purpose of Report</b>  |
|-----|---|
| 1.1 | To provide an update on seminars and conferences received. To seek approval for attendance of members and officers, the payment of attendance fees and associated costs, as incurred. |

| 2   | <b>Background</b>   |
|-----|---|
| 2.1 | <p>Two conference sessions are presented for consideration on member and/ or officer representation from Mid Ulster Council. Details are provided at 2.1.1.</p> <p><b>2.1.1 The IRRV Northern Ireland Conference 2015: Looking to the Future (Institute of Revenues, Rating &amp; Valuation)</b></p> <ul style="list-style-type: none"> <li>• Tuesday 23 June 2015<br/>9.30am - 4pm<br/>Belfast City Hall</li> </ul> <p><b>2.1.2 APSE Seminar: First 100 Days and Beyond</b></p> <ul style="list-style-type: none"> <li>• Friday 3 July 2015<br/>9.30am - 3pm<br/>Braid Town Hall, Museum and Arts Centre, Ballymena</li> </ul> |

| 3   | <b>Key Issues</b> |
|-----|-------------------|
| 3.1 | N/A               |

| 4   | <b>Resources</b>   |
|-----|--|
| 4.1 | <p><b><u>Financial</u></b></p> <p><b>4.1.1 The IRRV Northern Ireland Conference 2015:</b></p> <ul style="list-style-type: none"> <li>• £80 per person plus travel and subsistence costs, where required</li> </ul> <p><b>4.1.2 APSE Seminar: First 100 Days and Beyond</b></p> <ul style="list-style-type: none"> <li>• £175 per person plus travel and subsistence costs, where required</li> </ul> |

|     |  |
|-----|--|
| 4.2 | <u>Human</u> - N/A                                       |
| 4.3 | <u>Basis for Professional/ Consultancy Support</u> - N/A |
| 4.4 | <u>Other</u> – N/A                                       |

|          |  |
|----------|--|
| <b>5</b> | <b>Other Considerations</b>  |
| 5.1      | Attendance and other costs will be taken from member 2015-16 Conference & Seminar allocations. |

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| <b>6</b> | <b>Recommendations</b>   |
| 6.1      | Consideration for approval is given to attendance and representation at the above mentioned conferences. |

|          |   |
|----------|---|
| <b>7</b> | <b>List of Documents Attached</b>                     |
| 7.1      | Appendix A: The IRRV Northern Ireland Conference 2015 |
| 7.2      | Appendix B: APSE Seminar: First 100 Days and Beyond   |



## The IRRV Northern Ireland Conference 2015

A major one day Conference from the  
Institute of Revenues, Rating & Valuation

Belfast City Hall  
Tuesday 23<sup>rd</sup> June 2015

Valid for IRRV CPD Points





## The IRRV Northern Ireland Conference 2015

IRRV in Northern Ireland is delighted to announce this major Conference, taking place at the Belfast City Hall on Tuesday 23<sup>rd</sup> June 2015.

This one day conference will discuss the impacts of local government reform and the issues facing Northern Ireland's new local authorities, rates reform and the revaluation, managing the Rate Product and the challenges facing Land and Property Services over the next five years.

We are delighted to advise that Mark H Durkan MLA, Minister for the Environment, has been invited to give the Ministerial Address to conference.

Conference sessions include :

- ❖ **Ministerial Address** : Mark H Durkan MLA, Minister for the Environment (invited)
- ❖ **Post General Election issues facing local government in Northern Ireland**
- ❖ **The reorganisation challenges facing the new authorities**

- ❖ Managing the Rate Product
- ❖ LPS - the next five years
- ❖ Rate reform and the revaluation : Expert Panel Session

A full conference programme with finalised session timings and speakers will be issued in the near future. The conference will commence at 10am on Tuesday 23<sup>rd</sup> June (registration from 9.30am) and will end around 4pm.

## The Conference Organisers:



**IRRV** Northern Ireland

Institute of Revenues Rating & Valuation : With over 5,000 members, the IRRV is the largest professional institution operating in the field of revenues, benefits and valuation. The IRRV has a growing presence in Northern Ireland - the Institute's main aim is to support its members' professional and personal development and the sharing of best practice.

This is a major event in the conference calendar and an excellent opportunity for all involved with or with an interest in rating, revaluation and local government and related matters in Northern Ireland to hear about the key issues.

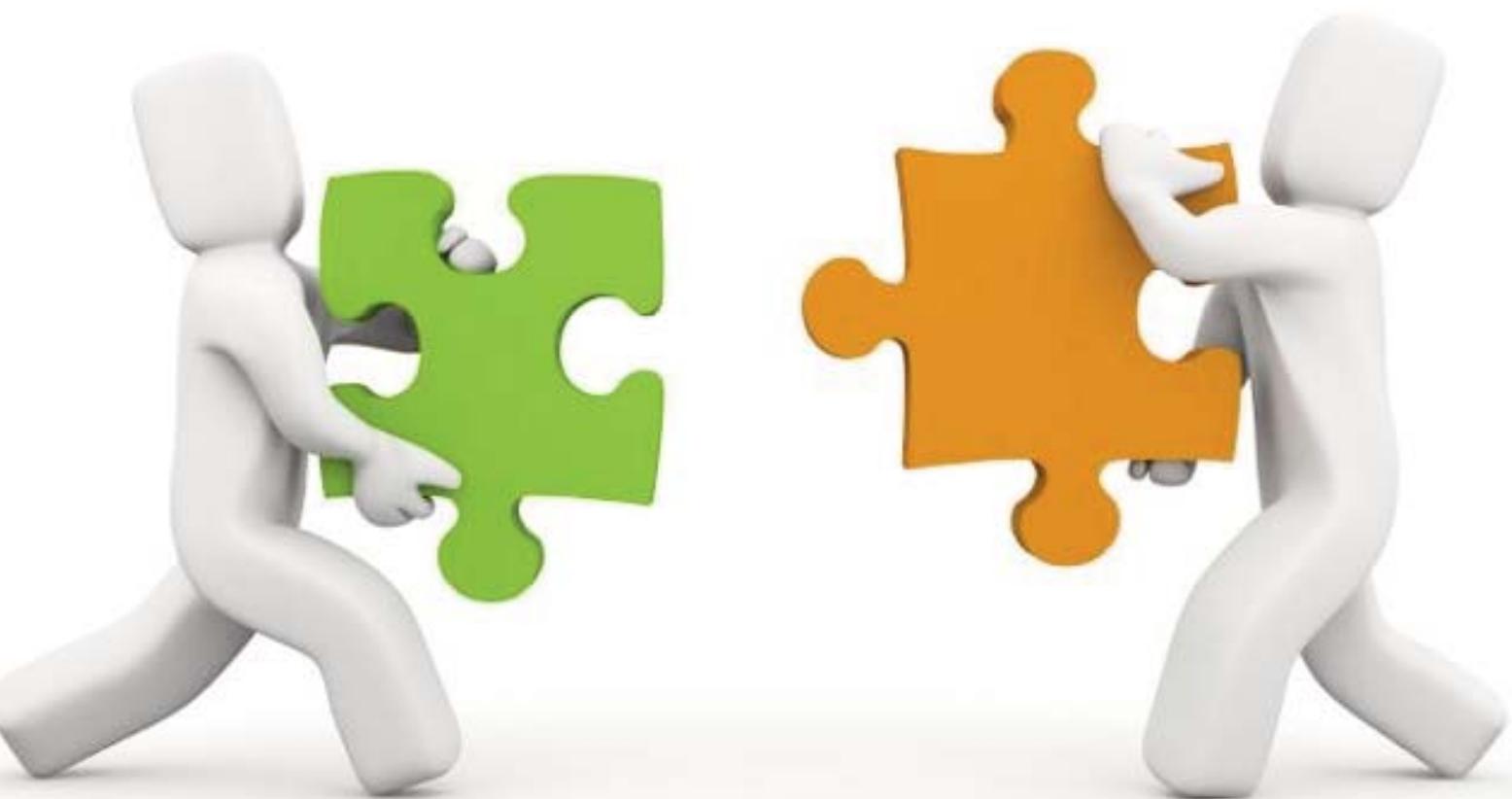
It is also extremely good value for money, with conference fees starting at less than £80 + VAT. This includes refreshments, lunch and conference materials. **Every fourth booking from the same organisation comes entirely free of charge.** We are also indebted to Belfast City Council for its support and assistance in organising their major event.

**HOW TO BOOK :** To encourage organisations to send a number of staff, every fourth full day delegate from the same organisation comes entirely free of charge. As places are limited, early booking is recommended. Please either fax the booking form to 01382 456029 or e-mail [northern.ireland@irrv.org.uk](mailto:northern.ireland@irrv.org.uk). The IRRV regrets that, under normal circumstances, delegate fees cannot be refunded. However, delegate substitutions may be made at no cost at any time prior to the Conference, subject to these being notified to the Institute.

# **APSE NI Seminar (FREE for APSE members)**

Appendix B

## **'The first one hundred days ...and beyond'**



A seminar considering the first 100 days of the new councils and the context for change and improvement into the future

Braid Town Hall, Museum and Arts Centre, 29 Bridge Street, Ballymena, BT43 5EJ

Friday 3 July 2015

# Friday 3 July 2015

9:30 am Delegate registration

10:00 am Welcome – Cllr Thomas Kerrigan, Derry City and Strabane District Council and Chair of APSE NI

10:05 am Session 1

## 'The first 100 days'

- The story so far
- Emerging issues
- A bright future

**Speaker:** Anne Donaghy, Chief Executive, Mid and East Antrim Borough Council

## 'Change in a local government context'

- Bringing organisations together
- The importance of an organisation's culture
- Managing change, learning and innovation

**Speaker:** Dr. Joanne Murphy, Queens Management School, Queens University

11:00 am Tea and Coffee Break

11:20am Session 2

## 'Strategic issues influencing the new councils'

- The wider context for local government
- The sector setting the agenda
- Councils in 2020

**Speaker:** Paul O'Brien, Chief Executive, APSE

## 'Local Government and Public Health – collaborating to improve the population's wellbeing'

- Factors driving change in the public health agenda
- Councils and the health sector working together
- Potential outcomes

**Speaker:** Brendan Bonner, Head of Health and Social Wellbeing Improvement (Western), Public Health Agency

12:20 pm APSE NI AGM

12:40 pm Buffet Lunch

1:20pm Session 3

## 'Planning – thoughts from Wales'

- A new role for councillors
- The importance of a local development plan
- Planning supporting community and economic development

**Speaker:** Phil Williams, Director of Planning and Place, Belfast City Council

## 'High performance in refuse collection services – a case study of a journey of improvement'

- Steps to achieving high recycling and household composting rates
- Maintaining Quality Assurance and successful consultation processes

- What does good people management look like?
- Could your service look like this in 5 years' time?

**Speaker:** Paul Tripp, Environmental Services Group Manager, East Riding of Yorkshire Council

## 'Are your Leisure Services up to scratch?'

- Being competition ready
- Current performance levels in leisure
- Short, medium and long term planning

**Speaker:** Sue Finnigan, APSE Associate

3:00 pm Seminar Close

## Seminar objectives

As councillors and officers get to grips with new duties and organisations, the focus has been on ensuring delivery of services first and foremost. Over the longer term, the work that has started to re-organise the new council organisations, make appointments to management positions, streamline assets and develop the culture within organisations will be a major element of work.

Change will occur at both the corporate level and service level with attention fixed on efficiency, the removal of waste and the need to grasp the benefits of larger scale councils. Culture within the new councils is at the forefront of priorities as individuals look to forge a new future for local government in Northern Ireland.

There will be speakers addressing corporate issues as well as speakers from the academic and health sectors looking at topics of organisational change and the health agenda – both of which are of great importance for the new councils. Furthermore experienced speakers with expertise from outside of Northern Ireland will share their knowledge on service specific improvement for planning, environmental and leisure service delivery.

Performance improvement and management is a fundamental ingredient for the success of all organisations. Chapter 12 of the Local Government Act has highlighted the topic as a specific duty for the new local authorities with some initial performance factors identified for waste, economic development and planning. There is a long way to go in this debate and the local government sector must ensure it takes the lead. Learning from others who deliver similar services is a fundamental part of performance improvement.

Senior and service managers, whether experienced or newly appointed, must be as informed as possible to ensure they are able to take forward their responsibilities and this seminar will provide an opportunity to learn from experienced speakers.

This is a chance for councillors and officers to hear how others in the sector have approached some of the issues which are facing the new councils.

**This is a free seminar for APSE member organisations - all officers, councillors and trade union representatives from APSE member organisations are encouraged to attend.**

**Councillors and officers from Non-APSE member organisations are also very welcome. There will be a charge to attend.**

**Reserve your place now by completing the booking form overleaf and faxing it back to Vicky Starmer at APSE on 0161 772 1811 or email [vstarmer@apse.org.uk](mailto:vstarmer@apse.org.uk)**

## Who should attend?

- Elected members
- Chief Executives
- Directors / Assistant Directors
- Service Managers
- Trade Union Representatives
- Change Managers
- HR Managers
- All officers working to deliver public services

## The venue

### The Braid Town Hall

Museum and Arts Centre, 29 Bridge Street, Ballymena, BT43 5EJ

**LOCAL SERVICES  
LOCAL SOLUTIONS**

