

A

Minutes of Meeting of Mid Ulster District Council held on Thursday 22 January 2015 in the Council Offices, Circular Road, Dungannon

Members Present: Councillor Reid, Vice Chair, (Deputy Presiding Councillor) (items C1/15 to C9/15)
Councillor Mallaghan, Chair (Presiding Councillor) (from item C10/15)

Councillors Ashton, Bateson, Bell, Buchanan, Burton, Clarke, Cuddy, Cuthbertson, Dillon, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, McAleer, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, McPeake, Molloy, Monteith, C O'Neill, J O'Neill, T Quinn, M Quinn, Robinson, G Shiels, Totten and Wilson

Officers in Attendance: Mr A Tohill, Chief Executive
Mrs Campbell, Director of Policy and Development (MDC)
Mr Cassells, Director of Technical Services and Leisure Services (MDC)
Mr Kelso, Director of Environment Health and Building Control (CDC)
Mrs Kerr, Director of Finance (D&STBC)
Mrs Mezza, Marketing Communications Manager
Mr Moffett, Change Management Officer
Mr O'Hagan, ICT Manager
Mr Paisley, Director of Corporate and Operational Services (CDC)
Mr JJ Tohill, Lead Finance Officer
Mrs Smith, Council Business Manager (D&STBC)

The meeting commenced at 7 pm.

In the absence of the Chair, who had advised that he would be late, Councillor Reid Vice Chair took the chair.

C1/15 Apologies

Councillors Mullen and Mulligan

C2/15 Declarations of Interest

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

Matters for Decision

C3/15 Receive and consider minutes of matters transacted in “Open Business” at Council meeting held on Thursday 18 December 2014

Proposed by Councillor S McGuigan
Seconded by Councillor T Quinn and

Resolved That the Minutes of the Meeting of the Council held on Thursday 18 December 2014 (C110/14 – C128/14 and C137/14), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C4/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee meeting held on Monday 12 January 2015

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That the Minutes and recommendations of the Planning Committee meeting held on Monday 12 January 2015 (P1/15 – P8/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

C5/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Tuesday 13 January 2015

Item PR7/15 - Regional Minority Languages and Draft Policies

Declaration of Interest

Councillor Wilson declared an interest as being a board member of the Ulster Scots Agency

Councillor Wilson asked that the Ulster Scots Policy is held to facilitate additional work and further consultation with relevant bodies to take place. Councillor Glasgow supported this request.

Councillor McPeake asked the Chief Executive for his view on the matter given the time constraints in relation to branding and the discussion previously taken place that the two policies be processed together.

The Chief Executive stated that in respect of the Irish Language Policy it will now proceed as originally outlined and recommended by committee, equality impact assessment will be carried out and a report detailing timeframes for the consultation exercise and further development will come to a future meeting. He stated that he would have liked both policies to be have been processed together but as the Ulster

Scots Policy is new area of work it is difficult to say how long it will take to refine the policy.

Proposed by Councillor Wilson
Seconded by Councillor Glasgow and

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Tuesday 13 January 2015, (PR1/15 – PR14/15 and PR17/15), transacted in “Open Business”, having been printed and circulated, and subject to the draft Ulster Scots Policy being held as detailed above, were considered and adopted.

C6/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee meeting held on Wednesday 14 January 2015

Proposed by Councillor B McGuigan
Seconded by Councillor McFlynn and

Resolved That the Minutes and recommendations of the Environment Committee meeting held on Wednesday 14 January 2015, (E1/15 – E6/15 and E8/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

C7/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 15 January 2015

Proposed by Councillor Dillon
Seconded by Councillor T Quinn and

Resolved That the Minutes and recommendations of the Development Committee meeting held on Thursday 15 January 2015, (D1/15 – D11/15 and D16/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

C8/15 Motion – Human Trafficking

The Change Management Officer submitted for information a letter dated 5 January 2015 from Minister of Justice, a letter dated 5 January 2015 from PSNI and letter dated 14 January 2015 from the Department of Health, Social Services and Public Safety in relation to a motion carried and adopted by Council at its meeting on 18 December 2015.

C9/15 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.

Annual ICLRD/CCBS Conference - Shared Services, Shared Opportunities: New Models Public Sector Collaboration and Partnership, 29 - 30 January 2015, Killyhevlin Hotel, Enniskillen. Costs being, £55 Conference Only, £75 Conference Fee and dinner, £125 Conference Fee, meals and B&B accommodation in Killyhevlin, travel

Co-operation Ireland Community Planning Seminar – *“Regenerating Local Spaces through Effective Community Planning”*, 26 February 2015, Dublin Castle. Costs being travel and subsistence expenses only.

Northern Ireland Housing Conference 2015 – *The future shape of housing*, Tuesday 17 February 2015, Crumlin Road Gaol, Belfast. Cost being £210 for conference fee, travel and subsistence expenses.

Tax Advisory Service Annual VAT Conference, Wednesday 4 March 2015, PwC Office, London. Costs being £300 for conference fee, travel, accommodation and subsistence.

Small Business Summit: What next for SME’s?, Thursday 12 February 2015, Lagan Valley Island, Lisburn, travel and subsistence. Costs being travel and subsistence expenses only.

Proposed by Councillor McPeake
Seconded by Councillor J O’Neill 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 to contact officers.

In response to questions by Councillor McLean and Councillor Wilson the Chief Executive stated that during the transitional period judgement has been left up to elected members in terms of what they opted to go on. He added that a policy is currently being developed in relation to conference attendance to be applicable from 1 April 2015.

Matters for Information

Councillor Mallaghan arrived at 7.15 pm and took the Chair.

C10/15 Consultation List

Consultation on Northern Ireland Policing Board Reconstitution

Councillor McPeake referred to the consultation document with particular reference to the reconstitution of the Policing Board and the appointment of independent members on a rolling process. He indicated that he disagreed with the proposed approach as he felt it would be more difficult to ensure the overall makeup of the board would be representative of the community at all times. The Member also referred to the date of the reconstitution of the Board and expressed a view that legislation should be brought forward to extend the life of the current Board and the

appointment of a new board should be rather undertaken to coincide with the election of new MLA's in 2016 to the NI Assembly.

Councillor Dillon and Councillor T Quinn agreed with the comments made.

Proposed by Councillor McPeake
Seconded by Councillor Dillon and

Resolved That the Council make a formal response to the consultation document outlining the above points.

Confidential Business

Proposed by Councillor S McGuigan
Seconded by Councillor B McGuigan and

Resolved That items C11/15 to C18/15 be taken in committee.

The press left the meeting at 7.20 pm.

C19/15 Duration of Meeting

The meeting was called for 7 pm and ended at 8.55 pm.

Chair _____

Date _____

B

Minutes of Special Meeting of Mid Ulster District Council held on Thursday 12 February 2015 in the Council Offices, Circular Road, Dungannon

Members Present: Councillor Mallaghan, Chair (Presiding Councillor)

Councillors Ashton, Bell, Buchanan, Burton, Clarke, Cuddy, Cuthbertson, Dillon, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, McAleer, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, McPeake, Molloy, Monteith, Mullen, Mulligan, C O'Neill, J O'Neill, T Quinn, M Quinn, Reid, Robinson, G Shiels, J Shiels, Totten and Wilson

Officers in Attendance: Mr A Tohill, Chief Executive
Mrs Campbell, Director of Policy & Development (MDC)
Mrs Canavan, Lead HR Officer
Mr Cassells, Director of Operations (MDC)
Mr Kelso, Director of Environment Health and Building Control (CDC)
Mr McCreesh, Acting Chief Executive (CDC)
Mrs Mezza, Marketing Communications Manager
Mr Moffett, Change Management Officer
Mr O'Hagan, ICT Manager
Mr JJ Tohill, Lead Finance Officer
Mrs Smith, Council Business Manager (D&STBC)

The meeting commenced at 7 pm.

SC1/15 Apologies

Councillor Bateson

SC2/15 Declarations of Interest

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

Matters for Decision

Councillor Mullen arrived at 7.05 pm

SC3/15 Estimates of income and expenditure for the financial year commencing 1 April 2015

The Chair, Councillor Mallaghan, stated that at this special meeting of the Council, we will make what is arguably the single most significant decision which a Council

takes every year. He said the rate we set impacts directly on the pockets of our ratepayers and there is not one of us here tonight who wants to do anything except minimise that impact, while still ensuring we can deliver quality services that meet the needs of, and are accessible to, local people right across our district.

He added, this is always a complex process, however, the situation we face in striking a rate for 2015-2016 is unprecedented in the last 40 years of local government. Challenges have arisen, not just as a result of reform, but due to the wider political, economic and social context in which that reform is taking place.

We have been merging the diverse budgets of 3 distinct organisations, a challenge in itself as we work to ensure that Mid Ulster District Council maintains the services and facilities which each of the predecessor councils have developed and delivered across 4 decades.

I pay tribute to the elected members, past and present, and to the staff, for their dedication to serving their areas in that time. Mid Ulster Council will seek to do likewise in the years ahead.

He said, in this new era, as well as assuming responsibility for existing councils' services, we must also manage the additional pressures of trying to bring clarity to the budgets of those services transferring from central government. We have chosen also to absorb the impact of the cuts which have been imposed regionally in the interests of maintaining high quality service delivery. This is in addition to building in the normal external factors beyond our control, such as inflation, employers' costs and superannuation, which have a negative budgetary effect.

While Mid Ulster perhaps faces greater financial pressures than have previously been experienced, we do not wish to stand still and we are determined to contribute to the growth of our district for the benefit of our residents and businesses.

Our budget will, therefore, reflect that goal, with additional resources dedicated to ensuring we can:

- build on existing economic development and regeneration activity
- continue to support and deliver development initiatives in rural areas
- continue to tap into the very real tourism potential of Mid Ulster, optimising our tourism product, investing in it and enhancing it with internationally-significant projects like the Heaney Centre in Bellaghy and the on-going development of our links with the O'Neill's.

Councillor Mallaghan stated that he had given a snapshot of the current position, because it is against this backdrop that Councillors, and staff, have been working in the last number of months to develop a clear picture of the financial position of Mid Ulster District Council and to create a robust budget for 2015-2016.

The Chair, Councillor Mallaghan invited the Lead Finance Officer to take the meeting through the budget and the implications for the district rate.

The Lead Finance Officer stated that there were a number of things that the Council was statutorily obliged to do, i.e. to consider and approve estimates of income and expenditure for the financial year commencing 1 April 2015, to authorise the expenditure included in the estimates and to fix for the financial year commencing 1 April 2015 the amount to be raised by means of rates and strike the domestic and non-domestic rate for 2015/16.

He stated that he would present the rates estimates in the as format previously presented and shared, following which the Council will hopefully reach an agreed decision. The presentation focused on;

- Table 1 - Opening Position – the net amount to be raised in aggregate by the three legacy councils in 2014/15 - £26,745,450
- Table 2 - Additional Costs - totalling £3,877,350 made up of costs categorised as follows:
 - Local Government Reform £1,452,100
 - Inflationary increases £688,500
 - Regional Government Impacts £550,500
 - Resource pressures £510,000
 - Development initiatives £407,750
 - Pension costs £171,500
 - Waste Management £97,000
- Table 3 - Rates Impact due to additional costs - Non Domestic district rate of 22.5992 and domestic district rate of 0.3002
- Tables 4 and 5 gave comparison with the existing legacy councils' 2014-15 domestic and non-domestic rate poundage after convergence relief and assuming a regional rate increase of 1.4%.

The Lead Finance Officer stated that as part of consideration of the rates estimates the Council was also obliged to agree a policy on Minimum Revenue Provision (MRP) and, in presenting the proposed rate estimates, the officers have assumed that Council will agree to the officers' recommended MRP policy. A MRP has therefore been included in the calculation of the estimates. The Officer explained the concept of MRP and recommended that the Council agree the suggested MRP policy which provided as follows:

- Capital expenditure would generally be funded by a MRP included in the rate estimates in the financial year following the expenditure being incurred;
- Capital expenditure would be defined in accordance with the Council's accounting policy in relation to same and would include expenditure deemed to be capital in accordance with the provisions of Section 19 of the Local Government Finance Act (Northern Ireland) 2011 and Regulation 12 of the Local Government (Capital Finance and Accounting) Regulations 2011 (and/or any subsequent relevant legislative provision);
- Capital expenditure would also include expenditure for which Council had received a capitalisation direction from the Department;

- In an exception to the general principle of funding capital expenditure in the financial year following the expenditure being incurred, Council would fund capital deemed to be capital by Regulation 12 of the Local Government (Capital Finance and Accounting) Regulations 2011 and that which was the subject of a capitalisation directive from the Department in the year in which the expenditure was actually incurred;
- MRP would be calculated on bases deemed appropriate to the asset, such bases to normally be based on the officers' estimation of the relevant assets' useful economic lives (or such bases as might be determined by the Department);
- The officers' present estimation of asset useful lives is as follows:
 - Land and Buildings – 25 years
 - Vehicles – 8 years
 - ICT – 5 years
 - Assets under construction – not applicable

The Lead Finance Officer recommended the acceptance of the proposed MRP policy, the acceptance of the estimates as presented, the authorisation of the expenditure and the striking of the rate as detailed.

The Chair, Councillor Mallaghan, stated that Council would deal with the recommendation with regard to MRP first.

Councillor McLean asked why recommendation is to go with 8 years for vehicles when, in his opinion, a 6 year useful life would be adequate.

The Lead Finance Officer stated that relevant officers from the 3 councils had considered the state of the motor fleet and have proposed a replacement cycle of 8 years for vehicles. The Officer stated that he fully accepted that this may be a long life span but, in the context of the Council's overall capital programme, it was unlikely that reducing the estimated useful life to 6 years from 8 years would make a material difference to the calculation of an appropriate MRP.

Proposed by Councillor S McGuigan
 Seconded by Councillor Cuddy and

Resolved That the Council agree the recommended MRP Policy.

Councillor McPeake congratulated staff and in particular the Lead Finance Officer in bringing figures together which had been a daunting task with 3 merging councils and the number of unknowns. He welcomed the proposals, noted RPA pressures which amounted to £1.45m for the luxury of councils coming together, a robust figure had been included for economic development which is important and commented that losses to Council in relation to the imposed cut in the DoE Rate Support Grant are due to no fault of Mid Ulster District Council. The Member stated he was broadly happy with the figures but the proposed additional financial contribution for regional and minority languages had reduced from an earlier workshop and with deaf and sign language now falling within this heading he indicated that the figure of £25k as

presented in the presentation was light and suggested that it should revert back to the previous figure of £50k.

Proposed by Councillor McPeake

That figure included for regional and minority languages should be £50k.

Councillor McGuigan seconded the proposal.

Councillor McGinley agreed with the comments made by Councillor McPeake and asked what was included in estimates for the new power, the General power of Competence.

The Chief Executive stated that as the budgetary position currently stands there is no provision included for Council to spend monies on the Council's general power of competence. He indicated that budgets for 2015-16 were broadly set with existing budgetary arrangements so no provision was made for utilising that new power in 2015-16.

Councillor McGinley stated that as this is a new function it was important that provision is made, following which the Member proposed that a budget figure of £100k should be included in the estimates.

Councillor Dillon seconded the proposal to include £100k in the estimates for general power of competency.

Councillor McLean disagreed with Councillor McPeake on provision for regional and minority languages, he stated that he had no problem with sign language but had an issue with Irish Language and Ulster Scots. The Member indicated that the addition of the proposed amount would not make a significant difference to the overall budget but stated that Council should be looking at all areas for savings. In relation to the general power of competence the Member stated the Council currently has enough on its plate with the merger of the three Councils following which he proposed that it should not now be included in estimates as outlined in above proposals.

Councillor Cuthbertson seconded Councillor McLean's proposal.

Councillor Cuddy stated that the 3 legacy councils had good results in relation to striking rates and it was sad to see where we are with budgets tonight. The Council has agreed a new facility in Bellaghy at a cost of £4,100k to build, along with running costs over the next 10 years and RPA was promoted as being cost neutral to local ratepayers due to economics of scale, but that seems to have been lost.

Proposed by Councillor Cuddy that the increase in the rate from 2014/-15 be kept as close as possible to the rate of inflation.

Councillor Monteith stated that he was first elected in 2001 when RPA was being discussed on the basis that change would be rates neutral to new councils. He said figures presented have confirmed the fears held by all Councils who said it could not be done. Councils were not listened to by central government who should now be

hanging their heads in shame. The Member noted that RPA would now cost Mid Ulster District Council approximately £1.45m with ratepayers still getting the same service but being asked to pay more.

The Chair, Councillor Mallaghan, stated that he would take the two proposals together on the inclusion within estimates an additional £25k for regional and minority languages and £100k for the general power of competence.

The proposal was put to the meeting 23 (twenty three) Members voted in favour and 15 (fifteen) Members voted against.

Councillor Wilson stated that the accepted proposal included £125k on the estimates and asked for a true reflection on what this would put onto the rates.

The Chair, Councillor Mallaghan, agreed to adjourn the meeting for 10 minutes to allow the Lead Finance Officer to update figures.

The meeting adjourned at 7.45 pm

The meeting resumed at 8.03 pm

The Lead Finance Officer advised of the result of the alterations made:

- £100k added to local government reform and £25k added to development initiatives leaving a Non-domestic rate 22.6822 and district rate 0.3013

Proposed by Councillor Cuddy
Seconded by Councillor Wilson

That the rate should have only increased from 2014-15 in line with inflation.

The Chief Executive stated that as Members were aware the Lead Finance Officer for Mid Ulster District Council had presented the estimates. He, however, was the Council's Chief Financial Officer which brought a legislative responsibility to report to the Council on the robustness of the estimates. He further advised that the Council should have regard to his comments in this regard.

The Chief Executive advised that he was satisfied that the rate estimates have been completed and comprehensively reviewed and are sufficiently robust to be recommended to Council for adoption. He also advised that the officers had spent the last number of months trying to get the proposed rate as close to a rate which increased by no more than inflation as possible, in other words, doing exactly what Councillor Cuddy's proposal requests.

Councillor Cuddy stated the proposed estimates included a lot of discretionary costs and the adopted proposal has just included an additional £125k to the overall total of additional costs. He said that, in this first year of transition the Council should not include costs that we can do without. He acknowledged that the Officers had worked hard preparing proposed estimates but it was the Council that directs what the rate should be.

The Chair stated that given the advice of the Chief Executive in relation to officers trying to get the rate increase as “close to inflation as possible” he would not be accepting Councillor Cuddy’s proposal but indicated that he would be prepared to accept a more specific proposal.

Councillor Cuddy stated that Stormont, which is in serious financial problems, have managed to keep the regional rate increase at 1.4 per cent in line with inflation and yet proposed estimates tonight show proposed rate increases of 8.4/ 8.5 per cent.

Councillor McLean stated that he would like to keep rates as low as possible and always endeavoured to do that. He stated he did have a problem with an increase of 1.4 per cent being practically impossible to achieve in the current climate given the pressures facing Council and taking on board the Chief Executive’s advice. The Member further stated that he and his party colleagues did have concerns in relation to the discretionary expenditure that had been previously tabled and factored in to the proposed estimates and the further increase added tonight. He stated that based on his previous consultation with the Lead Finance Officer he still maintained that a substantial amount could come out of the proposed estimates and thereby achieve a reduction in the proposed rate increase of between 0.5 and 1.5 per cent. He added that he was conscious that the unionist grouping was a minority grouping and to make a counter proposal was a waste of time but he was unhappy with the adoption of the previous proposal and there were discretionary costs built into the proposed expenditure that they were objecting to.

Councillor McPeake stated that figures presented are far from ideal but we are in a place that we do not have full control over and amalgamation, which was to be cost neutral, is costing us money. He added that Council has to accept its leadership position and advocated the budget as outlined with the couple of minor amendments previously adopted.

The Chair, Councillor Mallaghan, stated that everyone has listened to the presentation, to the answers given to the questions posed and there had been some useful discussion to ensure that Members all understand the current financial position. In the circumstances, he believed that the COuncil have achieved a fine balance between our commitment to minimising the rate burden and ensuring that we are well placed to begin delivery and, crucially, development of services for the new Mid Ulster District and proposed that the revised expenditure, etc. be authorised and the revised rate be struck.

Proposed by Councillor McLean
Seconded by Councillor Cuthbertson

That estimates should be reduced to effect a 1 per cent reduction in the increase in the amount calculated to be paid by ratepayers by removing discretionary items, including the introduction of the living wage from 1 April 2015 and the additional expenditure added in to the proposed expenditure tonight.

The Lead Finance Officer stated that to generate a 1 per cent saving on the amount calculated to be paid by ratepayers would require a reduction in net expenditure of approximately £800k.

The Chief Executive stated that in his position as Chief Financial Officer and the magnitude of such a reduction he could not recommend to the Council that the rates estimates would then be sufficiently robust for Council to deliver its intended services and remain within budget.

The proposal was put to the meeting 15 (fifteen) Members voted in favour and 24 (twenty-four) Members voted against.

The Chair declared the proposal not carried.

The Lead Finance Officer referred to a document circulated with papers which analysed the proposed 2015-16 income and expenditure budget between the various directorates. He explained that, given that this was the Council's first year of budgeting, this analysis was the best that could be delivered in terms of enabling the Members to consider the estimates of income and expenditure as required by legislation. He further asked that, given the special circumstances, authority be given to the Chief Executive so that, throughout the year as services and structures are developed, he may without referral to Council, make whatever budgetary virement he deems necessary between the directorates and services.

Proposed by Councillor Mallaghan
Seconded by Councillor McGinley

To:

- approve the estimates of income and expenditure, as presented and subject to the foregoing amendments, for the financial year commencing 1 April 2015 but note that the Chief Executive is authorised to vire budgetary amounts between directorates and services, if necessary, without referral to Council
- authorise the expenditure included in the estimates as presented and subject to the foregoing amendments, and
- strike the domestic and non-domestic rate for 2015/16 in the amount of 0.3013 and 22.6822 respectively.

Councillor Reid requested a recorded vote.

The proposal was put to the meeting 24 (twenty-four) Members voted in favour and 15 (fifteen) Members voted against.

Those in favour: Councillors Bell, Clarke, Dillon, Elattar, Gildernew, Gillespie, Kearney, McAleer, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McNamee, McPeake, Mallaghan, Molloy, Monteith, Mullen, M Quinn, T Quinn, C O'Neill, J O'Neill and Totten

Those against: Councillors Ashton, Buchanan, Burton, Cuddy, Cuthbertson,
Forde, Glasgow, McKinney, McLean, Mulligan, Reid, Robinson,
G Shiels, J Shiels and Wilson

The Chair declared the proposal carried.

SC4/15 Duration of Meeting

The meeting was called for 7 pm and ended at 8.25 pm.

CHAIR _____

DATE _____

C

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 2 February 2015 in Cookstown District Council Offices

Members Present: In the Chair, Councillor Kearney (Chair)
Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, McEldowney, McKinney, McPeake, Mallaghan (7.40 pm), Mullen, T Quinn, Reid, Robinson and J Shiels

Officers in Attendance: Mr Tohill, Chief Executive
Mr Boomer, Area Planning Manager
Ms Sinead McEvoy, Principle Planning Officer
Mrs Grogan, Committee Services/Senior Admin Officer (D&STBC)

The meeting commenced at 7.00 pm.

P9/15 Apologies

None.

P10/15 Declarations of Interest

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

Matters for Decision

P11/15 Receive and Confirm Minutes of the Planning Committee Meeting held on Monday 12 January 2015

Proposed by Councillor Cuthbertson
Seconded by Councillor J Shiels and

Resolved That the minutes of the meeting of the Planning Committee held on Monday 12 January 2015, (P1/15 – P8/15) were considered and signed as accurate and correct.

P12/15 Planning Committee Protocol

The Area Planning Manager presented a paper giving details of the document 'Protocol for the Operation of Planning Committees' published by the DoE.

The Area Planning Manager advised that the DoE protocol had been drafted to assist the 11 new councils set up and run planning committees. The protocol highlights what is considered best practice, is not mandatory and offers guidance for planning committees in terms of their remit, size, frequency, format and speaking rights at meetings. It addresses key subjects such as enforcement and schemes of

delegation. It provides advice on pre determination hearings and deferral of decisions. It also addresses how determinations which do not accord with the planning officer should be handled.

Mid Ulster Council can decide if it accepts the recommendations for incorporation into its specific standing order/ constitution. It may also supplement the protocol with setting its own practice guidance on speaking rights, formats for committees and conducting site visits

The Area Planning Manager recommended the Committee give consideration to the following contents of the Protocol:

Item 3.1 The Protocol advises that Planning Committees should:

- consider applications made to the council as the local planning authority and decide whether or not they should be approved.
- approve the local development plan before it is passed by resolution of the council.
- ensure that the local development plan is monitored annually, particularly in terms of the availability of housing and economic development land.
- review the plan every five years, giving consideration to whether there is a need to change the plan strategy of the zonings, designations and policies as contained in the local policies plan.

Item 3.2 The Protocol strongly recommends 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 of 50% of committee members.

Councils can decide whether substitute members are permitted. The Planning Manager would be expected to attend all planning committee meetings, in addition to the planning officers presenting their reports. The frequency of meetings is a matter for the Committee.

Item 3.3 The Protocol recommends that a scheme of delegation be set to facilitate around 90% - 95% of applications to be determined by Officers. Members should be provided the opportunity to refer applications to the Committee, however, they must specify planning grounds for doing so.

Item 3.4 The Protocol recommends 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).

Item 3.5 The Protocol whilst recognising standing orders is a matter for the Committee, it recommends 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 updated 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.
- report is prepared by the Planning Officers recommending approval with conditions or refusal. 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 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.

Item 3.6 Where an application has been referred to the Department for call in but referred to the Council for determination, a council's planning committee will therefore have to hold a hearing prior to the application being determined. The Protocol advises that 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. It should be noted this is not the same as office meetings/site meeting which apply to local applications. 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

- 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.

Item 3.7 The Protocol recommends that speaking rights should be established, limiting Members to 5 minutes and the public to 3 minutes. Details of the recommendation on speaking is provided in Para 28 of the report.

- Item 3.8 Advice is offered on where the Committee member's views differ from Officers. Where an office report is indefensible or has failed to consider matters which should have been considered, it is reasonable to ask the officer to reconsider the report. However normally differences of view may be just that and where the Committee decides to make a determination differing from the report the officer's recommendation and the reasons for making a different determination should be recorded in the minutes of the meeting. Equally where a decision does not accord with a development plan it must clearly set out its reasoning as to why.
- Item 3.9 Where a decision is deferred for consideration at a later meeting the reason for this should be clearly set out and recorded. Site visits by the Committee are permissible but they should only allow opportunity to view the site and not to allow objectors and the applicant to lobby the Committee. The Committee Clerk should arrange such site meetings inviting agents, applicants and members to attend, keeping a record of the site meeting. The officer should report in writing on the findings of the site meeting.
- Item 3.10 Where a committee refuses an application recommendation for approval consideration should be given to appointing a different officer or body to represent the council at appeal.
- Item 3.11 It is recommended that all members sitting on planning committees should be trained, a network of Planning Committee chairs established, an annual review of decisions undertaken, and access to legal advice established.

The Area Planning Manager advised that Committee arrangements may have financial implications and that the Department feels that these are adequate, although queried by Mid Ulster Council.

Mid Ulster Council has been considering a scheme of delegation, which although different from the recommendation, as referred, is acceptable in terms of the protocol. One difference is the refusals and objections will go to Committee. Lists of applications received will be sent to members to allow them to refer, with reasons, applications to the Committee. It is important the terms of reference and any additional guidance to be agreed by the Council concur with the protocol or the reasons for differing are clearly explained.

Councillor T Quinn left the meeting at 7.15 pm and returned at 7.17 pm.

The Chair thanked the Area Planning Manager for his presentation and asked members for views:

The Chief Executive highlighted that in relation to item 3.2, if a member is not present for the entire time during the discussion on an application the protocol states that they do not have the right to vote and noted that this was different to how decisions are normally made in a local government environment.

Members agreed that a decision should be made on full meeting attendance.

Councillor Mallaghan entered the meeting at 7.30 pm.

Councillor Mallaghan left the meeting at 7.38 pm and returned at 7.40 pm.

Councillor T Quinn referred to item 3.11 and stressed the importance of training for members to be kept up to date.

Proposed by Councillor McPeake
Seconded by Councillor T Quinn and

Resolved That it be recommended to the Council to approve the paper on the Protocol for the Operation of Planning Committees.

Councillor Mallaghan left the meeting at 7.50 pm and returned at 8.05 pm.

P13/15 Scheme of Delegation

The Area Planning Manager presented a paper providing members with information relating to the delegation of additional planning control and enforcement functions to planning officers within Mid Ulster Council from 1 April 2015.

A scheme brought forward on the additional planning control functions will have the benefit of allowing Committee the time and resources to decide on cases where their time is best served and required.

Councillor T Quinn left the meeting at 8.09 pm.

The paper sets out two Options which could inform the development of a Scheme of Delegation of the enforcement of planning control within Mid Ulster.

Option One: Delegate the enforcement of planning control to officers

Option Two: Seek Committee approval before serving any statutory notice or initiating court action however delegate all investigative and negotiation powers to officers and retain discretion by the Planning Manager on formal enforcement action where there is significant risk to Public Health and Safety

Councillor Reid stated that it would be difficult for Councillors to make a decision if a Site is not designated, a better system is needed. The Council would also need to work on a structure to help the developer.

The Area Planning Manager suggested holding a workshop to help the Committee to decide on such issues on enforcement.

The Area Planning Manager advised that the Schedule of Complaints can be brought before the Planning Committee where a member can raise issues.

Councillor Bateson stated that the Council should not be running away from their responsibilities and should tackle difficult decisions themselves.

In response to Councillor McPeake's query about review of the process, the Area Planning Manager advised that it would be beneficial to have a review within 6 to 12 months to see how the process is working.

The Chief Executive asked that the Area Planning Manager bring a further paper providing further clarity to the March Committee meeting.

P14/15 Mid Ulster Employment and Economic Development Paper

Ms Sinead McEvoy presented a paper which provided an overview of the employment and economic development base in the Mid Ulster District Council area and to consider land requirements for economic development uses to 2030.

Ms Sinead McEvoy advised on a number of recommendations:

- The Council should be seeking to facilitate the provision of 2500-3000 jobs in the short term to meet current needs. This need can be met on existing zonings.
- In the medium to long term the Council should be seeking to facilitate the creation of at least 8,500 jobs equating to a need for 170 hectares of economic land. This objective should be presented for public consultation in the Preferred Options Paper.
- How this should be apportioned between Magherafelt, Dungannon and Cookstown is a matter that should be presented in the Preferred Options Paper for public consultation. Each of the hub settlements should at least have a provision of 45-50 hectares. Following consultation the economic objectives should be finalised together with the allocation for publication of the Draft Plan Strategy.
- A review of policies contained in PPS4 should be undertaken identifying options for policy revisions for member consideration. This should include further consideration of whether sufficient protection is afforded to existing industrial sites. The findings should be presented in the Preferred Options Paper to inform industrial policies to be included in the Plan Strategy.
- There is a need for a full evaluation of the deliverability of existing zonings. The Preferred Options Paper should be used to test whether the owners of existing zonings are willing to provide their land for economic development and whether there are any other land owners willing to provide land. An evaluation of sites will be undertaken before final zoning are included in the Local Policies and Proposal Plan.
- The option of creating economic zones at Ballygawley interchange and Castledawson interchange should be included in the Preferred Options Paper for public comment. No commitment to this as of yet should be given.

Councillor Bell advised that policy changes would need to concentrate on the needs of people resulting from social deprivation.

Councillor Clarke stated that population trends should be investigated. He added, since the construction of the new A4 road at Ballygawley more people and families have decided to settle in the Ballygawley area because of its centrality. These areas have the potential for job creation as they are sitting in very strategic positions for employment. This is very important in the contribution to improving the rural population.

Councillor McPeake advised that it would be important to keep all options open and Ballygawley should be considered, as land at Castledawson is in the ownership of the Council.

Councillor Mallaghan stated that the trip to Scotland showed that if zoned land was not utilised within the timeframe then it is taken back. He felt that the same method should be applied to here.

The Chair thanked and congratulated Ms McEvoy on her impressive report.

The Committee agreed that the paper be taken as read.

P15/15 Duration of Meeting

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

CHAIR _____

DATE _____

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Minutes of Meeting of Policy & Resources Committee of Mid Ulster District Council held on Tuesday 3 February 2015 in Cookstown District Council Offices

Members Present: In the Chair, Councillor McPeake (Chair)
Councillors Ashton, Bateson, Buchanan, Elattar, Glasgow, Mallaghan, McFlynn, McGinley, McLean, S McGuigan, Molloy, M Quinn, Reid and Totten

Members in Attendance: Councillors Clarke, Gildernew, Kearney, B McGuigan, McNamee, Mulligan and Wilson

Officers in Attendance: Mr A Tohill, Chief Executive
Mrs Campbell, Director of Policy and Development (MDC)
Mrs Canavan, Lead HR Officer
Mr Cassells, Director of Operations (MDC)
Mr Deaglán Ó Doibhlin (MDC)
Ms Sarah Jayne Goldring (MDC)
Mr Hall, Head of Audit, Risk and Governance (CDC)
Mr Séamus Kilpatrick, Irish Language Officer (D&STBC& CDC)
Mrs Mezza, Marketing Communications Manager
Mr Moffett, Change Management Officer
Mr McCreesh, Acting Chief Executive (CDC)
Mr O'Hagan, ICT Manager
Mr JJ Tohill, Lead Finance Officer
Mrs Smith, Council Business Manager (D&STBC)

In Attendance: **Mid Ulster Forum for the Irish Language**
Mr Seán-Anton Ó Conalláin
Ms Máire Coyle
Mr Níall Devlin
Mr Pól Ó Gallchóir
Mr Niall O'Kane

The meeting commenced at 7.05 pm

PR18/15 Apologies

None.

PR19/15 Declarations of Interest

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

Councillor Ashton declared an interest in the Advertising Policy being an employee of one of the companies. She did not leave the room for the item of business.

Councillors McGuigan and Mallaghan declared an interest in the Mid Ulster Forum for the Irish Language as they attended the Forum. They did not leave the room for the item of business.

PR20/15 Deputation – Mid Ulster Forum for the Irish Language

The Chair welcomed the deputation from the Mid Ulster Forum for the Irish Language and invited them to make their presentation.

Mr Devlin with the use of a power point presentation gave the profile of the Irish language in Mid Ulster, explained Irish as an economic driver, listed the benefits to Mid Ulster and recommended that Council:

1. Establish an inter-agency Irish language partnership supported by Council;
2. Continue to support existing development posts to link Council directly to communities;
3. Develop a strategic development plan;
4. Undertake a full Social Return on Investment audit;
5. Continue to enhance Council's service to become a model of best practice for Irish language promotion.

The Chair, Councillor McPeake thanked Mr Devlin for the presentation and spoke of the richness, value and promotion of the Irish language throughout the district.

Councillor Mallaghan stated that the figures show a strong Irish language in Mid Ulster and asked what growth is expected with respect to those speaking the Irish language.

Mr Devlin stated that it is difficult to quantify, currently 17% which equates to approximately 25,000 who live in the Mid Ulster Council area having knowledge of Irish. Numbers are on the rise in formal education and also with adult learners.

The Chair, Councillor McPeake, asked if the Forum had formally contributed to the recent Mid Ulster District Council community planning process.

Mr Devlin stated that representatives had attended consultation events across the region and fed in thoughts on what should be taken into account for support and development in the coming years.

Councillor McGuigan asked who the Forum thought should take recommendation 4 forward on Social Return on Investment Audit.

Mr Devlin stated that there were a lot of benefits and quite a few measureable in relation to development of social cohesion within communities and developing social enterprises. He stated that An Carn in Maghera, and the range of services that flowed from that, was a good example.

The Chair, Councillor McPeake stated that An Carn was a very good model for moving forward with and felt it would be useful sometime for the Council if the Forum was to share the details of the programmes and services at the centre.

Mr Gallchóir who represented An Chraobh Rua, Dungannon stated that their request to Council was very minimal. The Group had a lot of social activities taking place, had limited income and to have space within Ranfurly House free of charge for a couple of evenings a month would be helpful.

The Chair stated that the group should put the request in writing to the Council for further consideration.

Councillor Mulligan asked that aside from protecting and preserving the language for future generations, do you see a day when the language in any way would be accepted as a major contributor in commerce and be advantageous.

Mr O’Kane stated that languages in their diversity all have a part to play, English is the international language in commerce and Irish language would not replace that. The focus of the benefits of the Irish language is in terms of social, arts and cultural heritage activity and programmes.

Councillor M Quinn asked how much effort is put into a schools outreach programme and if there were any plans for the development of an Irish Officer to go into schools.

Ms Coyle stated that currently ‘A’ level students go to local primary schools and provide sessions on the language. This is something that is of valuable experience and more appealing to young people to learn, given that they’re being delivered by young people.

Mr Kilpatrick advised that currently Cookstown District Council runs an outreach programme within primary schools.

Mr O’Kane stated that the Forum is representative of the area and is happy to take on board suggestions.

Councillor Molloy enquired on the future development within education.

Mr O’Kane stated that the primary sector has experienced growth and were now feeding into language units. The post primary sector is being considered as there is not enough spaces for children and there is debate in relation to whether the development should be units within existing schools or separate streams.

Councillor McPeake thanked the team for the detailed presentation following which they left the meeting at 7.33pm.

**PR21/15 Receive and confirm minutes of the Policy & Resources
Committee held on Tuesday 13 January 2015**

Item PR3/15 - Deputation – Land & Property Services on Revaluation of Non-Domestic Properties

The Chief Executive referred to the penultimate paragraph on page 2 and stated that what he actually said was that “in doing some quick sums 850 properties will face

increased rateable values of 50 per cent or greater”. Amend minutes, Page 2 penultimate paragraph, remove the words “rates bills” and insert “rateable values”.

Resolved That the Minutes of the Meeting of the Policy & Resources Committee held on Tuesday 13 January 2015 (PR1/15 – PR14/15 & PR17/15) were considered and, subject to the foregoing, were signed as accurate and correct.

Matters for Decision

PR22/15 Advertising Policy

The Marketing Communications Manager presented a report with regard to the introduction of an advertising policy for the placement of public notices, tender and recruitment advertisements.

The Officer stated that public notices are used by a range of services to meet statutory obligations, including finance, environmental health and licensing. Tender and recruitment advertising are also required on a cross-service basis.

Mid Ulster District Council has a large geographic area, with a diverse population and a total of 11 local newspapers which circulate in, or in parts of, the new district.

The circulation of newspapers varies from those of a few thousand to the Tyrone Courier which is arguably the largest local weekly newspaper in Northern Ireland. However, in considering the issue of public notice advertising, the geographic reach of the newspapers and the readership preferences of different communities are also important.

List of newspapers circulating in the Mid Ulster District Council Area

Newspaper	Circulation	Source
County Derry Post	4,478	ABC 2013
Dungannon Observer	Requested	Observer Newspaper Group
Impartial Reporter	12,802	ABC 2013
Mid Ulster Mail	6,534	ABC 2013
Mid Ulster Observer	Requested	Observer Newspaper Group
Northern Constitution	13,725	Alpha Newspaper Group 2012
The Democrat	Requested	Observer Newspaper Group
Tyrone Constitution	7,996	Alpha Newspaper Group 2012
Tyrone Courier	15,083	Alpha Newspaper Group 2012
Tyrone Herald	6,010	ABC 2013
Tyrone Times	3,564	ABC 2012

ABC: Audit Bureau of Circulation

The policy, therefore, proposes that 7 of the 11 local newspapers are used for the purposes of public notice advertising, excluding the Tyrone Constitution (Omagh is at the centre of its circulation) and the Northern Constitution (Limavady is at the centre of its circulation), both of which are sister newspapers to the Tyrone Courier. The

Tyrone Herald which also circulates predominantly in Omagh district and The Democrat, the circulation of which overlaps to a degree with its sister newspaper, the Dungannon Observer are also excluded.

In recognition of the correlation between salary scale and travel to work distance, recruitment advertising is recommended in local papers for those posts from Scale 1 to Scale 6, with the Belfast Telegraph stipulated for those posts of SO1 and above.

The policy recommends that tender advertisements should be placed in the Belfast Telegraph, except in circumstances where a tender is within EU thresholds. This reflects the current policy across existing councils.

The Council's web site, and other digital media as appropriate, will also be used to publish relevant advertisements.

The financial impact of the policy is difficult to assess given a lack of historical data and the anticipated advertising requirements of the new Council.

Public notice advertising for the Planning Service (2013-2014) totalled over £71,000, spread across 6 local papers. The draft policy omits 2 of these titles, the Tyrone Constitution and The Democrat, the advertising costs of which in the last financial year amounted to over £26,000.

While more local papers are proposed for public notice advertising than those used by any of the existing councils, the necessary duplicate advertising which would have taken place by three separate organisations, will no longer be required.

The savings secured on the omission of the 2 titles currently used by the Planning Service should compensate for the additional advertising requirements.

While expenditure on tender advertising is dependent on future procurement needs, tender advertising limits will be higher under the new Council's procurement policy, which is likely to result in fewer advertisements being placed and reduced cost.

Recruitment advertising at SO1 and above has been limited to the Belfast Telegraph, omitting the Irish News and News Letter, which are currently used by 2 of the existing 3 councils. In addition, should the shared advertising model for recruitment, which is currently used by some of the existing 26 councils, be continued post April 2015, there is also scope to reduce expenditure on recruitment advertising yet further.

The co-ordination of the editing, design and placement of all advertisements by a central service will ensure ads from different parts of the organisation can be combined, where appropriate, and that text can be edited to ensure ads make the most efficient use of space, reducing advert sizes and, therefore, cost.

Opportunities to negotiate for discounted rates directly or to take advantage of media rebates available via an agency will also be explored to obtain the most economically advantageous approach to media buying.

The officer recommended that the policy for advertising public notices, tenders and recruitment is considered for adoption for a period of 6 months at which point the policy will be reviewed and amended if required.

Councillor Ashton referred to a section in the policy with regard to Directors and Heads of Service setting budget and then relying on the Marketing Communications service to spend the budget and asked how this would be managed.

The Marketing Communications Manager stated that budget would be set and held by Directors with communications role to monitor where budget is being spent and to co-ordinate and monitor advertising so that two departments not putting in separate adverts in the same week etc.

Councillor Mallaghan asked how the ABC works. The member also stated that the Belfast Telegraph is not the only regional paper and what going to do from 1 April would be very difficult to change and need to be sure that reaching most people by using a limited number of papers.

Councillor McFlynn asked how much would be saved by only going with one regional paper and if all communities would be reached.

Councillor Molloy asked how often it is anticipated would need to advertise in regional papers.

The Marketing Communications Manager stated that ABC is the accepted industry standard. It is accepted that the Belfast Telegraph is read across communities and is a way of controlling expenditure. The Belfast Telegraph is probably the most expensive and would estimate that by only using the Belfast Telegraph would reduce overall costs by about a half. It is not anticipated, given existing restrictions linked to local government reform, that there would be a lot of need for recruitment advertising.

Councillor Reid, in the interest of savings, asked if quotations could be sought or advertising placed in local papers on a rotational basis.

The Chief Executive stated that with a number of the public notices there is a legal obligation to advertise in 2 newspapers circulating in the area. He added that some Councils have taken the decision not to use local papers and to advertise in regional papers only.

The Chair, Councillor McPeake stated that maybe situation should be parked until get comparison figures for Newsletter and Irish News.

The Chief Executive stated that some services, such as street trading, need a steer on the policy approach and recommended that the committee could approve the policy with regard to local papers with further details in relation to regional papers being brought back to committee.

Proposed by Councillor McFlynn
Seconded by Councillor S McGuigan and

Resolved That it be recommended to the Council to approve policy, with regard to use of local papers, as outlined and that the situation with regard to tenders and higher level recruitment in regional papers be further investigated and brought back to committee.

Councillors Clarke and McNamee and Mallaghan left at 7.45 pm.

PR23/15 Health and Safety Policy

Mr Hall presented a report on the draft Health & Safety Policy for consideration and approval by committee.

The Officer stated that the Health and Safety at Work Order (NI) 1978 requires that all employees must prepare and keep under review a safety policy to bring to the attention of employees. The bringing forward of a health and safety policy and its subsequent implementation across Mid Ulster Council will assist in meeting this statutory requirement as set out under the aforementioned Health and Safety at Work Order.

The policy will:

- Demonstrate that Council is committed to addressing its health and safety obligations.
- Provide and maintain a safe working environment for employees and the wider community in which they interact.
- Provide a framework for health and safety management at all levels which adopts and supports best practice.
- Comply with, and where practicable exceed, the requirements and targets set by existing health and safety legislation.

The policy allows for and facilitates the establishment of a Health & Safety Committee the purpose of which will be to assist in discharging responsibilities placed upon the office of Chief Executive and the Council. The committee will be consultative in nature and be made up of senior officers and safety representatives from recognised Trade Unions.

The undertaking of Risk Assessments and effective management of risk is integral in providing a safe and healthy work place.

Councillor Wilson left at 7.52 pm

Councillor Ashton referred to reference to the appointment of a Director with strategic responsibility for health and safety and also appointment of a corporate health and safety officer and asked for an explanation.

Mr Hall stated that the Director role is to act as health and safety champion, to ensure full compliance with statutory requirements and advise on health and safety issues. The Corporate Health and Safety Officer will provide professional advice and

support. The Chief Executive advised that one of the Directors within the adopted management structure will have strategic responsibility for health and safety.

In response to a question from Councillor Bateson the Chief Executive stated that reports on health and safety performance will come to the Policy and Resources Committee and that will give members the opportunity of monitoring this area of work.

Proposed by Councillor McLean
Seconded by Councillor Buchanan and

Resolved That it be recommended to the Council to approve the draft health and safety policy as presented.

PR24/15 Committee Governance Arrangements

The Chief Executive presented a report on future committee governance structures bringing attention to the four committees set up with 16 members on each, for Planning, Policy & Resources, Environment and Development for the transitional period. He added that the structure has served the Council well in making preparations for the full adoption of its responsibilities on 1 April 2015, however some refinement is required.

Section 19 of the Local Government Act 2014 states that Councils must operate a committee system unless the council decides otherwise by a qualified majority. A traditional committee system can be summarised as follows:

- Chair and Deputy selected using Schedule 1 (d'Hondt)
- Membership will be selected using Schedule 2 (quota greatest remainder)
- No restriction on number of committees
- No restriction on number of elected members
- Not subject to overview and scrutiny arrangements
- May delegate to sub-committees and officers

A committee based system is proposed to help ensure good governance in decision making of the Council from 1 April 2015. The proposed committee structure with core aligned functions presented were:

Planning Committee

- Development Management
- Planning Enforcement
- Area Plan Development

Policy & Resources Committee

- Democratic Services
- Finance
- Governance
- Human Resources
- Registration

- ICT
- Marketing & Communications
- Policy
- Performance
- All other matters which do not fall within the remit of any other committee.

Environment Committee

- Building Control
- Environmental Health
- Capital Projects
- Licensing
- Waste Management
- Cleansing
- Property Management
- Grounds Maintenance
- Off Street Car Parks

Development Committee

- Cultural Venues
- Arts Development
- Languages
- Leisure
- Sports Development
- DCAL Functions
- Parks & Open Spaces
- Play Areas
- Access
- Community Services
- PCSP
- Rural Development
- Economic Development
- Physical Regeneration
- DSD & DETI Functions
- Tourism
- Events

Audit Committee

- Internal controls
- Audit
- Risk

The Chief Executive stated that the Chair and Vice Chairs of the above committees will be Positions of Responsibility. As was the case during the transitional period it was proposed that there be 16 Members on all committees with the exception of the Audit Committee where it was proposed that there are 8 Members and one independent member.

In line with normal practice it was proposed that the quorum for all committees be one third of the total number of committee members, so 6 for Planning, Policy & Resources, Environment and Development and 3 for Audit Committee.

Members holding positions of responsibility may be paid a special responsibility allowance. The external representative on the Audit Committee will receive remuneration commensurate with the role.

Committee meetings can be accommodated within the existing council chambers in any of the existing councils.

It was proposed to split the committee meetings over the first two weeks of each month and hold the meetings on Tuesday and Thursday evenings at 7pm alternating between Cookstown and Magherafelt and that Council meetings are held in Dungannon at 7pm on the fourth Thursday of each month. The Chief Executive presented a draft schedule of meetings was presented for Members approval.

The Chief Executive added that a further paper would be brought forward on the terms of reference for each committee and delegated authority, where relevant.

The Chief Executive asked members to consider and approve:

- Five committees as detailed
- Confirm if the Chair and/or Deputy Chair should be ex-officio members of all committees except Audit
- Permit any Member to be present and heard at any committee meeting but only committee members to have voting rights
- Use the default method as outlined in Schedule 2 of the Local Government Act 2014 for the appointment of councillors to committees ie the quota of greatest remainder
- The draft schedule of meetings.

Councillor Mallaghan proposed that it be recommended to the Council that the above items are accepted and in considering the civic responsibilities that will be placed on the Council Chair the position will be very busy and therefore it and deputy chair should not be ex-officio members of each committee but the spaces this would leave on committees be filled by nominating officers in the normal way.

Councillor Wilson stated that he welcomed Councillor Mallaghan proposal and was happy to support.

Councillor Reid seconded the proposal which was agreed.

Councillors Mallaghan and Wilson left at 8.02 pm.

PR25/15 Filling Positions of Responsibility – Annual Meeting Arrangements

The Chief Executive presented a report informing members of arrangements for the annual meeting of Mid Ulster District Council and the requirements on filling positions of responsibility.

The Chief Executive stated that Mid Ulster District Council held its first annual meeting, as required under The Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (NI) 2014, within 21 days of the 2014 local election at which business was transacted which included filling positions of responsibility for the term ending 31 March 2015, the transitional period. The same regulations require that the Council hold a further Annual Meeting during the transitional period, which the council is currently operating, to fill positions of responsibility for the new term beginning 2015. The Annual Meeting for this purpose and to transact other relevant business will take place on Thursday 12 March 2015 at 7pm in Dungannon and South Tyrone Borough Council offices. Under existing Council Standing Orders in every year that is not an election year annual meetings will be held in June. Next year's annual meeting will be in June.

The Chief Executive added that the purpose of Council's annual meeting would be to fill Positions of Responsibility as specified within the Local Government (NI) Act 2014 as the;

- Chair of the Council;
- Deputy Chair of the Council;
- Chair of any committee of the council;
- Deputy Chair of any committee of the council;
- Member of a cabinet style executive of the council (not applicable) and
- External representative of the council.

In reference to those bodies identified as receiving an 'external representative' of council the following were identified:

- Housing Council for NI
- Partnership Panel for NI
- Reserve Forces and Cadets Association for NI
- Policing & Community Safety Partnerships (PCSPs)

The Chief Executive stated that for clarity purposes and in reference to the Local Government Act the DoE has confirmed that an external representative means a person nominated by the council to serve as a member of any public body, where a public body is specifically established under a statutory provision, such as the Justice Act 2011.

Reflecting on the committee structure previously considered by this committee and positions to be filled on public bodies, detailed above, 67 positions of responsibility are available and will be considered at the annual meeting on Thursday 12 March.

The Chief Executive added that Party Nominating Officers will be requested to select positions for the terms. Where nominating officers select positions which begin with the date of the annual meeting they must also nominate the person to hold the position. Nominating officers at future annual meetings for 2016-17, 2017-18 and 2018-19 will then provide the names of members for each position selected at the annual meeting on 12 March 2015.

On the method for filling Positions of Responsibility the Chief Executive added that the Local Government Act provides for the prescribed methods of appointing positions of responsibility; d'Hondt, Sainte-Lague and by single transferable vote. The Council must use one of these methods when allocating members to positions of responsibility. However, unless agreed otherwise by a qualified majority vote of council the default method shall be d'Hondt.

Councillor B McGuigan left at 8.05 pm

Making reference to Policing and Community Safety Partnerships as attracting Positions of Responsibility the Chief Executive stated that the Justice Act 2011 permits that a PCSP may have a membership of 15, 17 or 19 with there always being one more elected member than independent members. On the basis of the size of the new Council area a 19 member partnership would provide maximum representation across the district thus creating 10 positions of responsibility on the PCSP.

In referring to the Housing Council he stated the Housing (NI) Order 1981 confirms that Housing Council representation from each local authority should be the chairman of each district. However, the district council may appoint any member to become a member of the Housing Council in place of the chairman, if it so wishes. He added that Members should consider if this position be held by the Chair of Council as the default position within the Housing (NI) Order 1981 or be delegated to another member of the council.

The Chief Executive therefore asked the committee to reflect and consider:

- Note the number of positions of responsibility as 67
- Determine method for Filling Positions of Responsibility, the default being d'Hondt
- Determine if the representative on the Housing Council is the Chair of Council or be delegated to another member
- Agree the size of the PCSP to determine elected member representation

Councillor McLean stated that, in order to have a better understanding and provide good service, maybe there should be continuity of Housing Council representative.

The Chief Executive stated that because legislation states that the Chair of the Council holds the position the natural logic would be that the representative changes each year which would be 4 positions of responsibility, requiring a party to pick that position four times.

Councillor Elattar, a serving member on the Housing Council, stated that it was not a bad thing to have a change in representation on a regular basis.

In response to Councillor Reid’s question in relation to commitment required by from a Housing Council representative Councillor Elattar stated that there are two meetings a month and it meets at various locations across the province.

Proposed by Councillor Bateson
 Seconded by Councillor McFlynn and

Resolved That it be recommended to the Council that:

- the number of positions of responsibility noted; 67
- use d’Hondt for filling positions of responsibility
- representative on the Housing Council be delegated to member other than the Chair
- the size of the PCSP should be a 19 member Partnership, with elected membership of 10 positions of responsibility

Councillor Gildernew left at 8.12 pm.

PR26/15 Consultation Arrangements – Irish Language Policy

Mrs Campbell presented for information a report setting out timeframes in respect of the Irish Language Policy public consultation and assessment of equality impacts.

She added that the Council agreed at its meeting of the 22 January 2015 that the draft Irish Language Policy be subject to an equality assessment and the timescales required were:

Activity	Timescale
• Equality Screen draft policy	26 Jan – 6 Feb 2015
If the policy is screened in:	
<ul style="list-style-type: none"> • Preparation of consultation documents • Translation of policy and consultation documents into Irish • Creation of consultee lists and documentation 	9 Feb – 28 Feb 2015
12 week consultation period	2 March – 22 May 2015
<ul style="list-style-type: none"> • Consideration of consultation responses • Assess equality impacts • Amend policy as required 	25 May – 13 June 2015*
Amendments agreed by Council	Recommendations presented to June 2015 Council meeting for policy approval.

Mrs Campbell further advised that professional support of £9,000 was previously agreed by Council should an EQIA be required and translations undertaken by existing Irish Language Officers.

Councillor Kearney left at 8.15 pm.

Matters for Information

PR27/15 Draft Procurement Policy

The Lead Finance Officer submitted a report on the proposed Procurement Policy drafted in accordance with report to Policy and Resources Committee on Tuesday 3 September 2014 which was adopted at Council's meeting on Thursday, 25 September 2014. Members were asked to give consideration to the draft policy.

The Officer stated that Mid Ulster District Council has a duty to protect the public funds with which it is entrusted and to apply them in a transparent and effective manner having regard to all relevant legislation and in the context of an appropriate governance environment. The adoption of the proposed procurement policy should provide officers with the necessary framework, procedures and documentation to deliver upon this duty and evidence compliance therewith.

In accordance with the recommendation of the Proposed Procurement Approach previously adopted by Council, the fundamental principle is that all relevant staff will conduct each procurement exercise in a consistent manner, having regard to common financial limits which will dictate the method of procurement and how the recommended course of action will be approved. Significantly the process will, for lower value purchases, be decentralised with each process being under the overall control of the relevant Director. The Procurement Department will lead higher value and more complex procurement exercises and be available for advice and support in relation to decentralised exercises.

Professional support such as architects will continue to be required in relation to very complex procurements, usually significant capital projects, and such services will be procured having regard to the procurement policy.

The officers have identified a range of goods and services, which are still being tabularised, which are routinely excluded from the need to comply with the procurement policy on for example the placement of public advertisements and consumables, which are already the subject of a previously awarded contract.

The Lead Finance Officer added that officers were continuing to develop the associated forms and templates which will support decentralised procurement and appropriate evidencing of decisions throughout each procurement exercise on a consistent basis.

Councillor Molloy referred to a conversation with an officer from DSD with regards to tenders for services which are above EU thresholds and the fact that tender has to be assessed solely on what was presented and cannot take into consideration past

works that a particular contractor may have been involved. Councillor Molloy asked if the Council would be tied on a similar basis.

The Chief Executive stated that if a Council contract is above the EU threshold the Council will be in a similar position and will be required to follow EU procurement rules.

Councillor Reid stated that there was a need for everyone dealing with writing specifications and costing jobs to be trained as proper estimates would be required going forward.

Councillor S McGuigan stated that when setting tenders it would be important that contracts contain clauses that are relevant and which are a useful tool for the council to draw on if they overrun.

The Lead Finance Officer stated that one of the items in the policy is to look at the competence of staff writing specifications and there are standard terms and conditions but it is difficult to get specifics included.

Councillor Glasgow and Reid left at 8.30 pm.

PR28/15 Capacity Building

A report was circulated informing and updating members on the arrangements put in place to build capacity for both elected members and staff, via the development of a planned programme of capacity building for staff across the 3 councils.

The Council Capacity Building Plan has been developed to ensure elected members, senior staff and all other staff are ready to meet the challenges of change and of a new organisation. The Capacity Building Plan is being delivered in two blocks: September to December 2014, which is now completed, and January to March 2015, which is currently on-going.

The Capacity Building plan has been structured and developed through a series of programmes focusing on the following themes:

- Induction
- Building Knowledge
- Supporting Transition and Change

The programmes and support measures focus on systems development and new business thinking rather than direct service delivery.

The training is being alternated where possible between Councils within the Mid-Ulster Cluster, is funded from within the DOE Capacity Building Budget, Local Government Staff Commission and Local Government Training Group.

PR29/15 Criminal Justice Inspection of PCSPs

A report was circulated updating members on the outcome of the inspection undertaken by the Criminal Justice Inspection (NI) into the review of the operation of Policing and Community Safety Partnerships (PCSPs).

PCSP's were established following the amalgamation of functions previously set under statute for District Policing Partnerships and Community Safety Partnerships. Now in operation a number of years Criminal Justice Inspection (NI) has undertaken an inspection with a focus on Governance Arrangements, Monitoring Police Performance, Delivering Community Safety and Improving Effectiveness.

Following the inspectorate's review of governance, delivery and outcomes of Policing and Community Safety Partnerships two strategic recommendations were made;

1. From 2015 the Locals Councils should provide the compliance and assurance framework for PCSPs. The Community Plan should be a focal point for delivery of the long term aims of the PCSP. The action plans of the PCSPs should feed into the Community and alignment with the aims of the statutory partners and other central government strategies should be explicit. The Joint Committee should retain oversight through the Policing Committee reports and regular review of the effectiveness of the PCSPs; and
2. Following implementation of LGR (local government reform), the cost of administration should not exceed 20% of the budget allocated to PCSPs.

Council and relevant officers should consider the contents of the report and the strategic recommendations above in the development and delivery of the Mid Ulster Council PCSP function.

PR30/15 ICT Procurement Update

A report was circulated updating and informing members on the telephony contracts for Mid Ulster Council, the convergence into a single bill and the savings from the application of a universal rate as a temporary measure.

As part of the unified communications deployment across the Council the ICT manager has examined the current contracts providing telephony across the existing three councils. BT is the principle current provider for telephony lines and call services for all three councils. As part of the current analysis of bills it was found that Cookstown was on the most competitive deal after a tender exercise less than 2 years ago. Extrapolation of existing line rentals within the other 2 councils with the lower Cookstown rates would mean £15,000 worth of saving in line rental charges. Call rates based on the existing Cookstown tariffs would also capture in the region of £15k of saving on one year. A total of approx. £30k in reduced spending is anticipated.

Officers are engaging with BT to implement the most competitive contract rate from Cookstown for a period of one year for all lines and calls. Subsequently the contract will be subject to a tender competition as the unified and telephony requirements

across the new infrastructure and structures will be more readily determined and established.

Confidential Business

Proposed by Councillor S McGuigan
Seconded by Councillor McGinley and

Resolved That items PR31/15 and PR32/15 be taken as confidential business.

In response to a point of information by Councillor Mulligan, who was not a member of the committee, the Chief Executive confirmed that the Member could remain in the meeting.

PR33/15 Duration of Meeting

The meeting was called for 7 pm and ended at 9.25 pm.

CHAIR _____

DATE _____

E

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Wednesday 4 February 2015 in Cookstown District Council Offices**

- Members Present:** In the Chair, Councillor Cuddy (Chair)
- Councillors Buchanan, Burton (7.03 pm), Cuthbertson, Gillespie, Mallaghan, McAleer (7.12 pm), McFlynn, McGinley, B McGuigan, McNamee, Mulligan, J O'Neill, Reid
- Officers in Attendance:** Mr Tohill, Chief Executive
Mrs Caldwell, Head of Environmental Health (CDC)
Mr Cassells, Director of Technical Services and Leisure Services (MDC)
Mr Kelso, Director of Environmental Health and Building Control (CDC)
Mr Law, Head of Waste Services (DSTBC)
Mr McAdoo, Head of Waste and Contracts Management (CDC)
Mrs McClements, Director of Environmental Services (DSTBC)
Mr Scullion, Head of Technical Services (CDC)
Mr Wilkinson, Head of Building Control (CDC)
Miss Thompson, Committee Services/ Senior Admin Officer (DSTBC)

The meeting commenced at 7.02 pm

E9/15 Apologies

Councillors McGuigan and Mullen

E10/15 Declarations of Interest

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

E11/15 Receive and confirm minutes of the Environment Committee meeting held on Wednesday 14 January 2015

Proposed by Councillor Cuthbertson
Seconded by Councillor Mulligan and

Resolved That the Minutes of the Meeting of the Environment Committee held on Wednesday 14 January 2015 (E1/15 – E6/15 and E8/15) were considered and signed as accurate and correct.

Councillor Burton entered the meeting at 7.03 pm

Matters for Decision

E12/15 Transport NI Environmental Maintenance

Mr Scullion provided Members with an overview of the TransportNI grass cutting functions carried out by Council and sought Members views on service delivery from 1 April 2015.

At the moment the three Councils carry out all or some of TransportNI's functions as follows:

- Town and village grass cutting of verges and sightlines at junctions
- Off Street Car park cleansing
- Streetscape hard surfaces weed control
- Snow/Ice clearance of town centre footpaths in periods of prolonged ice

With regard to grass cutting the TransportNI policy is to cut grassed areas up to twice a year in rural areas up to one swathe width for safety reasons. This includes areas at sightlines and junctions as necessary. In urban areas the policy is to cut grassed areas five times per year across the full verge within the 30mph boundaries. In addition to Council and TransportNI, the NI Housing Executive cut grass in towns and villages. Often grass is cut to three different standards.

In lieu of grass cutting services TransportNI make a payment to Councils annually depending on the amount grass is cut and to what standard.

Due to the nature of grounds maintenance works much of the planning and preparation is undertaken 12 months in advance. Due to time constraints grounds maintenance arrangements for the new Council are expected to be the same as the current year.

Correspondence received from TransportNI suggests that payment in lieu of grass cutting services may not be made in 2015/16 and arrangements need to be agreed with TransportNI. At present, approximately £29,000 has been included as income from TransportNI in lieu of Council services in the draft Mid Ulster District council financial estimates for 2015/16.

Mr Scullion asked Members to note the contents of the report and to give approval to enter into discussions with TransportNI to agree a way forward with grass cutting in Mid Ulster for 2015/16.

Councillor McNamee commented that this appears to be another function which is being off-loaded to Councils without reimbursement.

Councillor Burton advised that rural areas are as much in need of grass cutting as the urban areas.

Councillor McFlynn advised that TransportNI currently make presentations to each of the Councils and asked if TransportNI be invited to a future meeting of Mid Ulster District Council.

The Chief Executive confirmed that TransportNI will be invited twice yearly to make a presentation to the Council. He advised that it will be important to meet with TransportNI to discuss reimbursement for grass cutting for 2015/16 season and also to discuss continuity of approach to grass cutting as operations are currently serviced by different TransportNI sections resulting in different quantities of grass being cut in each area and different rates of payment.

Councillor Reid felt that Council should not be taking this function on without reimbursement.

Proposed by Councillor Cuthbertson
 Seconded by Councillor B McGuigan and

Resolved That it be recommended to the Council to enter into discussions with TransportNI to agree a way forward for grass cutting in Mid Ulster for 2015/16.

E13/15 Transitional Arrangements for Byelaw Control

Mrs Caldwell updated Members on the Byelaws currently in force in the current Council areas and the arrangements for transposing these for use in Mid Ulster District Council in April 2015.

Under the Local Government (NI) Act 1972, Councils were given the power to introduce Byelaws for the Good Rule and Government of their District. These controls were utilised to provide for the regulation and management of parks, recreational facilities and local cemeteries, in addition to commercial activities such as hairdressing, tattooing, ear piercing and cosmetic skin treatments. Byelaws currently in force across the three Council areas are:

BYELAWS
<p><u>General Public Health</u></p> <ul style="list-style-type: none"> • Cosmetic Piercing • Semi-Permanent Skin Colouring • Tattooing • Hairdressers Act (NI) 1939 • Ear-Piercing and Electrolysis • Acupuncture
<p><u>Good Rule and Government</u></p> <ul style="list-style-type: none"> • Byelaws for Use of Designated Pleasure Grounds • Byelaws for Rules and Regulations of Public Cemeteries • Byelaws for Consumption of Alcohol in Public Places

The procedures for revoking old Byelaws and establishing New Byelaws are defined in guidance provided by the Department of the Environment. As this is in effect a legislative process, the Council must follow the procedures as set out in the Local Government (NI) Acts 1972 and 2014. The procedure for introducing a new or revised Byelaw is:

- Draft New Byelaws
- Committee considers / agrees – Draft Byelaws
- Draft Byelaws are publicly advertised local papers – 1 month
- Committee considers public comments / revises Draft Byelaws
- Committee ratifies 'Byelaws'
- Ratified Byelaws forwarded to relevant NI Department for "Signature"
- Byelaws returned and publicly advertised / implemented

As the amendment or introduction of a new Byelaw is a legislative procedure the timescales and arrangements must be adhered to. The process as outlined above can take between three and six months to complete before the new Byelaw can take effect. This will depend on how quickly the relevant Northern Ireland Department agrees and signs off the Draft Byelaw. An officer working group has been established within Mid Ulster to review the current suite of Byelaws and prepare new draft Byelaws for Members' consideration.

The Department of the Environment has recognised given the timescales that it would be impractical to expect new Councils to have revised Byelaws in place for April 2015. The Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (NI) 2014, Regulations 3 and 4 provide for the transfer of existing Byelaws to the new Council for their regulation and control until new Byelaws are approved.

This will mean that the current set of Byelaws will require to be ratified by Mid Ulster District Council after 1 April 2015, when it becomes a legal entity. A report will be brought to Members at the earliest Committee, setting out the Byelaws and the legal arrangements for doing same. These arrangements will enable Council to apply the Byelaws, until such times as a new set are drafted, considered and consulted upon.

Proposed by Councillor B McGuigan
Seconded by Councillor Reid and

Resolved That it be recommended to the Council to ratify the current set of Byelaws after 1 April 2015 in order that they may be applied until such times as a new set are drafted, considered and consulted upon.

E14/15 Street Naming and Property Numbering Policies

Mr Wilkinson advised Members of the Street Naming and Property Numbering Policies within the constituent Councils across Mid Ulster.

Currently each Council has an approved policy for Naming of Streets/Roadways, the policy as agreed in each case is based on Article 11 of The Local Government (Miscellaneous Provisions) (NI) Order 1995. Each Council policy has incorporated slightly different approaches to approval for names of Streets / Roadways which include:

Include

- Number of naming options requested from developer

- Inclusion of townlands in name
- Inclusion of a name specifically relating to a locality

Exclude

- Exclusion of names marking historical or political events
- Exclusion of names relating to an individual person or family
- Exclusion of names which may have a similar street name in same locality (or postcode)

Mid Ulster Council will require a Street Naming and Property Numbering Policy to enable new properties to be suitably addressed from 1 April 2015.

Councillor McNamee felt it is important that townlands continue to be used in street naming and also expressed the need for bilingual signage.

Councillor Mallaghan advised Members of the current policy used regarding bilingual signage in Cookstown District Council. Councillor Mallaghan also enquired whether it is a legal requirement to display the number on a property.

Mr Wilkinson advised that there is nothing in legislation which states a number has to be displayed and that it is at the discretion of each Council if they wish to enforce this issue. In relation to bilingual signage Mr Wilkinson advised that legislation states that signage must be in English and any other language.

Councillor Cuthbertson felt it important that when townland names are being used that an additional name also be incorporated such as Avenue or Way so that other properties in the area can continue to use the townland name if they wish without confusion.

Councillor Mulligan felt that the use of family names should be discouraged as there is always the risk of names being excluded.

Proposed by Councillor Burton
Seconded by Councillor B McGuigan and

Resolved That it be recommended to the Council to base the Street Naming and Property Numbering policy for Mid Ulster District Council on the Inclusions and Exclusions as listed above.

E15/15 Entertainment Licensing

Mr Wilkinson updated Members on the licensing of Places of Entertainment within constituent Councils across Mid Ulster.

The Council has responsibility for Licensing Places of Entertainment in accordance with The Local Government (Miscellaneous Provisions) (NI) Order 1985. Within the legislation, it specifies the types of entertainment which require licensing as follows:

- Theatrical performances;
- Dancing, singing or music or any other entertainment of a like kind;

- Any entertainment which consists of, or includes any public contest, match, exhibition or display of boxing, wrestling, snooker, pool, darts or any other similar game or sport.

Currently, the constituent Councils will issue licences for the following:

- Grant/renewal of Full Licences
- Occasional Licences (14 days)
- Temporary Licences (for example marquees for one-off events)
- Outdoor Licences

Mr Wilkinson advised that the total number of licences issued across the three councils is 216 providing an annual income of £53,000. The fees for an application for the grant/renewal of an Entertainment Licence are specified by The Department of Environment and are primarily based on the type of licence and maximum number of people permitted within the premises.

At present, two Councils administer the Entertainment Licence function by means of an “Excel Spreadsheet” system. The third Council uses the Tascomi Te-Licence System. The Tascomi Te-Licence System will be used as the common platform for administering this function in Mid Ulster Council.

Currently, two Councils issue licences on a monthly basis with the expiry date 12 months from the date of issue. The remaining Council issues the full Licence with the same fixed expiry date year on year (ie. all Full Licences expiry on 30 September each year).

It is proposed that all Licence applications will be processed on a receipt basis throughout the year from 1 April 2015. The Te-Licence System will allow for a completed on-line electronic application process for both renewals and new applications.

A draft policy on Entertainment Licencing for Mid Ulster District Council will be brought to a future Committee Meeting for consideration by Members.

Proposed by Councillor Mallaghan
Seconded by Councillor McNamee and

Resolved That it be recommended to the Council that all Licence applications be processed on a receipt basis throughout the year from 1 April 2015.

E16/15 Oil Stamp Savings Scheme

Mrs McClements reported on the oil stamp schemes in each of the legacy Councils within Mid Ulster and the likely convergence issues.

Oil stamp schemes have been in place within Dungannon and South Tyrone Borough Council, Cookstown and Magherafelt District Councils to help householders who use oil heating to budget effectively and help reduce fuel poverty.

A Mid Ulster District Council oil stamp and associated cards require design, print and promotion through a communications strategy to both oil stamp retailer, oil suppliers and the public. Arrangements require to be put in place to ensure stamps from the legacy Councils remain valid for reimbursement throughout the transition period and beyond. Each Council currently operates their oil stamp scheme in a relatively similar manner however the design of stamps and oil stamp savings cards are different and these require convergence bearing in mind the current numbering system of stamps over three sites. Payment from both retailers and to oil suppliers also needs to be regularised.

Councillors McNamee and Reid enquired as to the amount of stock of current cards/stamps and how long they will be valid.

Mrs McClements advised that all current cards/stamps will be used before the new cards/stamps will be issued but that in one of the three current Councils this could be by April 2015. Mrs McClements stated officers are aware that there is a time lapse between people buying the stamps and when they are cashed in and that consideration will be given to this when phasing in the new scheme.

Councillor Mallaghan felt that Councils are providing a good service with the oil stamp scheme and enquired if oil suppliers offer any support to Council for running the scheme.

Mrs McClements advised that there were no such arrangements with oil suppliers and that Councils would not be permitted to receive a bonus back for the scheme.

Councillor Mallaghan felt that Councils should be able to receive a small percentage from oil suppliers.

Proposed by Councillor Gillespie
Seconded by Councillor Reid and

Resolved That it be recommended to the Council that arrangements are made to establish the Mid Ulster Oil Stamp Scheme as soon as corporate branding and associated issues are agreed.

E17/15 Street Trading Fees

Mrs McClements asked Members for their views with regard to progressing Street Trading Licence fees for use in Mid Ulster District Council from 1 April 2015 as required by Street Trading (NI) Act 2001.

The Street Trading (NI) Act 2001 sets out the legislative process and in setting the Street Trading Fee the decision must be made based on cost recovery fees, designation procedure fees, review/calculation fees and the number of newspapers used for advertising.

The proposed fees require to be publicised in two or more newspapers, notice has to be given of the proposed fees to licence holders affected by the proposal, allowing 28 days for anyone to make a written representation. The Council must consider

any such representation and determine the final fees which then have to be publicised in two or more newspapers in the district with all licence holders affected by the decision requiring notification of the set fee.

Mrs McClements advised that a policy for Advertising Public Notices, Tenders and Recruitment was presented to last night's Policy & Resources Committee. This policy recommended that seven newspapers be used for publication of public notices and this was agreed.

For illustration purposes a summary of the proposed fees using two newspapers as specified as a minimum in legislation and seven newspapers as noted in the Policy & Resources Committee paper are outlined below.

	(2 papers used)	(7 papers used)
STATIONARY TRADER	£175	£205
MOBILE TRADER	£175	£205
TEMPORARY TRADER	£55	£55
VARIATION OF LICENCE	£70	£70

Recommendations were taken forward in the December Committee papers proposing that all fees are payable at the time of application, with an administrative portion retained in the event of the licence being refused.

Mrs McClements advised that funding will be required to pay for the cost of the public notices of the decided fees. This will depend on the number of newspapers agreed for placing such notices. In addition, future income from street trading licences will be affected by the proposed fee structure.

Proposed by Councillor B McGuigan
Seconded by Councillor McFlynn and

Resolved That it be recommended to the Council that the Street Trading fees for Mid Ulster District Council are as set out below by advertising in seven newspapers as per the Policy for Advertising Public Notices, Tenders and Recruitment.

STATIONARY TRADER	£205
MOBILE TRADER	£205
TEMPORARY TRADER	£55
VARIATION OF LICENCE	£70

Matters for Information

E18/15 Fly-Tipped Waste

Mrs Caldwell provided Members with some background to the Fly-Tipping of Waste Protocol between the Northern Ireland Environment Agency (NIEA) and Local Councils and updated Members on the current position.

Fly-Tipping of waste is a significant problem for all Councils in Northern Ireland. The primary controls are contained within the Waste and Contaminated Land (NI) Order 1997, which is regulated by the NIEA. The DoE amended this legislation with The Waste and Contaminated Land (Amendment Act) (NI) 2011. This amended legislation was designed to strengthen the enforcement powers of the Department and Councils in regard to unlicensed and Fly-Tipped waste.

As part of the regime, NIEA agreed to establish a programme to identify the scale and extent of fly-tipped material and in particular, hazardous waste, across the region. The Department of the Environment established a Fly-Tipping Waste Unit, to enable the Department and NIEA to fulfil their statutory responsibilities in the clearance and removal of hazardous waste materials. In the Mid Ulster cluster, two Councils signed up to the pilot programme.

The programme has proved very successful to date, with approximately four separate incidents of fuel laundered waste material being removed by NIEA contractors in one period of six months alone during 2013/14 at a cost of approximately £20,000 in one Council area.

Correspondence received on 5 December 2014 indicated that a total of 394 incidents of fly-tipped waste had been dealt with across Northern Ireland in the period June 2012 to October 2014, at a total cost of £1,179,000. The correspondence confirmed that the budget for the Pilot Programme has now been exhausted and that no further resources will be made available to deal with fly-tipped waste incidents.

The costs for collection and disposal of fly-tipped waste in Mid Ulster by NIEA, amounted to in excess of £64,878 since June 2012 and this does not include the smaller quantities of fly-tipped waste which would be collected by councils as part of the Street Cleansing Programme.

If this position is left unchallenged, Mid Ulster District Council will be faced with a similar position as that prior to 2012, when Council's had to incur the costs of removal of "Fuel Laundered Waste" at a cost of approximately £1,500/tonne for removal and disposal. In one case alone NIEA incurred a cost of £14,000 in dealing with a 40 foot trailer containing this type of hazardous waste material.

Mrs Caldwell recommended that correspondence is forwarded to the Minister for the Environment, highlighting the need to review the "Pilot Programme" and that a structured fund for the regulation, control and disposal of highly toxic fuel laundered waste and other similarly hazardous materials in accordance with the requirements of the Waste and Contaminated Land (NI) Order 1997 be put in place.

Proposed by Councillor McNamee
Seconded by Councillor McGinley and

Resolved That it be recommended to the Council to write to the Minister for the Environment highlighting the concerns regarding the proposed curtailment of the Fly-Tipped Waste Programme.

E19/15 Charging Arrangements for Collection and Disposal of Waste

Mr McAdoo advised members on the arrangements for charging for kerbside collection and the disposal of commercial and Schedule 2 waste.

At the October 2014 meeting a report outlining a scale of charges for the collection and disposal of commercial waste for the 2015/16 year was approved. The report acknowledged that there were a number of issues in relation to how the charges would be applied which needed to be addressed in advance of 1 April 2015, these issues were how and when commercial properties will be charged and secondly to which premises discretionary charges will be applied.

With regard to payment terms and conditions, all commercial properties will be charged for the service bi-annually with invoices for the first six month period covering 1 April to 30 September 2015 being issued in February with payment made before the end of March 2015. Given the preference of Finance that payment is made in advance and in order to limit the administrative burden no direct debit payment option will be made available.

A common Mid Ulster bin label to be attached to commercial bins to confirm payment has been made will be used from April however invoices and waste transfer notes will be issued by the existing three Councils for the first six month period with standard documentation being used thereafter.

In relation to discretionary charges the Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013 lists certain types of properties, known as "schedule 2" premises, where the Council has discretion to impose a charge for the collection and/or disposal of waste. A summary of the legal position in relation to the classification of waste from the various premises and permitted charges is shown:

	Type of Premise	Classification of Waste	Collection Charge Permitted	Disposal Charge Permitted
1.	Educational Establishment	Household	YES	YES
2.	Charity Shops	Household	YES	NO
	<i>Exceptions</i>			
2a	Where waste originates from non-domestic property	Commercial	YES	YES
3.	Premises occupied by a charity and wholly or mainly used for charitable purposes	Commercial	YES	YES
	<i>Exceptions</i>			
3a	Where waste is from premises used mainly or wholly for public meetings	Household	YES	NO
3b	Where waste is from a place of worship	Household	NO	NO

At the moment all three existing Councils charge for both the collection and disposal of waste from schools and other educational establishments and no change will be

made here other than adopting a common approach of applying an annual charge to cover 40 weeks of the year to reflect school holiday periods/closures.

With regard to the other schedule 2 premises only one Council presently applies any type of charge, specifically a landfill tax disposal charge as this was considered to be a “pass through” cost imposed by HMRC. Moving forward this charge will not apply to the 64 premises concerned in order to ensure a common position across the new Council district.

Whilst there will be a financial implication arising from the non-application of the landfill tax charge to the existing charitable premises in one Council area it is not anticipated there will be a significant impact on overall income as any loss should be offset by additional income arising from the collection of recycling bins in another Council area (set at 50% of the residual charge as approved by Committee).

Prior to the second six month period (October 2015 to 3 March 2016) a standard contract for the provision of the commercial waste collection service by Mid Ulster District Council will be developed and put in place with all customers.

Members noted the content of this report.

E20/15 Visual Condition Surveys on Car Parks Transferring to Mid Ulster

Mr Cassells updated Members on the off street car parks identified for transfer to Mid Ulster District Council on 1 April 2015 and provided a summary of findings on the condition of same.

As part of Local Government Reform off street car parks as identified by the Department for Regional Development will transfer to the ownership of Mid Ulster District Council. It is noted that 23 car parks will transfer to Mid Ulster District Council, these car parks make provision for 1,978 car parking spaces across the new Council area. Responsibility for their management and maintenance will fall with the Council from 1 April 2015. Council will not have responsibility for on street car parking.

In preparation for the transfer of the responsibility and the assets from DRD council officers undertook a visual condition survey of each car park to ascertain:

- A quality score on a scale of Good, Satisfactory, Unsatisfactory and Unacceptable for each inspected area within the car park. The areas inspected included surfacing, line marking, kerbing and pavement, equipment and signage, boundaries, landscaped areas and street lighting.
- The priority of works required; and
- The costs estimated for works identified.

The surveying related to a visual survey only and did not extend to the inspection of underground, utilities, mechanical and electrical services.

As a result of the surveys it is estimated that £146,200 is required to undertake the necessary identified works. The works have been banded on a scale of (i) requiring

immediate attention; (ii) attention within one year (2015-2016); or (iii) attention beyond 2015-2016 and broken down as follows:

Priority of Works	£
Immediate (1)	57,980
2015-2016	79,584
2016-2017+	8,636
Total	146,200

Note 1 Includes estimated costs of £55k for resurfacing 4 car parks which could wait until future years, subject to further assessment

The visual condition surveys identified a number of issues which although identified on inspection of the sites are beyond the scope of this report and will be progressed accordingly. Matters include unregistered lands, pedestrian access to car parks, utility access, NIE Charge Points within car parks, street lighting costs, boundary issues of the car parks and existing TransportNI plans for some car parks.

With reference to monies transferring to local government from DRD for car park maintenance it is expected that this will be in the region of £200,000. This is in contrast to the 2001-2005 when DRD spent approximately £4 million per annum on maintenance. Mid Ulster due diligence work on its car parks would suggest that DRD should be allocating and transferring substantially more than it has currently identified, to be in line with the local government reform principle of transferring functions being cost neutral to local government at the point of transfer.

Members thanked officers for their detailed reports in relation to this matter but again raised concern of additional responsibilities coming to council with little or no budget.

Councillor Mallaghan proposed that Council request a meeting with the Minister for Regional Development in relation to the budget for maintenance of carparks transferring to Mid Ulster District Council and also issues relating to grass cutting as discussed earlier.

Councillor Cuddy felt that Council should not adopt these car parks until they are brought up to standard by DRD.

The Chief Executive advised that financial amounts coming to Council for additional responsibilities are now final and that legislation allows for the transfer of car parks to Council with no comeback on their condition however a meeting with the Minister may be useful to discuss a review of budget for the future.

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

Resolved That it be recommended to the Council to request a meeting with the Minister for Regional Development in relation to the budget for car park maintenance and also grass cutting.

Councillor Reid left the meeting at 8.25 pm

Confidential Business

Proposed by Councillor Mallaghan
Seconded by Councillor Gillespie and

Resolved That items E21/15 and E22/15 be taken as confidential business.

E23/15 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.30 pm.

CHAIR _____

DATE _____

F

Minutes of Meeting of the Development Committee of Mid Ulster District Council held on Thursday 5 February 2015 in Cookstown District Council Offices

Members Present: In the Chair, Councillor Burton (Chair)
Councillors Dillon, Elattar, Forde, McAleer, McEldowney, McNamee, Mallaghan, Monteith, C O'Neill, T Quinn, G Shiels, J Shiels and Wilson

Officers in Attendance: Mr Tohill, Chief Executive
Mr McCreesh, Acting Chief Executive (CDC)
Ms Campbell, Director of Policy & Development (MDC)
Mrs Forde, Mayor's PA/Member Support Officer (DSTBC)

The meeting commenced at 7pm

D17/15 Apologies

Apology received for Councillor Reid.

D18/15 Declaration of Interests

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

Councillor Wilson declared an interest in agenda item 14 'Briefing from RSM McClure Watters on the development of Mid Ulster Council's Local Economic Development Plan (2015-2018).

D19/15 Briefing from the Orange Community Network

The Chair welcomed Mr Drew Nelson, Chair of Orange Community Network to the meeting.

Councillor Monteith entered the meeting at 7.07pm

Mr Nelson made a presentation on the background of Orange Community Network a group formed in 2005 as a community support organisation for groups operating from approximately 800 Orange Halls throughout Northern Ireland. Working with community, loyal orders, bands and rural development organisations the aim of the network is to encourage confidence building, build capacity through training, networking, information sharing and direct support to groups. Mr Nelson advised to date the network had been funded by International Fund for Ireland, Big Lottery Fund and the EU Peace Programme 2007-2013. Mr Nelson drew attention to the STRIPE project (Stepping Towards Reconciliation in Positive Engagement) which the Orange Community Network partnered with Grand Orange Lodge Ireland to deliver. The project was awarded £884k to help a confident Orange family to engage on an equal basis with the wider community. Highlighting the significant key outputs which included 1200 people participating in training, 300+ groups receiving support, 150

young people completing a leadership focused qualification through Queen's University, three overseas study tours and 50+ conference workshops exploring diverse cultural identities.

Mr Nelson drew attention to a quote from the Community Relations Council in relation to community development in protestant areas of Northern Ireland which stated,

“The backcloth to all Community Development within the Protestant Community in Northern Ireland is the apparent absence of a culture of community organisation. With notable exceptions, Community Development has been severely restricted. This restriction disempowers the Protestant community, and prevents it developing a confidence in itself and playing a positive role in wider civic society in Northern Ireland.”

Advising that the Orange Community Network was not connected to the Orange Order Mr Nelson advised that they wanted to work in partnership with Mid Ulster District Council and sought approval to work in partnership to employ a development officer to target users of Orange Halls together with service level agreements.

The Chair thanked Mr Nelson for the presentation and sought questions.

Councillor Dillon asked if the proposed development officer would be funded by Council or the Orange Community Network. In response Mr Nelson advised that the request would be that Council would fund the post.

Councillor Elattar asked if the Orange Community Network was not connected to the Orange Order in a formal way what was the connection and how many community groups were linked to the network from within the Mid Ulster catchment area.

Mr Nelson advised that the board was made up of 70% Orange Order Members and 30% others and within the area there were between 70-80 orange halls.

Councillor Forde asked if the Orange Community Network was successful in obtaining an officer what type of classes would be established. Responding Mr Nelson drew attention to the training, development and positive outcomes of the STRIPE project and advised that similar targets and specific criteria would be for example, on good relations and leadership training.

Thanking Mr Nelson for keeping the presentation to specified time Councillor Mallaghan stated that Mid Ulster Council had work to do in figuring out community services delivery and stated as a Councillor for Cookstown District Council he was aware that all groups were assisted through Community Relations irrespective of background and thus what would the rationale be for Orange Community Network to receive a dedicated Development Officer.

Mr Nelson stated that his analysis was there was a lack of confidence and willingness within his community to fully engage with all of society and this was for historical reasons. This was particularly prevalent in some areas as opposed to others. He further stated that the Orange Community Network could overcome this

as they can engage with the orange community and groups using their premises and get people engaged in cultural diversity. Adding that he appreciated the biggest barrier to the proposal would come internally from Councils as they wanted to protect existing jobs he stated that the Orange Community Network could engage more people in community relations training, their reputation was established and trust was already established with the community in question.

Councillor G Shiels referred to David Cameron's proposal of 'Big Society' and stated that this would be a significant idea as the Orange Community Network involvement in Orange Halls promotes this idea in actively working with the community encouraging social recovery.

Mr Nelson advised that he had witnessed many changes in the last two decades, in the past orange halls were closed to everyone but within the orange community the doors were now opening and in excess of 70 halls for community use was a great asset.

Councillor J Shiels stated that he was aware of the Orange Community Network work in Carntogher acknowledging that groups had stayed away from politics and excellent work had been carried out such as promotion of Ulster Scots together with people attaining qualifications in for example community relations and First Aid.

Councillor J Shiels enquired what the costs would be for a development officer. Mr Nelson advised that the Orange Community Network would absorb the administration costs and thus it would be fees and salary at approximately £30-£35k. He further stated that experience demonstrated that commitment of between three and five years would be required as if funding was for one year only the officer would only be commencing projects at the end of an initial year, whereas three to five years would produce greater results.

The Chair, Councillor Burton thanked Mr Nelson for his presentation and emphasised the importance of both working in partnership and the great asset orange halls were especially in rural areas.

Mr Nelson withdrew from the meeting at 7.25pm.

D20/15 Receive and confirm minutes of the Development Committee meeting held on Thursday 15 January 2015

Proposed by Councillor J Shiels
Seconded by Councillor McNamee and

Resolved That the minutes of the meeting of the Development Committee held on Thursday 15 January 2015 (items D1/15 – D11/15 and D16/15), were considered and signed as accurate and correct.

The Chair expressed her thanks to Vice Chair Councillor McEldowney for chairing the January meeting stating that it had clashed with a PCSP meeting.

Declaration of Interest

Councillors Burton and Wilson declared an interest in the item on NI Rural Development being a member of the JCC.

D21/15 Northern Ireland Rural Development Programme 2014-2020

Mr McCreesh advised that the purpose of the report was to provide 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 and to inform members on programme closure arrangements for the closure of the current RDP Programme 2007-13.

Mr McCreesh reminded Members that a new LAG for Mid Ulster would be established with the responsibility for the delivery of funding within Mid Ulster through the 2014-2020 Rural Development Programme and that it would form as a limited company with directors comprised of elected members and social partners. Updating members on the background Mr McCreesh drew attention to:

- social partner membership registration was now complete with 295 members signing up and from the membership base, 33 eligible board member nominations were received by the closing date of 7th January with 1 subsequently withdrawing. From this, 13 will be selected as LAG board members. This will result in a LAG board of 25 directors – 13 social partners and 12 elected members.
- The LAG membership met on 13th January 2015, facilitated by the Rural Network for Northern Ireland to agree a selection framework for the 13 social partner board members based on geographical spread, priority sector (business, community and farming), gender, age and Section 75 representation.
- An election process would now be used by the wider LAG membership base to appoint social partners to the board from the 33 nominations received. It is envisaged the process would be complete and results confirmed by 30th January 2015.
- 2007-2013 Rural Development Programme – current status and closure process
 - SWARD (South West Action for Rural Development) received an allocation of £20.5m under the current RDP (2007-2013), which included administration funding. Of the £17.1m allocated against project funding, £16.9m has been spent to date with over 300 projects funded. Remaining spend is expected to be achieved by March 2015.
 - An exit strategy is currently being prepared following DARD's guidance, which will detail the requirements for completion of administrative checks on all applications received. While the majority of closure activities will be complete by September 2015 it is envisaged

that there will be queries to address beyond that and into the new programme period. Such queries will be addressed by council staff working on the service level agreement to the new LAG board.

- The exit strategy also requires a measure level analysis on the achievement of both financial and non-financial outcomes of the SWARD Local Rural Strategy. A first draft of this report is now complete.
- An interim staffing structure has been identified to reflect the volume and nature of work associated with closure activities which in the main will consist of file closure and completion of project monitoring and evaluation activities. This interim arrangement will remain in place until September 2015 funded through the current administration budget. A new staffing structure moving into the new programme period will be agreed as soon as it is practical to do so.
- The SWARD Joint Council Committee will cease to exist on the 1st April 2015 with Mid Ulster Council assuming responsibility for the current contract between the JCC and DARD. An alternative committee arrangement will be needed to oversee programme closure activities and make decisions on project related matters.

Outlining the key issues as undernoted Mr McCreesh advised that the process was similar to the previous LAG minus the competitiveness.

- The new LAG is to be established as a limited company holding its own professional indemnity and public liability insurance cover. With the appointment of both elected representatives (on an interim basis) and social partners as board members to the new LAG, company formation and registration can now commence. DARD would issue a competitive call for applications to select the new LAGs before appointing successful LAGs to initially develop an interim local rural development strategy. The draft RDP Programme submission provides for preparatory support/animation to assist in the development of local rural development strategies, which includes consultancy costs, costs associated with stakeholders consultation in preparing the strategy and administration costs (operating and personnel) associated with making the application for preparatory support. We understand that DARD may expect Council to work with the LAG in creating the strategy. More detail on this will be available by the end of February. No information is available on the level of funding for strategy development at this time.
- An indicative draft service level agreement (SLA) between the new LAG and Mid Ulster Council was presented to the members within the August 14 Development Committee papers. The draft SLA included the provision of assistance to the LAG for the preparation of the local rural development strategy. This function would include making application to DARD on behalf of the LAG for preparatory support. This SLA will be reviewed and brought back to Mid Ulster Council for comment.

- The draft service level agreement will also be provided to the new LAG board for review. Thereafter it is envisaged both the new LAG, once registered as a legal entity and Mid Ulster Council will sign up to an agreed SLA for the duration of the 2014-2020 Rural Development Programme.

Mr McCreesh advised that the process would be similar to the former without the competitiveness. Referring to the recommendations Mr McCreesh advised that the registration of the 12 nominated elected representatives as directors of the LAG for Mid Ulster had taken place. Mr McCreesh sought approval as undernoted:

- That Mid Ulster Council approves the setting up of the new LAG as a company limited by guarantee, with professional indemnity insurance;
- That Mid Ulster Council enters into an agreed service level agreement with the LAG for Mid Ulster once established as a legal entity;
- As a replacement to the SWARD Joint Council Committee, Mid Ulster Council appoints an interim sub group to oversee programme closure activities. This sub group could be comprised of all 12 elected representatives nominated for the new Mid Ulster LAG or a smaller number if desired.

Councillor McNamee suggested that the 12 elected representatives make up the interim sub group. Councillor Wilson suggested that a fewer number would be suffice as the elected representatives would have to attend meetings at both committees and proposed that four from the 12 should oversee the closure of the programme. Mr McCreesh advised that the group would be in place for approximately six months and it would comprise of both SWARD and JCC issues.

Proposed by Councillor Mallaghan
Seconded by Councillor McNamee and

Resolved That it be recommended to the Council that approval for undernoted be granted

- Mid Ulster Council approves the setting up of the new LAG as a company limited by guarantee, with professional indemnity insurance;
- That Mid Ulster Council enters into an agreed service level agreement with the LAG for Mid Ulster once established as a legal entity;
- As a replacement to the SWARD Joint Council Committee, Mid Ulster Council appoints an interim sub group to oversee programme closure activities. This sub group to be comprised of all 12 elected representatives nominated for the new Mid Ulster LAG and they can determine representation unto the interim subgroup.

The Chair, Councillor Burton in relation to a SWARD approved scheme expressed her disappointment that it was to be launched on the Sabbath day when she and many in her community would want to attend their place of worship. As a member of SWARD the Chair, Councillor Burton stated that she endeavoured to support as many launches as she could said that the opportunity had been taken from her to do

so on this occasion and that there were six days in the week when schemes could be launched.

Councillor Wilson concurred with the comments. The Chair, Councillor Burton asked if the situation could be addressed.

In response Mr McCreesh stated that the group in question had set the date and not SWARD and as far as he was aware there was no pre condition that Council could state that schemes would not be launched on the Sabbath.

Councillor Dillon stated that whilst she understood the difficulties and people of many faiths worshipped on a Sunday morning it was inappropriate for Council to tell any group when they could or could not launch a scheme.

D22/15 Sport and Leisure Transition Working Group Update

A report providing Members with progress on priority areas identified by the Sport and Leisure Transition Working Group was presented by Ms Campbell. The report highlighted activities being undertaken by the group. Activities included:

- MUDC – Leisure Services Membership Scheme – deferred in September 2014 with potential to revisit;
- MUDC -Revised Fees, Charges, Policies and Concessions for sport and leisure approved in January 2015;
- Revenue budgets submitted from each current Council and currently being collated to represent one overarching service provision for MUDC;
- Draft proposal – staff terms and conditions – information being collated and paper to be presented to Council in due course;
- Draft Capital Programme provided by current Councils for consideration going into MUDC;
- Harmonised IT – Cookstown Leisure Centre currently purchasing Dimension from Xn Leisure and will trial same for six month period as pilot to assess suitability following which consideration will be given to all facilities for use of same;
- Sports Development Baseline – Review and Options – paper to be presented in due course;
- Transferring Services DCAL Water Recreation Sites - Discussions being progressed in relation to transferring four water recreation sites; three within Dungannon i.e. Ballysaggart, Glenmore and Coalisland Canal and Ardtrea in Cookstown to MUDC. Site visits with representatives from Department of Culture, Arts and Leisure and Rivers Agency have taken place to ascertain level of future commitment and potential of SLA for continued maintenance.

Members noted progress.

D23/15 Progress of the Mid Ulster Community Planning Process

A report providing Members with progress relating to the Mid Ulster Community Planning Process was presented by Mr McCreesh for information. The report highlighted key activities as undernoted:

Community Planning Engagement Exercise

- Data analysis ongoing with final report expected mid-February;
- Date to be confirmed for presentation of same to Members;
- Summary of report to be issued to all community representatives who participated in the exercise;
- Report will be used to assist Mid Ulster Council lead on the development of a community plan in partnership with the community and government department/agencies.

Community Planning Capacity Building Programme

- Community planning capacity building sessions for staff have been scheduled;
- Local Government (Community Planning Partners) Order 9NI) 2015 and supplementary guidance is still outstanding and Council continues to lobby along with NILGA and other Councils for a stronger responsibility and commitment from the statutory partners and government departments.

Members noted progress regarding community planning process being delivered within the budget parameters and current staff of the three Councils.

D24/15 Development and Regeneration Update

A report providing Members with progress relating to the Mid Ulster Planning Process was presented for information. The report highlighted key activities as undernoted:

- Local Economic Development Plan (2015-2018) presented to LED Plan Working Group and Development committee, in draft form with opportunity for feedback. Final draft to be presented to the Development Committee in April 2015.
- Review of Financial Assistance Policy and Process for the Community and Voluntary Sector – work ongoing with draft proposals to be presented to Mid Ulster Council by end of February 2015.
- Good Relations Strategy and Plan for Mid Ulster, being prepared.

Members noted progress.

D25/15 Update of the Policing and Community Safety Partnership for Mid Ulster

A report providing Members with an update on the re-constitution of the Policing & Community Safety partnership (PCSP) for Mid Ulster Council area was presented by Mr McCreesh for information. The report highlighted key activities as:

- Action Planning 2015/2016 – Plans to be submitted by 28 February 2015;

- Policing Plans – 11 local policing plans for 201/2016 – currently liaising with Local Commander to agree priorities for the District and awaiting release of NI Policing Plan which will impact on Mid Ulster Policing Plan.
- Joint Committee Funding 2015-2016 – a new funding model is being used and it has been indicated that PCSP's should plan for a minimum 15% budget cut. Indication given that there will be restrictions on salary expenditure with the maximum spend of budget aimed for operational delivery.
- Appointment of Independent Members – Initial review of applications has been carried out by NI Policing Board it is anticipated that shortlisting will take place late February, interviews in March, candidates advised of outcome in April with appointments to be made by June 2015.

Mr McCreesh drew particular attention to the cut in budget which would be in excess of over £100k across Mid Ulster and advised that the proposed 20% cap on administration costs would have to be addressed. Mr McCreesh added that the Chief Executive was seeking a meeting with the Department of Justice and options were being explored which would see Mid Ulster Council through the coming year.

The Chief Executive stated that the indication was that they would be paid but he was seeking to attain written clarification.

CONFIDENTIAL BUSINESS

Proposed by Councillor Monteith
Seconded by Councillor Mallaghan and

Resolved That items D26/15 – D30/15 be taken as confidential business.

D31/15 Duration of Meeting

The meeting was called for 7pm and ended at 8.44pm.

CHAIR _____

DATE _____

G

Subject: Interim Arrangements for Flags, Emblems & Corporate Branding

Reporting Officer: Chief Executive

1	Purpose of Report
1.1	To seek direction on interim arrangements for flags, emblems and corporate branding for Mid Ulster District Council.

2	Background
2.1	Members will be aware that Section 75 of the Northern Ireland Act 1998 (the Act) requires Council to comply with two statutory duties regarding equality of opportunity and good relations.
2.2	In carrying out its functions, Council is required to have due regard to the need to promote equality of opportunity:- <ul style="list-style-type: none">a. Between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;b. Between men and women generally;c. Between persons with a disability and those without; andd. Between persons with dependents and persons without.
2.3	Without prejudice to the above Council is also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.
2.4	While the Act contains detail on the equality duty it is essentially silent in relation to defining and creating a framework around the good relations duty.
2.5	A draft equality scheme was presented to the August 2014 Council meeting and subjected to a 12 week public consultation exercise. A number of responses have been received and presented to Council in December 2014 for consideration. Responses were received from the

<p>2.6</p> <p>2.7</p>	<p>Equality Coalition and the Committee for the Administration of Justice advocating a “decoupling” of equality and good relations duties. .</p> <p>Council resolved to adopt this approach and submitted its equality scheme to the Equality Commission for approval undertaking to revert in respect of the good relations duty. The equality scheme will not be approved until a suitable methodology for addressing good relations issues is developed.</p> <p>In respect of Regional and Minority Languages, Members will be aware that Council has developed draft language policies. Council has agreed to go out to public consultation on its draft Irish Language Policy and to refine its draft Ulster Scots Language Policy before it goes to public consultation.</p>
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<p>3</p>	<p>Key Issues</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p>	<p>Under its equality scheme, Council will make arrangements for assessing, monitoring and publishing the impact of its policies. Screening will identify those policies that are likely to have an impact on equality of opportunity.</p> <p>If the screening concludes that the likely impact of a policy is “major” on one or more of the stated categories, Council will subject the policy to an equality impact assessment (EQIA). Where the impact is “minor” Council may still conduct an EQIA depending on the policy.</p> <p>While the majority of Council policies may be screened out there are some policy matters which are likely to require an EQIA. There is a requirement on Council to consult on its EQIAs. The consultation period is normally twelve weeks.</p> <p>It is considered that the following may require an EQIA:-</p> <ul style="list-style-type: none"> a. Flags and Emblems Policy b. Regional and Minority Language Policies <p>Given the timeframes to 1 April 2015 it will not be possible to have an approved equality scheme in place and to carry out EQIAs on policies where required. Direction from Council is therefore necessary to ensure that clear arrangements are in place to cover a number of matters from 1 April 2015.</p>

3.6	<p>In respect of Flags and Emblems, the predecessor councils have the following arrangements in place:-</p> <table border="1" data-bbox="354 241 1412 750"> <thead> <tr> <th></th> <th>Cookstown</th> <th>Dungannon</th> <th>Magherafelt</th> </tr> </thead> <tbody> <tr> <td>Flags</td> <td>None</td> <td>Designated days from main council office</td> <td>None</td> </tr> <tr> <td>Emblems</td> <td>None</td> <td>Boxes of Poppies are permitted to be placed at reception in the main council office</td> <td>Boxes of Easter Lilies and Poppies are permitted to be placed at reception in the main council office</td> </tr> </tbody> </table>		Cookstown	Dungannon	Magherafelt	Flags	None	Designated days from main council office	None	Emblems	None	Boxes of Poppies are permitted to be placed at reception in the main council office	Boxes of Easter Lilies and Poppies are permitted to be placed at reception in the main council office								
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3.7	<p>The Equality Commission has indicated in the past that the current practice of the predecessor councils in respect of flying no flag or the Union flag on designated days from the main council building are within the range of reasonable options available.</p>																				
3.8	<p>In respect of corporate branding, the predecessor councils currently have the following arrangements:-</p> <table border="1" data-bbox="354 1176 1412 1563"> <thead> <tr> <th></th> <th>Cookstown</th> <th>Dungannon</th> <th>Magherafelt*</th> </tr> </thead> <tbody> <tr> <td>Headed paper</td> <td>Trilingual</td> <td>Trilingual</td> <td>Bilingual</td> </tr> <tr> <td>Vehicles</td> <td>English</td> <td>English</td> <td>English</td> </tr> <tr> <td>Signage</td> <td>English</td> <td>English</td> <td>English</td> </tr> <tr> <td>Uniforms</td> <td>English</td> <td>English</td> <td>English</td> </tr> </tbody> </table> <p>*Magherafelt District Council have recently adopted an Irish Language policy which includes bi-lingual branding.</p>		Cookstown	Dungannon	Magherafelt*	Headed paper	Trilingual	Trilingual	Bilingual	Vehicles	English	English	English	Signage	English	English	English	Uniforms	English	English	English
	Cookstown	Dungannon	Magherafelt*																		
Headed paper	Trilingual	Trilingual	Bilingual																		
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Signage	English	English	English																		
Uniforms	English	English	English																		
3.9	<p>Essentially the following options are open to Council to address these issues prior to the introduction of formal policies after 1 April 2015:-</p> <ol style="list-style-type: none"> a. Continue with the existing policy arrangements of one of the predecessor councils across the entire council area b. Continue with the existing policy arrangements of each of the predecessor councils in their previous respective areas c. Adopt separate arrangements to cover flags, emblems and corporate branding. 																				

4	Resource Implications
4.1	<p><u>Financial</u></p> <p>Costs associated with the roll out of the corporate brand have yet to be determined.</p>
4.2	<p><u>Human resources</u></p> <p>N/A</p>
4.3	<p><u>Assets and other implications</u></p> <p>N/A</p>

5	Other Considerations
5.1	<p>Legal advice was sought on whether the above options at 3.10 would suffice to discharge or manage the Section 75 duty while the good relations element is defined, a strategy formulated, consulted upon, agreed and submitted for approval.</p>
5.2	<p>The legal opinion advised against the first option, i.e. to adopt the existing scheme of one of the existing councils and apply it to the whole district as this appeared to be arbitrary in approach and would fail to recognise or take account of the range of views of those resident in the new district as a whole.</p>
5.3	<p>The opinion notes that legally, in default of a decision of the council to make alternative arrangements, allowing the existing arrangements for each of the former districts to continue is the option that would be likely to apply. However the opinion noted that in reality this would be less than practical and even dysfunctional as this would entail three concurrent schemes being applied in the new district at the same time.</p>
5.4	<p>The third option is to adopt a separate policy on flags and emblems. The opinion notes that were this to involve a neutral environment on flags and emblems, such a policy insofar as it relates to those issues is acceptable in terms of compliance with the Section 75 duties and has resonance with the position adopted by the Equality Commission relating to flags and emblems. In relation to the administrative arrangements of the new Council a neutral environment falls within the range of reasonable responses taking the circumstances into account.</p>
5.5	<p>The legal opinion notes that in the absence of an approved equality scheme, Council is entitled, as a policy choice, to adopt interim measures to ensure compliance with the duties referred to, provided such measures</p>

	may be reasonably interpreted as fulfilling that objective.
5.6	The opinion concludes that of the three options presented, the third represents the most reasonable and common sense approach and that advice should be sought from the Equality Commission.
5.7	In respect of the above matters the Commission noted that Council had elected to remove the good relations questions from the generic equality scheme and that Council would revert regarding its good relations duty. The Commission recognised the difficulties that the Council faced in converging the three predecessor councils into a new organisation and of the different practices adopted in respect of the flags, emblems and the use of regional/minority languages in corporate branding by the predecessor councils.
5.8	The Commission noted its preference for the existing arrangements of the predecessor councils (where these arrangements comply with the Commission's advice and guidance) to remain in place until such times as all of these issues could to be considered under approved equality and good relation frameworks. The Commission however recognised that this approach would create particular difficulties in respect of the development of a new corporate brand.

6	Recommendations
6.1	Members are requested to provide direction on the interim arrangements for the following <ul style="list-style-type: none"> i. Emblems ii. Flags iii. Use of regional and minority languages in corporate branding <ul style="list-style-type: none"> on a. Stationary b. Vehicles c. Exterior Signage d. Staff Uniforms

7	Documents Attached
7.1	N/A

H

Subject	Attendance at Seminars & Conferences
Reporting Officer	Change Manager

1	Purpose of Report
1.1	To provide an update on seminars and conferences for members and officers of Mid Ulster Council.
1.2	To seek approval for attendance of members and officers, the payment of attendance fees and associated necessary costs, as incurred.

2	Background
2.1	Two conference sessions are presented for consideration on member and/ or officer representation from Mid Ulster Council. Details are provided at 2.1.1 - 2.1.2
2.1.1	<p>Public Consultation on draft Guidance on Operation of Community Planning (retrospective approval being sought)</p> <ul style="list-style-type: none"> • Monday 23 February, 9.30am-12.10pm Craigavon Civic & Conference Centre • Monday 23 February, 4pm-6.40pm Mossley Mill, Newtownabbey Council Offices • Tuesday 24 February, Strule Arts Centre, Omagh • Tuesday 3 March, 10am-12.40pm Roe Valley Arts & Cultural Centre, Limavady
2.1.2	<p>Informing Local Development Plans <i>Delivering Certainty for Communities and Investors</i></p> <ul style="list-style-type: none"> • Wednesday 18 March, 9.20am - 2pm

3	Key Issues
3.1	N/A

4	Resources
4.1	<u>Financial</u>
4.1.1	Public Consultation on draft Guidance on Operation of Community Planning <ul style="list-style-type: none"> • No registration fee. Travel and subsistence costs, where required.
4.1.2	Informing Local Development Plans <i>Delivering Certainty for Communities and Investors</i> <ul style="list-style-type: none"> • Registration fee £135 and travel and subsistence costs, where required.
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

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	Consideration for approval is given to attendance and representation

7	List of Documents Attached
7.1	Appendix 1: Public Consultation on draft Guidance on Operation of Community Planning - Agendas
7.2	<i>Appendix 2: Informing Local development Plans: delivering Certainty for Communities and Investors</i>

Appendix 1

Monday 23rd February Craigavon Civic and Conference Centre - AGENDA:

Monday 23rd February Meet at the Mill Newtownabbey Council Office - AGENDA:

Tuesday 24th February Strule Arts Centre Omagh - AGENDA:

Tuesday 3rd March Roe Valley Arts and Cultural Centre Limavady - AGENDA:

TIME SLOT	SPEAKER	AGENDA
10.00 – 10.30am		Registration – Tea/coffee and biscuits on arrival.
10.30 – 10.40am		Welcome, introductions and purpose of the event.
10.40 – 11.00am	Nichola Creagh	Overview of the draft Guidance
11.00 – 11.10am	OFMDFM representative	TBUC Strategy: Together Building United Communities – relationship with community planning.
11.10 – 11.25am	BREAK	Tea/coffee and biscuits
11.25 – 12.10pm	Discussion Groups	To consider the questions contained in the public consultation document.
12.10 – 12.30pm		Feedback from each Group
12.30 – 12.40pm	Nichola Creagh	Closing Remarks and thanks

Appendix 2



IN ASSOCIATION WITH

Turley

Informing Local Development Plans

Delivering certainty for communities and investors

Half-day Conference Programme

Wednesday 18 March 2015.

Riddell Hall, Queen's University Belfast, Stranmillis



TIME	EVENT	SPEAKER
08:50	Registration and networking (refreshments served)	
09:20	Chairman's welcome & Introductions	Seamus McKee <i>Evening Extra, BBC Radio Ulster (tbc)</i>

SESSION ONE – WHAT'S INVOLVED

09:25	Setting the Context	Michael Gordon <i>Office Director, Turley, Belfast</i>
09:30	Delivering the DOE's vision for local development planning: overview and update	Angus Kerr <i>Director of Planning Policy, Department of the Environment</i>
09:45	Creating a Local Development Plan: insights from an area planning manager	Dr Chris Boomer <i>Head of Planning (designate), Mid Ulster District Council</i>
10:15	Avoiding the pitfalls: lessons learned in England	Stephen Ashworth <i>Partner, Dentons</i>
10:30	Panel discussion	Michael Gordon <i>Turley</i> Angus Kerr <i>DOE</i> Dr Chris Boomer <i>DOE</i> Stephen Ashworth <i>Dentons</i>
11:00	Break (refreshments served)	Opportunity to network

SESSION TWO – DELIVERING THE RIGHT OUTCOMES

11:30	Place making: people, place & problem solving	Michael Corr <i>Creative Director, Place</i>
11:45	Reimagining our high streets: town centres fit for the 21 st century	Stephen Dunlop MRICS <i>Regional Chairman, Association of Town & City Management</i>
12:00	Housing: delivering more homes for local communities	Nicola McCrudden <i>Director, Northern Ireland & Republic of Ireland, Chartered Institute of Housing</i>
12:15	Renewables: planning for a clean, low carbon future	Patrick McClughan MRICS <i>Chairman, NI Renewables Industry Group</i>
12:30	Panel discussion	Michael Corr <i>Place</i> Stephen Dunlop <i>ATCM</i> Nicola McCrudden <i>CIH</i> Patrick McClughan <i>NIRIG</i>
13:10	Concluding remarks	Seamus McKee
13:15	Light buffet lunch served	Opportunity to network
14:00	Event concludes	

POWERED BY

