

A

**Minutes of Special Meeting of Mid Ulster District Council held on Wednesday
16 March 2016 in the Council Offices, Circular Road, Dungannon**

Members Present: Councillor Ashton, Deputy Chair

Councillors Bateson, Bell, Burton, Clarke, Cuddy,
Cuthbertson, Gildernew, Gillespie, Kearney, McEldowney,
McFlynn, B McGuigan, S McGuigan, Mulligan, C O'Neill, J
O'Neill, M Quinn, Robinson, J Shiels, Totten

Officers in Attendance: Mr A Tohill, Chief Executive
Mr McCreesh, Director of Business and Communities
Mrs Forde, Member Support Officer
Miss McKeown, Head of Economic Development

Agenda Item 4 Invest NI
Ms Patricia Devine

The meeting commenced at 7pm

SC15/16 Apologies

Councillors Buchanan, Dillon, Forde, McAleer, McPeake, Mullen, J O'Neill
T Quinn and Wilson

SC16/16 Declarations of Interest

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

SC17/16 Chairs Business

None.

Deputation

SC18/16 Invest NI

The Deputy Chair Councillor Ashton welcomed Ms Devine, Regional Manager Invest NI Western Region to the meeting.

Ms Devine delivered a presentation regarding the purpose, vision and focus of Invest NI and outlined its activity in the Mid Ulster Council region during the period 2010/11 to 2014/15. Ms Devine also drew attention to skills development, export development, growth sectors and delivery statistics against predetermined Government targets.

Councillor Burton left the meeting at 7.24pm

The Deputy Chair, Councillor Ashton thanked Ms Devine for the presentation and invited Members questions.

Councillor Cuddy welcomed Ms Devine and asked if Councillors should contact Invest NI directly regarding access to information or should contact be made through Council officers. Councillor Cuddy also asked if Invest NI kept a register of jobs lost, sought clarity regarding monitoring of job creation and asked if Invest NI planned to have a presence in Dungannon. In response Ms Devine advised that much of the information presented could be obtained on the Invest NI website but if additional information was required Councillors should go through the Director of Business and Communities together with the Economic Development team. With regard to monitoring of job creation Ms Devine advised that the figures presented had been jobs promoted but that more detailed monitoring would be available going forward. Ms Devine in relation to jobs lost advised that Invest NI would track funded companies but a broader picture of statistics in relation to job losses could be found on the NISRA website. Ms Devine advised that the main office for the area was based in Omagh with a sub office in Enniskillen and stressed that there had been discussion surrounding a 'presence' in the Mid Ulster Council area but the matter would require further discussion. Councillor Cuddy stated that at the very least he would like 'Invest NI' to have a presence in Dungannon as many clients, large businesses and industries are based in the local area.

Councillor S McGuigan expressed concern especially in relation to what was the former Dungannon Council area emphasising that because people showed entrepreneurial initiative this then had a negative impact on the level of investment by Invest NI. In response Ms Devine acknowledged that the majority of companies within the MUDC area were small companies but stated that any company which puts forward a good project Invest NI would endeavour to fund. Ms Devine also stated that in moving forward Invest NI would be targeting support at growing companies.

Councillor McLean acknowledged the entrepreneurial initiative through the MUDC and South Derry area and stated that many projects went without funding because of the amount of 'redtape' and bureaucracy and thus opportunities have been missed. Councillor McLean asked what Invest NI were doing to streamline the process and assist up and coming entrepreneurs and stated that lack of investment in the past was down to a sheer lack of a visual presence in the area and this needed to be rectified. In response Ms Devine stated that she accepted the fact that remote companies had lost out but stated that key staff in Omagh were out seeking opportunities and emphasised that Invest NI relied heavily on being told about companies seeking funding opportunities. It was also noted that the South Derry area had been previously managed through the Derry Offices but that the remit had now moved to the Omagh office. Ms Devine stated that Invest NI endeavoured to go out to meet with people.

Councillor McLean stated that although he did not know how to make the connections better improvement was needed within rural communities where small businesses need extra help especially in relation to global exports. Ms Devine stated that there had been a mechanism with Councils and Colleges to link in such

opportunities and also referred to digital connections and social media as means of promotion.

Councillor McEldowney stated that through a MLA putting a company in contact with Invest NI an initial and follow up meeting had taken place with the company seeking funding within two weeks. Councillor McEldowney expressed thanks in relation to this.

The Chief Executive thanked Ms Devine for attending the meeting and stated that Council was working on projects such as shortage of industrial land particularly in Granville where there was already a successful business in the food park seeking land for expansion and Council was determined to ensure this expansion remained in the MUDC region. The Chief Executive also made reference to Council promoting the need for better infrastructure including gas, roads and electricity. Making reference to the Regional Start Up Initiative the Chief Executive stated that at the end of October this would transfer to Council and acknowledged the strong working relationship between Invest NI and Council.

In response to Councillor S McGuigan's query regarding the development of an economic zone at Ballygawley the Chief Executive stated that he was aware of the project and the feasibility study but stated that as a new Council it had been felt it was better to endeavour to solve the issues at Granville and then explore through the area plan other potential areas for industrial zoning.

Councillor Cuddy concurred that Granville was a success story but stated that it was important to embark on conversations with Invest NI regarding the possibility of development of an economic zone at Ballygawley as much work had been completed by the legacy Council to progress such a zone.

The Director of Business and Communities made reference to the £8.1m of Rural Development funding and working same into action programmes. The Director outlined three options of (i) work with ten other Councils for a Northern Ireland Wide programme; (ii) work with neighbouring Councils; or (iii) develop a MUDC action plan. The Director advised that Officers were preparing a report to outline the pros and cons and emphasised that whichever option was chosen Council would be seeking support from Invest NI. The Director also made reference to Foreign Direct Investment and emphasised that the most critical element is engagement and that MUDC would want to meet with potential investors to promote the MUDC region. In response Ms Devine advised that it was easier for Foreign Investors to come to cities that the statistics presented would assist Council in selling the region and stated that Invest NI would work with Council to develop opportunities to increase visits.

The Deputy Chair, Councillor Ashton thanked Ms Devine for attending the meeting and emphasised that MUDC wanted it known that the region was open to business.

SC19/16 Duration of Meeting

The meeting was called for 7.00pm and ended at 7.46pm

CHAIR _____

DATE _____

B

Minutes of Meeting of Mid Ulster District Council held on Thursday 24 March 2016 in the Council Offices, Circular Road, Dungannon

Members Present: Councillor Dillon, Chair

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

Officers in Attendance: Mr A Tohill, Chief Executive
Dr Boomer, Planning Manager
Ms Canavan, Director of Organisational Development
Mr Cassells, Director of Environment and Property
Mr Kelso, Director of Public Health and Infrastructure
Mr Moffett Head of Democratic Services
Mr Tohill, Director of Finance
Mrs Forde, Member Support Officer

The meeting commenced at 7pm

C58/16 Apologies

Councillors Bateson, Mallaghan and C O'Neill

C59/16 Declarations of Interest

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

C60/16 Chair's Business

Councillor Wilson proposed that a letter of congratulations be forwarded to Mr Gary Chambers the golf pro at Killymoon Golf Club, Cookstown who has been appointed Captain of the PGA Ireland which is a tremendous achievement. The Chair, Councillor Dillon agreed to forward letter.

Councillor Molloy expressed concern that an issue which had been discussed in confidential business at the Development Committee had been reported in the local press. The Councillor stated that both Members and Officers should not be discussing issues of confidential business with the press.

The Chair, Councillor Dillon emphasised that Members should be mindful of matters discussed in confidential business in the future.

Councillor McAleer requested that a letter of congratulations be forwarded to Maureen Kernaghan, a HomeStart volunteer based in the Clogher Valley who

achieved runner up in the Volunteer of the Year Awards in the United Kingdom. The Chair, Councillor Dillon agreed to forward a letter.

Councillor McLean referred to the issue raised by Councillor Molloy and sought further details.

Councillor Molloy said he did not wish to state the issue but emphasised that the danger of items of confidential business being discussed in the public arena, especially before being ratified could for example lead to Council losing funding. Councillor McLean concurred.

Matters for Decision

C61/16 Receive and consider minutes of matters transacted in “Open Business” at the Council meeting held on Thursday 25 February 2016

Proposed by Councillor McNamee
Seconded by Councillor B McGuigan and

Resolved That the Minutes of the Meeting of the Council held on Thursday 25 February 2015 (C30/16 – C48/16 and C57/16), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

In response to Councillor McLean’s request the Head of Democratic Services stated that the first civic recognition event would be held on 15 April 2016 and that the programme for all planned receptions would be issued in due course.

C62/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee held on Tuesday 1 March 2016.

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved That the Minutes and recommendations of the Planning Committee meeting held on Tuesday 1 March 2016 (P45/16 – P52/16 and P57/16) transacted in “Open Business”, having been printed and circulated, subject to the foregoing, were considered and adopted.

C63/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Thursday 3 March 2016

Proposed by Councillor Buchanan
Seconded by Councillor Forde and

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Thursday 3 March 2016, (PR047/16 –

PR054/16 and PR065/16), transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C64/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee held on Tuesday 8 March 2016

Proposed by Councillor McNamee
Seconded by Councillor McFlynn and

Resolved That the Minutes of the Meeting of the Environment Committee held on Tuesday 8 March 2016 (E57/16 – E75/16 and E90/16), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

Councillor McNamee expressed concern regarding the decision to permit a tarpaulin display highlighting Dungannon Rotary Club 60th anniversary. The Councillor emphasised he had no issue with the organisation but Council should not be granting such permissions without a policy in place.

C65/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 10 March 2016.

Councillor McAleer requested that page 19 of the minute be amended to read that she had returned to the meeting. Councillor Elattar requested that her return to the meeting be recorded prior to D69/16.

Councillor Molloy referred to item D75/16 regarding Service Level Agreements and stated that he had been approached by groups who were concerned with the communication on service level agreements. The Councillor proposed that how the decisions were arrived at should be communicated to the groups.

The Chair Councillor Dillon seconded the proposal for further communication with groups and stated that it had been discussed at a recent Party Leaders meeting.

Councillor Ashton concurred with the remarks and stated that Directors should set up meetings to progress the communication and suggested that the Development Committee in April be designated delegated powers to approve the outcome. Councillor Molloy concurred with this suggestion.

The Chair Councillor Dillon clarified that the decision regarding Service Level Agreements would be deferred, that meetings would be held with the groups and that it had been suggested that the development committee in April be granted delegated powers to forward the issue.

Councillor Burton emphasised the importance of communicating with community groups and stated that although Council is in a new era it needed to be conscious and engage with the people delivering sports and projects on the ground.

Councillor Burton also requested that at item D59/16 that Fivemiletown traders be amended to read Fivemiletown Chamber of Commerce.

Councillor McGinley stated that in regard to the deferral of item D75/16 on Service Level Agreements, the matter should be discussed at Development Committee but brought back to Council for decision. There was consensus shown in the room by members.

Resolved That item D75/16 be deferred and meetings be organised with organisations to communicate decision making process.

Proposed by Councillor Molloy
Seconded by Councillor Burton and

Resolved That the Minutes and recommendations of the Development Committee meeting held on Thursday 10 March 2016, (D055/16 – D83/16 and D89/16) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

Declaration of Interest

Councillor Mulligan made reference to a recent letter circulated regarding Dungannon Hockey Club and stated that David Mulligan Secretary of the Club was his son.

C66/16 Conferences and Seminars

Approval was sought from the meeting for the undernoted conferences and sought approval for the attendance of Members and Council officers, the payment of attendance fees and associated costs as incurred.

- (i) AOIFE Conference (Association of Irish Festivals and Events)
 - Friday 1 & Saturday 2 April 2016 at Ballinasloe, Galway
 - Events Officer to attend.
- (ii) Award Public Contracts Lawfully and Skilfully within NI's Procurement Rules
 - Tuesday 1 May 2016 at Hilton Waterfront, Belfast
 - Council Solicitor and principal Procurement and Insurance Officer to attend.
- (iii) Housing in NI: meeting market demand and reforming social housing sector
 - Wednesday 14 September 2016 Central Belfast

Proposed by Councillor McNamee
Seconded by Councillor Forde and

Resolved That the attendance of Members and officers, the payment of attendance fees and associated costs as incurred be approved, as required for attending Members or officers

C67/16 Timetable for the production of Mid Ulster District Council Local Development Plan

The Planning Manager drew attention to the previously circulated report detailing the proposed timetable, key stages, actions and timescales for the production of the new Local Development Plan.

Proposed by Councillor Cuthbertson
Seconded by Councillor Clarke and

Resolved That Council approve the timetable and submit same to the Department of the Environment for approval.

C68/16 Mid Ulster District Council Statement of Community involvement for the new Local Development Plan and Development Management Functions

The Planning Manager drew attention to the previously circulated report detailing the Statement of Community Involvement for the new Local Development Plan and Development Management function for Mid Ulster.

Proposed by Councillor McGinley
Seconded by Councillor McPeake and

Resolved That council approve the statement of community involvement and submit same to the Department of the Environment for approval.

C69/16 Revised Council and Committee Meeting Schedule 2016-2017

The Head of Democratic Services drew attention to the previously circulated report detailing proposed changes to the 2016-17 meeting schedule and sought approval for the undernoted:

- Council AGM take place on Tuesday 7 June 2016;
- Planning meeting to take place on Monday 13 June 2016; and
- Development committee take place on Wednesday 15 March 2017

Councillor Wilson stated he recently attended a meeting of Cookstown Town Centre Forum and noted that the Council meeting in November would clash with the switching on of the Christmas Lights in Cookstown. He requested that the Council meeting be moved to Wednesday 23 November. Councillor McNamee concurred with this request advising that for the past two years they had fallen on the one evening.

The Chair, Councillor Dillon stated that she had been unable to attend the event in November 2015 and members of the public had commented on her absence. The Chair stated that Council arranged events should not occur on the same night and stated that the matter could be discussed at Party Representative Group.

Proposed by Councillor McGinley
Seconded by Councillor T Quinn and

Resolved That Council approves the amendments to the 2016-2017 meeting schedule.

Councillor Cuddy stated that the EU Referendum was scheduled for Thursday 23 June 2016 and would coincide with the Council meeting. The Chief Executive stated that the matter could be discussed at Party Representative Group.

Matters for Information

C70/16 Consultations notified to Mid Ulster District Council

The previously circulated paper on consultations notified to Mid Ulster District Council was noted.

Proposed by Councillor S McGuigan
Seconded by Councillor McGinley and

Resolved That the consultations contained within the previously circulated report be noted

Confidential Business

Proposed by Councillor McGinley
Seconded by Councillor M Quinn and

Resolved That items C71/16 – C79/16 be taken as confidential business.

The press left the meeting at 7.35pm

C79/16 Duration of Meeting

The meeting was called for 7pm and ended at 8.09pm

CHAIR _____

DATE _____

C

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 April 2016 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Kearney, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Mallaghan, McAleer (7.11 pm), McEldowney, McKinney, McPeake, Mullen, Reid, Robinson, J Shiels

Officers in Attendance

Mr Tohill, Chief Executive
Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms McNally, Solicitor
Miss Thompson, Committee Services/ Senior Admin Officer

Others in Attendance

Applicant Speakers

LA09/2015/0085/O Mr Cassidy
LA09/2015/0598/F Mr Cassidy
LA09/2015/1098/F Mr Maneely
LA09/2015/1121/F Mr Ross
LA09/2015/1275/O Ms McIlvar
LA09/2016/0037/O Mr Diamond
LA09/2015/1164/O Mr Currie

The meeting commenced at 7.04 pm.

P58/16 Apologies

None.

P59/16 Declarations of Interest

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

Councillor Glasgow declared an interest in planning application LA09/2015/1235/O.

Councillor Clarke declared an interest in planning application LA09/2015/1185/O.

Councillor McPeake declared an interest in planning application LA09/2015/1275/O.

P60/16 Chair's Business

The Chair reminded Members of the two special planning committees to be held in the month of April (20th and 26th) and next monthly Planning Committee to be held on 3 May.

Councillor Cuthbertson referred to upcoming elections and whilst these were not for Council the Councillor stated it was a busy time for party groups. Councillor Cuthbertson suggested that forthcoming meetings be postponed until later in May after the elections.

The Planning Manager advised that Members had recently agreed the timetable for the Local Development Plan at a meeting of Council and advised Members to try to keep to this timetable.

The Chair suggested that Members discuss this matter during the meeting recess and come back to it at the end of the meeting.

P61/16 Confirm Minutes of the Planning Committee Meeting held on Tuesday 1 March 2016

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson and

Resolved That the minutes of the meeting of the Planning Committee held on Tuesday 1 March 2016, (P45/16 – P52/16 & P57/16), were considered and signed as accurate and correct.

Matters for Decision

P62/16 Planning Applications for Determination

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

LA09/2015/0085/O Dwelling and garage 80m SE of 11 Strawmore Lane, access via Doon Road, Draperstown for Gerard Kelly

Ms Doyle (SPO) presented a report on planning application LA09/2015/0085/O advising that it is recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

(Councillor McAleer entered the meeting at 7.11 pm)

Mr Cassidy advised that the applicant has full rights to the farm business and that the only dispute in relation to this application appeared to be the siting of the proposal. Mr Cassidy referred to previous Planning Appeal decisions which he felt

were clear in stating that in order to achieve visual linkage there is no stipulation that an established group of buildings on a farm have to be of agricultural use, Mr Cassidy felt that, in this case, there is a house and garage already in place which would constitute a group of dwellings.

The Planning Manager urged caution to Members in relation to Planning Appeals decisions which he felt were inconsistent. The Planning Manager stated that it was clear there is a farm holding with buildings associated being some distance away. The Planning Manager suggested another location for the proposal and asked if the applicant would be happy with this suggested relocation.

Mr Cassidy advised that the site suggested by the Planning Manager would be unsuitable due to an electricity pylon.

Councillor Bell asked if there were any other suitable locations for this proposal.

The Planning Manager stated that additional sites could be investigated by officers.

Proposed by Councillor Reid
Seconded by Councillor McAleer and

Resolved That planning application LA09/2015/0085/O be deferred to investigate if any other suitable locations can be found for this proposal.

LA09/2015/0598/F Replacement office and storage unit associated with an established business (retrospective) at 50m W of 35 Moss Road, Ballymaguigan for Christopher Cassidy

The Head of Development Management presented a report on planning application LA09/2015/0598/F advising that it is recommended for refusal. Members were asked to note the addendum circulated which stated that refusal reason 6 should be amended to read –

The proposal is contrary to Policy CTY14 and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings; the building would, if permitted create a ribbon of development and create urban sprawl outside of the development limits; and would therefore result in a detrimental change to the rural character of the countryside.

The Head of Development Management also highlighted that a final decision could not be made on this application until further neighbour consultation was complete.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy advised that the existing porta cabin had been on site for over five years, had been used in the past and continued to be used. The proposal is to be used in addition to the current Magherafelt office and will help with the expansion of the

applicant's business, Mr Cassidy advised that the vacant units discussed within the case officers report would not be suitable for the use required by his business.

Mr Cassidy felt that the Moss Road is not a rural area and listed eight businesses located in the vicinity. As there is a building on site which can be replaced, Mr Cassidy did not believe ribboning to be an issue.

In response to the Head of Development's question Mr Cassidy advised that of the eight businesses in the vicinity two were outside the development limit.

Councillor Bateson felt the proposal represented an expanding business in the district to which Council should be supportive of within reason. The Councillor also referred to the interpretation of rural character and did not feel the proposal was out of character with what was already on site, Councillor Bateson felt the proposal warranted further consideration.

Councillor McEldowney asked if there was electricity/water supply at the site.

The Planning Manager stated the applicant is a well established planning consultant and that he did not have a lot of sympathy for the situation the applicant finds himself in. The Planning Manager felt that it was unclear what was happening at this site as the current porta cabin did not appear to be a working office.

In response to Councillor Reid's question Mr Cassidy again pointed out on the map the locations of the other nearby businesses mentioned.

In response to the Planning Manager's question Mr Cassidy advised that rates had not been paid for the existing porta cabin.

Councillor Gildernew asked if there were consequences to passing this application.

The Planning Manager advised that he would have some concern regarding the consequences of an approval and felt that the applicant is relying on technicalities in order to achieve an approval.

Councillor McKinney felt that the applicant would have a vast amount of knowledge and that rules cannot be made to fit a situation. Councillor McKinney proposed that the application be refused.

The Planning Manager stated he was unsure how this application would be determined if it went to Planning Appeal.

Councillor J Shiels felt other alternatives could be found to accommodate the applicant's need and seconded Councillor McKinney's proposal.

Councillor Robinson stated he was pleased to see that the business was doing well but did not understand how the proposal could be accommodated without utilities.

The Planning Manager stated that as amended drawings had been submitted a further neighbour notification consultation was required and that the application should be deferred pending the outcome of this consultation.

Councillor McKinney stated he would withdraw his proposal to refuse the application and proposed that the application be deferred pending the outcome of neighbour notification consultation.

Councillor J Shiels seconded Councillor McKinney's proposal.

Resolved That planning application LA09/2015/0598/F be deferred pending the outcome of neighbour notification consultation.

Councillor Cuthbertson felt that as a decision could not be made on this application it should not have come before the Committee tonight, the Councillor stated that Members had spent a lot of time discussing the application and referred to the busy agenda and the number of people still waiting to speak on applications.

Councillor Gildernew concurred with Councillor Cuthbertson's comments.

The Planning Manager felt it was reasonable for Members to discuss the application tonight.

Councillor Bateson felt it may be helpful to get verification on workspace availability.

The Planning Manager stated that the applicant can put forward an argument stating that there is no suitable workspace in Magherafelt if he feels that is the case.

LA09/2015/0682/F Retention of equestrian arena, including stables, horse walker building, cctv cameras and floodlighting at land adjacent to 32 Annaghroe Road, Caledon for Caledon Estates Co.

Mr Marrion (SPO) presented a report on planning application LA09/2015/0682/F advising that it is recommended for approval.

The Chair advised the committee that a request to speak on the application had been received however the applicant speaker was not in attendance at the meeting.

Councillor Reid proposed that planning application LA09/2015/0682/F be approved.

Councillor Glasgow asked if there was a need for cctv at the proposed premises.

Mr Marrion advised that the proposal is removed from Caledon Estate and that the cameras would be used as a security measure for the horses.

Councillor Robinson seconded Councillor Reid's proposal to approve the application.

Resolved That planning application LA09/2015/0682/F be approved subject to conditions as per the officer's report.

**LA09/2015/1098/F 2 detached bungalow dwellings at lands 50m NW of 8
Brackaville Road, Coalisland for James McGuinness**

Ms McCullagh (SPO) presented a report on planning application LA09/2015/1098/F advising that it is recommended for refusal. Members were asked to note the addendum circulated which stated that the application should have an additional refusal reason as follows;

The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Coalisland and the surrounding countryside and result in urban sprawl.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Maneely to address the committee.

Mr Maneely stated the application site sits within the development limit as defined within the 2010 Area Plan however it was felt that this plan is now out of date. Mr Maneely stated there were no further mineral reserves to be protected in this locality as mining had been exhausted and abandoned and that any issues related to land instability did not extend into the application site. Mr Maneely stated that the character of the area is defined by ribbon development, the application site is highly visible along the roadside but it was felt that the proposed development will help to screen views and improve the appearance of the area.

Councillor Gildernew highlighted that no mining had ever taken place within the application site.

Councillor Bell concurred with the comments of Councillor Gildernew and Mr Maneely and felt the proposed application offered good potential.

Councillor Reid stated that there was development on both sides of the road the entire way from Coalisland to Brackaville, the location of the proposal was currently unsightly and it was felt the proposed development would improve this however the Councillor raised concern in relation to mine shafts and the depth of these. Councillor Reid also referred to discussion in relation to a future by pass around Coalisland and stated that the proposed application site could be utilised in this respect.

Councillor Gildernew again stated that no mining had taken place close to the application site and did not feel a by-pass around Coalisland would ever come to fruition.

The Planning Manager felt the argument in relation to mining being exhausted was correct however issues in relation to land stability would require further assessment. The Planning Manager referred to other applications in the same area and how they had been treated.

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved That planning application LA09/2015/1098/F be deferred to obtain further information in relation to land stability.

In response to Councillor Bell's comments the Planning Manager advised that if there is a definite reserve identified within the Local Development Plan then it should be protected.

LA09/2015/1121/F 2 semi-detached dwellings between 9 Old Coach Mill and 42 Old Coach Road, Cookstown for J & M Developments

Ms McCullagh (SPO) presented a report on planning application LA09/2015/1121/F advising that it is recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Ross to address the committee.

Mr Ross stated that the current development currently consists of mainly semi-detached housing with different styles and materials used, the size of the plot is the same as for other semi-detached housing within the development.

In response to Councillor McKinney's question Mr Ross advised that there is no consistent style of housing within the development.

Mr McKinney felt that if the two dwellings can be accommodated at the site then Council should proceed to approval.

Councillor Mallaghan clarified whether the housing beside the application site was also of semi-detached type and Ms McCullagh stated that was correct. That being the case Councillor Mallaghan felt that to refuse the application seemed harsh given the mix of house types in the area. Councillor Mallaghan proposed that planning application LA09/2015/1121/F be approved.

Councillor McAleer referred to the need to encourage people to live and work in local areas by providing adequate housing.

Councillor Clarke felt the proposed dwellings would fit into the area.

Ms McCullagh reminded Members of the reasons for refusal being that the proposal would not integrate into the surrounding area.

Councillor Bateson felt that the character of an area is a subjective matter and seconded Councillor Mallaghan's proposal to approve the application.

Councillor Bell stated he could not see how semi-detached dwellings would not integrate into the area.

The Planning Manager stated that there was a degree of subjectivity associated with this application and advised he did not believe the character of the area would be adversely affected by approving this application, however he stated there should be some conditions attached to an approval, namely –

- Visibility Splays
- Access

Councillor Mallaghan agreed that the above conditions be included within his proposal to approve the application.

Councillor McAleer asked if the proposed site was a designated open space.

Ms McCullagh advised that there was no evidence to indicate that the open space area was ever approved or even a requirement.

Councillor Bell felt that there should be an additional condition to ensure that landscaping etc is in keeping with existing dwellings.

Ms McCullagh advised that the issues raised by Councillor Bell were clarified satisfactorily within the submitted plans.

Resolved That planning application LA09/2015/1121/F be approved subject to addition of visibility and access conditions.

**LA09/2015/1164/O Dwelling 214m N of 78 Coagh Road, Ballywholan,
Stewartstown for John and Ann McCann**

The Chair advised that as there were personal circumstances associated with this application it should be dealt with in closed session later in the meeting.

Resolved That planning application LA09/2015/1164/O be deferred for consideration later in the meeting under confidential business.

**LA09/2015/1235/O Dwelling and garage on a farm adjacent to 220 Drum Road,
Cookstown for Mr E Lyttle**

Ms McCullagh (SPO) presented a report on planning application LA09/2015/1235/O advising that it is recommended for refusal.

Councillor Glasgow requested to speak on the application.

Councillor Glasgow advised the applicant only became aware of the intention to refuse this application during the Easter holidays. Councillor Glasgow advised that the applicant is currently a construction worker who is preparing for his retirement, the applicant's brother is the farm owner on which the applicant helps out, he stated the applicant was aware of the reasons for refusal and asked that the application be deferred to allow the applicant to present information to address the issues of concern relating to the application. Councillor Glasgow advised that there had been no objections to the application and the desire for people to move into the area. In terms of integration Councillor Glasgow felt that given the speed of traffic travelling along the Drum Road the proposal would not be seen by passing vehicles.

Councillor Glasgow withdrew to the public gallery

Councillor McKinney proposed that the application be deferred for an office meeting.

Councillor McEldowney asked for clarification in relation to whether the applicant had a DARD business id.

Ms McCullagh advised that the applicant does not have a farm business registered in his name.

Councillor McEldowney did not feel the applicant would be able to provide the necessary information as it had been confirmed he did not have a farm business id and that as his brother had already received planning permission in 2012 there could be no further permissions for 10 years from 2012.

Councillor McKinney stated it may be a case that the applicant owns the land in question but had not claimed payment for it.

The Planning Manager stated it was not good practice to defer an application unless there would be specific benefit in doing so.

Councillor Mallaghan asked if there were any personal circumstances pertaining to this application.

Councillor Glasgow advised that the applicant was keen to address issues relating to the application but stated he was unaware of any personal circumstances.

Councillor Gildernew felt the application could not be approved given that the applicant's brother had a site passed in 2012 and taking into consideration the 10 year rule.

Councillor Clarke stated that this was a further example of a problem with the system in that the applicant owns the land and is local but can only make their application through farming criteria. The Councillor stated he hoped this issue would be addressed in the future.

The Planning Manager stated there may be an infill opportunity at this location and suggested that the application be deferred for an office meeting to discuss and explore this option further.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2015/1235/O be deferred for an office meeting.

Councillor Glasgow rejoined the meeting.

*The meeting recessed at 9.05 pm and recommenced at 9.30pm.
The Chief Executive did not return to the meeting.*

**LA09/2015/1275/O Infill dwelling and garage at lands between 32 and 32A
Mayogall Road, Gulladuff for Noel Convery**

Ms Doyle (SPO) presented a report on planning application LA09/2015/1275/O advising that it is recommended for refusal. Members were asked to note the addendum circulated which stated that refusal reason 2 be amended to read;

The proposal is contrary to Policy CTY8 and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Mayogall Road and would mar the distinction between the settlement limit of Gulladuff and the surrounding countryside.

The Chair advised the committee that a request to speak on the application had been received and invited Ms McIlvar to address the committee.

Ms McIlvar advised that the application site is a side garden plot which is secluded and well hidden and cannot be seen from the Mayogall Road, from the one single viewpoint there is of the application site Ms McIlvar felt the proposal would be seen as part of existing development. Ms McIlvar stated she found it hard to understand how the application would mar the distinction of the area if it cannot be easily viewed. With regard to the application site being just outside the development limit Ms McIlvar felt that the large group of mature trees at the far side of the application site would provide a better break for the settlement limit.

Councillor McPeake requested to speak on the application.

Councillor McPeake stated he wanted to lend his support to the application and advised that the application site was on a dead end lane which was characterised by housing. The Councillor felt the line of the settlement limit was harsh and that the application would be of no detrimental impact if approved. Councillor McPeake felt the proposal would round off the settlement limit.

Councillor McPeake withdrew to the public gallery.

The Planning Manager stated that infill and urban sprawl was a complex matter and advised he did have some sympathy for the argument put forward tonight. The Planning Manager stated that the planning department were currently compiling a list of infill applications with the intention of arranging a one off meeting to discuss these applications with agents before bringing to committee. The Planning Manager suggested that this application be deferred to be included on list of infill applications for further discussion.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That planning application LA09/2015/1275/O be deferred to be included on list of infill applications for further consideration.

Councillor McPeake stated site meetings should also be arranged for those infill applications.

The Planning Manager stated that there would be benefit in Members visiting the sites of the infill applications once all details were gathered.

Councillor Clarke felt that if the settlement limit had been a regular shape this application site would probably have been within the limit. The Councillor felt that the definition of areas needs to be logical.

Councillor McPeake rejoined the meeting.

LA09/2015/1291/F Dwelling and garage to rear of 118 Westland Road South, with access from Drumcree, Cookstown for ARC Developments

Ms McCullagh (SPO) presented a report on planning application LA09/2015/1291/F advising that it is recommended for approval.

Proposed by Councillor Bell
Seconded by Councillor McKinney and

Resolved That planning application LA09/2015/1291/F be approved subject to conditions as per the officer's report.

LA09/2016/0037/O Site for infill dwelling and garage 80m NW of 4 Dunmurry Road, Moneyneary for Joe Morgan

Ms Doyle (SPO) presented a report on planning application LA09/2016/0037/O advising that it is recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Diamond to address the committee.

Mr Diamond stated that the application represents a gap site and did not feel ribbon development would be created. With regard to the fenced off strip of lands between the property at 6A Dunmurry Road and the roadside Mr Diamond felt there was argument in stating that these lands represented a garden for 6A Dunmurry Road.

The Planning Manager stated he would be content for this application to be deferred for further consideration under infill.

Proposed by Councillor Reid
Seconded by Councillor Robinson and

Resolved That planning application LA09/2016/0037/O be deferred to be included on list of infill applications for further consideration.

M/2014/0524/F

Mushroom production, packaging, storage and distribution complex at lands approximately 30m SW of 15 Annaghilla Road, Augher for Mr Peadar McGee

Mr Marrion (SPO) presented a report on planning application M/2014/0524/F advising that it is recommended for approval.

The Planning Manager advised that this was a major application to which TransportNI have objected to the principle of access to a Protected Route. That being the case, a decision on this application cannot be issued until Council have notified DoE.

Proposed by Councillor Gildernew
Seconded by Councillor Bell

That planning application M/2014/0524/F be approved subject to conditions as per the officer's report.

Councillor Cuthbertson stated he had no objection to business coming to Augher but voiced concern in relation to road safety and the adverse effect this proposal would have on an already very busy road.

The Planning Manager stated he would not allow an application to be brought to committee if there were any concerns in relation to road safety.

Councillor Cuthbertson spoke in relation to a former business which was sited nearby and had to close as it was accessing onto a protected route.

Mr Marrion clarified that TransportNI's concerns related to access onto a protected route not road safety.

The Planning Manager advised Members of the process of notifying DoE of Council's decision and whether or not they decide to intervene. The Planning Manager felt that all parties were working with goodwill to resolve issues.

Ms Jackson, agent for the application who was in attendance at the meeting clarified that all relevant assessments in relation to road safety had been submitted.

Councillor Gildernew accepted that road safety is a big issue but stated that the access point is inside the 30mph zone.

Councillor Bateson felt there was a clear distinction between road safety issues and protected routes.

Councillor Robinson stated that the access point would be outside the 30mph zone and that whilst he had no objection to the proposal he did have concerns in relation to road safety.

The Planning Manager advised that there were no other concerns related to this application other than access to a protected route and stated that TransportNI want

an indicative decision from the Planning Committee before making their own decision.

The Council Solicitor urged Members to base their decision on the facts before them.

Councillor Reid advised that the access would be outside of the 30 mph zone and felt it was unfair on the other business which had to close.

Councillor McAleer referred to discussions at a recent village plan meeting where the public had requested traffic calming measures in Augher, the Councillor advised that at this meeting TransportNI had advised this would not be possible. Councillor McAleer felt that if this application was approved it may give better leverage to providing traffic calming for the village.

Councillor McPeake proposed to approve the application subject to roads issues being fully addressed.

Councillor Gildernew withdrew his earlier proposal and seconded Councillor McPeake's proposal.

The Planning Manager suggested that an added condition be attached to the approval stating that access should be constructed in accordance with the plans.

Councillor McPeake agreed that this be included in his proposal.

Councillor Cuthbertson proposed that the application be deferred for one month to clarify issues related to road safety with TransportNI.

The Planning Manager advised that the planning department have consulted with TransportNI who have stated no concerns with road safety.

Councillor J Shiels seconded Councillor Cuthbertson's proposal.

Members voted on Councillor McPeake's proposal to approve the application subject to roads issues being fully addressed and added condition.

For – 12

Resolved That planning application M/2014/0524/F be approved subject to an amended roads condition that access should be constructed in accordance with stamp approved drawings. The intention to approve will be notified to DoE allowing the Minister the opportunity to call in the application in accordance with legislation. If the Minister declines to call in the application the decision will be issued.

CONFIDENTIAL BUSINESS

Proposed by Councillor J Shiels
Seconded by Councillor McEldowney and

Resolved That planning application LA09/2015/1164/O be heard as confidential business.

Open Business resumed at 10.55 pm

**LA09/2015/1164/O Dwelling 214m N of 78 Coagh Road, Ballywholan,
Stewartstown for John and Ann McCann**

Mr Currie and Mr and Mrs McCann re-entered the meeting.

The Chair, Councillor Kearney advised that the Committee had deferred planning application LA09/2015/0743/F for an office meeting.

Members considered the remaining planning applications as per agenda.

**H/2014/0072/F 225kw wind turbine with hub height of 40.156m and
14.550m rotor radius at approximately 317m NNW of 134
Tirkane Road, Maghera for Mr Peter McKenna**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Reid
Seconded by Councillor J Shiels and

Resolved That planning application H/2014/0072/F be approved subject to conditions as per the officer's report.

Councillor McPeake asked if consideration needed to be given to any damage that may be caused to an access laneway in the construction of the proposed turbine.

The Planning Manager stated that if any damage was caused to the laneway it would be a matter for the owners/users of the laneway to resolve.

Councillor Clarke asked if there was a means of a lane owner being compensated for any damage during construction.

The Council Solicitor reiterated that if damage was caused to a laneway it would be a civil matter to resolve and that in granting approval of the application Council is not taking responsibility for damage caused.

In response to Councillor Robinson's comments Ms Doyle advised that an objection to the application was received in relation to damage to the access laneway, Ms Doyle stated that the objector was advised that any damage sustained would become a civil matter.

Councillor McKinney asked if a condition needed to be added to the approval in relation to preservation of access.

The Planning Manager stated there was no evidence that damage would be caused to the laneway and did not feel an added condition would be beneficial.

M/2014/0454/F 2 no. pig fattening sheds; 1 no. sheep shed with 2 no. feed bins at lands approximately 875m N of 14a Doolargy Road, Branny, Aughnacloy for Mr D Sawyers

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Gildernew
Seconded by Councillor J Shiels and

Resolved That planning application M/2014/0454/F be approved subject to conditions as per the officer's report.

M/2014/0592/F Light industrial workshop adjacent to 8 Glen Road, Coalisland for Dukart Properties Ltd

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Bell
Seconded by Councillor Robinson and

Resolved That planning application M/2014/0592/F be approved subject to conditions as per the officer's report.

M/2015/0042/F Renewal of permission for a residential development (49 dwellings and 42 apartments) at 62m SW of 5 Old Eglish Road, Mill Field, Dungannon for E Herron, R Donnelly and B Devlin

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved That planning application M/2015/0042/F be approved subject to conditions as per the officer's report.

LA09/2015/0067/F Wind turbine with 40m hub height and 33.1 rotor diameter; associated access and 2 no. electricity cabinets at lands 200m E of 129 Screeby Road, Fivemiletown for Mr D Ellison

Application listed for refusal on the grounds stated in the officer's report.

Councillor Robinson asked for clarification on refusal reasons.

Mr Marrion advised that the applicant had failed to provide the necessary information to demonstrate there were no issues in relation to shadow flicker.

Councillor Mallaghan felt that the benefit of the turbine to the applicant had probably passed and that was why all information had not been submitted.

Proposed by Councillor Mallaghan
Seconded by Councillor Bateson and

Resolved That planning application LA09/2015/0067/F be refused on grounds stated in the officer's report.

LA09/2015/0243/F 2 no. infill dwellings and garages at lands between 37 and 43 Drumlamph Road Castledawson for Cathal Shivers

Ms Doyle (SPO) presented a report on planning application LA09/2015/0243/F advising that it is recommended for refusal.

Proposed by Councillor Cuthbertson
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2015/0243/F be refused on grounds stated in the officer's report.

LA09/2015/0355/O 2 semi-detached dwellings adjacent and SW of 4 Hawthorne Crescent, Dungannon for Mr Gerard Donnelly

Mr Marrion (SPO) presented a report on planning application LA09/2015/0355/O advising that it is recommended for refusal.

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved That planning application LA09/2015/0355/O be refused on grounds stated in the officer's report.

LA09/2015/0840/F Dwelling and garage (change of house type to that approved under M/2006/1292/RM) at approximately 250m SE of 185 Aghafad Road, Clogher for David Mahon Properties

Application withdrawn.

LA09/2015/0918/F Renewal of planning permission for the provision of 17 townhouses and 25 apartments with associated car parking and landscape enhancements at 8 Killyneill Road, Dungannon for Mr and Mrs John Quinn

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application LA09/2015/0918/F be approved subject to conditions as per the officer's report.

LA09/2015/1031/F Renewal of planning approval for the demolition of existing dwelling and erection of two dwellings at 40 Mourné Avenue, Coalisland for Mr Kevin Hughes

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Clarke
Seconded by Councillor Reid and

Resolved That planning application LA09/2015/1031/F be approved subject to conditions as per the officer's report.

LA09/2015/1117/O Replacement dwelling approximately 57m NW of 9 Dunamore Road, Cookstown for Dean Wilson

Ms McCullagh (SPO) presented a report on planning application LA09/2015/1117/O advising that it is recommended for refusal.

Councillor Clarke stated that, on looking at the photographs of the building, he believed it would have been a dwelling at some stage in the past.

The Planning Manager stated that, on viewing old maps, it is more likely there was a dwelling in front the current building and that the current building would have been used for storage. The Planning Manager felt the application could be approved as the proposed site had a dwelling on it at some time however whether the current building had been a dwelling remained unclear.

Councillor McPeake felt that with these sort of applications it was important to get a look inside of buildings to get a better understanding of their history.

Proposed by Councillor Gildernew
Seconded by Councillor Mallaghan

That planning application LA09/2015/1117/O be approved.

The Planning Manager suggested that a condition be added to the approval stating that the existing building be retained for storage uses.

Councillor McKinney asked if the application was being approved as a replacement or new dwelling.

The Planning Manager advised that the application was being approved as a replacement dwelling with the rationale being that the current building is substantially intact.

On clarification from Ms McCullagh the Planning Manager advised that the application could not be approved tonight as TransportNI had raised concern in

relation to visibility splays. The Planning Manager suggested that the application be deferred.

Councillor Gildernew withdrew his earlier proposal to approve the application.

Proposed by Councillor Gildernew
Seconded by Councillor Robinson and

Resolved That planning application LA09/2015/1117/O be deferred for an office meeting.

LA09/2015/1185/O Replacement dwelling at site 340m SW of 6 Drapersfield Road, Cookstown for David McGlaughlin

Ms McCullagh (SPO) presented a report on planning application LA09/2015/1185/O advising that it is recommended for refusal.

Councillor Clarke requested to speak on the application.

Councillor Clarke stated that since the original application was refused in relation to this site a number of similar applications had been made and approved throughout the Mid Ulster area.

Councillor Clarke stated that since the 2009 application the applicant had stripped back earth which had been built up at the rear of the building to show the ground level around the building in order to provide a better visual idea of the intactness of its walls, the Councillor referred to photographs shown which indicated that two walls of the structure were completely intact with the other two walls being substantially intact. Councillor Clarke requested that an office meeting be held for this application as it was felt that enough of the external walls of the building were substantially intact to allow the application to be approved.

Councillor Clarke withdrew to the public gallery.

The Planning Manager advised that in order to meet policy all external walls needed to be substantially intact. The Planning Manager commented that a lesser test for replacement could be formed under the new Local Development Plan.

The Council Solicitor agreed with the Planning Manager's comments in that all external walls needed to be intact to meet policy.

The Planning Manager felt there had been no material change in this application and the application made in 2009 other than the stripping back of earth to better expose the walls of the structure.

In response to Councillor McPeake's comments Members were able to see a comparison of the site in 2009 and now.

Councillors Gildernew and Mallaghan felt clarification was required on the words 'substantially intact' within policy and what this actually meant.

The Council Solicitor questioned the weight that should be attached to the planning history of the proposed site.

The Planning Manager suggested that the application be deferred for further consideration.

Proposed by Councillor McAleer
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2015/1185/O be deferred for an office meeting.

Councillor Clarke rejoined the meeting.

LA09/2015/1272/F Replacement dwelling (renewal of previous approval I/2010/0462) at 120m NW of 36a Bardahessiagh Road Pomeroy for Niall and Aine Hasson

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Mallaghan
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2015/1272/F be approved subject to conditions as per the officer's report.

LA09/2015/1277/O Dwelling and garage at 40m NW of 2 Motalee Lane, Magherafelt with access from Luney Lane for Michael Gribben

Ms Doyle (SPO) presented a report on planning application LA09/2015/1277/O advising that it is recommended for refusal.

Proposed by Councillor Bateson
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2015/1277/O be refused on grounds stated in the officer's report.

I/2011/0388/F Retention of extension to existing engineering units and minor alteration at 313 Drum Road, Cookstown for Noel Corey

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Mallaghan
Seconded by Councillor McAleer and

Resolved That planning application I/2011/0388/F be approved subject to conditions as per the officer's report.

I/2014/0178/F 100kw wind turbine with 50m hub height and 15m radius blade at 490m E of 35 Legmum Road, Cookstown for Steven Ferguson

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Reid
Seconded by Councillor Robinson and

Resolved That planning application I/2014/0178/F be approved subject to conditions as per the officer's report.

LA09/2015/0200/O Dwelling and garage 230m NE of 8 Cookstown Road, Dungannon for Gary Stewart

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Reid
Seconded by Councillor McAleer and

Resolved That planning application LA09/2015/0200/O be approved subject to conditions as per the officer's report.

LA09/2015/0250/RM 2 storey dwelling and garage at land approximately 50m SW of 12 Farriter Road, Cabragh, Dungannon for Michael and Ann Kelly

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McAleer
Seconded by Councillor Reid and

Resolved That planning application LA09/2015/0250/RM be approved subject to conditions as per the officer's report.

Councillor Gildernew left the meeting at 11.45 pm.

P63/16 Revised Protocol for Operation of the Planning Committee

Members considered previously circulated revised Protocol for the Operation of the Planning Committee.

Proposed by Councillor Mallaghan
Seconded by Councillor Bateson and

Resolved That the revised Protocol for Planning Committee is acceptable and can be published on the Council website.

Matters for Information

P64/16 Appeal Decisions Received

The Head of Development Management presented previously circulated report advising Members of recent decisions made by Planning Appeals Commission.

In relation to Planning Appeals decision for planning application LA09/2015/0174/O Councillor Reid asked what the award of costs would be in this case.

Members were advised that the planning department were not aware of the value of the award of costs as yet.

The Planning Manager advised that the planning department would take the Planning Appeal decision for LA09/2015/0174/O as a learning experience.

In response to Councillor Clarke's question the Planning Manager advised that Council will have to pay the costs.

In response to Councillor J Shiels question it was advised that the costs will likely be taken from the Planning Department budget.

Members noted the content of the report.

P65/16 Report of Delegated Decisions Issued in February 2016

Members noted the content of the report of delegated decisions issued in February 2016.

P66/16 Meeting Date/Time

The Chair advised that during the meeting recess discussions had taken place in relation to the dates of forthcoming meetings in April/May. The Chair advised that the feeling from those discussions was to keep the dates as they were that is –

20 and 26 April – Special Planning Committees
3 May – Normal monthly Planning Committee

Discussion ensued as to what time the above special meetings be organised in which it was agreed that the meeting on 20 April would be held at 7pm and Members would take a decision at that meeting as to what time to call the meeting on 26 April.

CONFIDENTIAL BUSINESS

Proposed by Councillor McKinney
Seconded by Councillor Glasgow and

Resolved That items P67/16 to P70/16 be taken as confidential business.

P71/16 Duration of Meeting

The meeting was called for 7.00pm and ended at 12.15 am.

Chair _____

Date _____

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Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 7 April 2016 in the Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor S McGuigan, Chair

Councillors Ashton, Bateson, Buchanan, Cuddy, Elattar, Forde, Gildernew, McKinney, McPeake, Molloy, M Quinn (7.15 pm) and Totten

Officers in Attendance

Mr A Tohill, Chief Executive
Mrs Canavan, Director of Organisational Development
Ms McNally, Council Solicitor
Ms Mezza, Head of Marketing & Communications
Mr Moffett, Head of Democratic Services
Mr O'Hagan, Head of ICT
Mr JJ Tohill, Director of Finance
Mrs Grogan, Committee Services Officer

The meeting commenced at 7.00 pm.

PR066/16 Apologies

Councillors McLean and T Quinn.

PR067/16 Declaration of Interest

The Chair, Councillor S McGuigan reminded Members of their responsibility with regard to declarations of interest.

PR068/16 Chair's Business

No business was raised.

PR069/16 Receive and confirm minutes of the Policy and Resources Committee held on Thursday 3 March 2016

Proposed by Councillor Forde
Seconded by Councillor McKinney and

Resolved: That the minutes of the meeting of the Policy & Resources Committee held on Thursday 3 March 2016 (PR047/16 – PR054/16 and PR065/16) were considered and signed as accurate and correct.

Matters for Decision

PR070/16 Request from ME Support to Illuminate Council Property

The Head of Democratic Services drew attention to the previously circulated report and asked members to consider request from ME Support, Northern Ireland to illuminate Council property on Thursday 12 May 2016.

In response to Councillor McPeake's query, the Head of Democratic Services advised that this had been the first request brought before the Committee for approval since the Policy was agreed in February.

In response to Councillor Cuddy's query, the Head of Democratic Services stated that the illumination would be done at a low cost by using gels to determine the colour of the illumination.

The Head of Democratic Services updated that the issue of illuminating the Towers at the Hill of the O'Neill was still being explored.

Proposed by Councillor Gildernew
Seconded by Councillor Buchanan and

Resolved: That it be recommended to the Council that approval be granted to ME Support's request to light up Ranfurly Arts & Visitor Centre, the Bridewell and Burnavon Arts & Visitor Centre blue on Thursday 12 May 2016.

PR071/16 NI Commissioner for Children & Young People

The Head of Democratic Services drew attention to the previously circulated report to seek approval from the Committee for the endorsement of the Northern Ireland Commissioner for Children & Young People (NICCY) Participation Policy Statement of intent, with regard to participation of children and young people.

Proposed by Councillor McPeake
Seconded by Councillor Gildernew and

Resolved: That it be recommended to the Council that approval be given to the endorsement of the Participation Policy Statement of Intent for Children and Young People.

PR072/16 Outcome of Consultation on Corporate Improvement Objectives

The Head of Democratic Services drew attention to the previously circulated report to update the Committee on the findings and outcome of the consultation undertaken on the Council's proposed Improvement Objectives for 2016-17.

In response to Councillor Cuddy's query regarding the one year timescale and funding, the Chief Executive stated that there was no reason why it had to be restricted to one year. It would be next year before it's seen to have had an impact

or not, especially within in the economic development areas of the Council's business.

He advised that continuous monitoring would take place throughout the year, but that it was a good starter for the first year of the Council including merging, harmonisation and efficiencies.

Proposed by Councillor Gildernew
Seconded by Councillor Cuddy and

Resolved: That it be recommended to the Council that approval be given to the Corporate Improvement Objectives for 2016-17.

PR073/16 Policy on Retention and Disposal of Documents

The Head of Democratic Services drew attention to the previously circulated report and asked the Committee to consider for approval a Policy on Retention and Disposal of Documents, held by Mid Ulster District Council. The Policy also contains a Retention & Disposal Schedule.

Proposed by Councillor Forde
Seconded by Councillor Bateson and

Resolved: That it be recommended to the Council that it approves the Policy on Retention and Disposal of Documents.

Councillor Quinn entered the meeting at 7.15 pm.

PR074/16 Earls Project – Land Transfers

The Council Solicitor drew attention to the previously circulated report to seek members' approval in respect of two land transactions between the Council and

Councillor Cuddy referred to access from Circular Road to the Hill of the O'Neill and asked if the Council had control over the right away from the road to the gate to accommodate staff going to and from Castlehill. He enquired if this section of land was in Lord Northland deeds or was it in private ownership.

The Council Solicitor advised that she would investigate and bring response back to committee.

- i) The Woodland Trust
- ii) Lord Northland Trustees

Proposed by Councillor Cuddy
Seconded by Councillor Ashton and

Resolved: That it be recommended to the Council to approve the contents of the Deeds in relation to lands at Castlehill and Lettervad Wood and that the

Council executes these Deeds. Investigate who is in ownership of land where gate is located at Circular Road to Castlehill and bring back to committee.

PR075/16 Ranfurly House Arts & Visitor Centre – Licensing

The Council Solicitor drew attention to the previously circulated report to seek Members' approval in respect of Council Officer's attendance at licensing hearing as a witness on behalf of Mid Ulster District Council.

In response to Councillor Gildernew's query about areas covered as the map was not of great quality, the Council Solicitor advised that the red line was around the entire building of Ranfurly House, which for the avoidance of doubt included the theatre and lobby areas.

In response to Councillor Molloy's query about joint licensees, the Council Solicitor advised that a licence in the name of the Council and caterer as joint applicants would be appropriate in these circumstances.

Councillor Cuddy referred to future events on the Hill of the O'Neill and felt that this matter needs to be considered. In response to Councillor Cuddy's query about whether members of the public could bring their own alcohol, the Council Solicitor advised that this was not straightforward as the legislation prohibits, e.g., the consumption of alcohol at certain entertainment. The Council Solicitor advised that to date, an occasional licence has been sought to allow alcohol to be sold and consumed on the site for various events.

Proposed by Councillor Molloy
Seconded by Councillor M Quinn and

Resolved: That it be recommended to the Council that approval be granted for the attendance of Tony McCance (and/or any other Council Officer that the Council Solicitor deems to be appropriate), to attend the licensing application for Ranfurly House Arts & Visitor Centre as a witness and to give evidence on behalf of Mid Ulster District Council.

Councillor Ashton left the meeting at 7.30 pm.

PR076/16 Renewal of Finance System Software Support & Maintenance

The Head of ICT drew attention to the previously circulated report to seek approval for the renewal of the contract for Software and System Support for the financial system supplied by Total Mobile.

Cllr Cuddy enquired into the length of the contract for the finance system and how that would impact on the Council.

In response the Head of ICT confirmed that the Council would seek to recoup its and the three previous councils investment in excess of £45,000 over the next 5 years. The choice to renew and or change the finance system would be a significant one in

cost and human effort terms. The support would continue on a yearly basis year on year until the council reviews the software.

Proposed by Councillor Gildernew
Proposed by Councillor Forde and

Resolved: That it be recommended to the Council that approval be given to the renewal of the Finance System for the medium term period of 5 years to recoup the investment made in merging the existing Finance Systems.

Matters for Information

PR077/16 Transfer of New Powers & Responsibilities Arrangements

The Head of Democratic Services drew attention to the previously circulated report to provide Committee Members with a briefing paper from the NI Local Government Association (NILGA) on arrangements needed to facilitate smooth transfer of any further new powers and responsibilities to Councils.

Councillor McPeake stated that discussions had taken place on the issue at NILGA and in principle it looked fine, but would like to hear Officers views to see if they had an additional information.

The Chief Executive advised that there is an onus on the Council to be careful with any new powers and if Members were happy, then Officers could further consider the report and bring any additional comments to a future meeting.

Proposed by Councillor McPeake
Seconded by Councillor Bateson

Resolved: That it be recommended to the Council that members notes the contents of Transfer of New Powers & Responsibilities Arrangements and Officers bring back further commentary necessary.

PR078/16 Report of Elected Member Development Steering Group Meeting

The Head of Democratic Services drew attention to the previously circulated report to provide Members with the Report and Action Notes of the most recent Elected Member Development Steering Group (EMDSG) meeting to date activities being progressed.

Councillor McPeake said that this Council should express an interest in Charter Plus for elected member development to see what it would entail. He said it may be very beneficial, that the cost was low and it demonstrated good value for money for members, but would need to see if there was enough interest.

Resolved: That it be recommended to the Council that Members note the contents of the Report of Elected Member Development Steering Group Meeting

and express an interest in Charter Plus for elected member development.

Confidential Business

Proposed by Councillor Molloy
Seconded by Councillor M Quinn and

Resolved: That items (PR079/16 to PR087/16) be taken as confidential business.

Councillor Forde left the meeting at 7.40 pm.

PR088/16 Duration of Meeting

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

CHAIR _____

DATE _____

E

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Tuesday 12 April 2016 in Council Offices, Ballyronan Road,
Magherafelt**

Members Present	Councillor McFlynn (Chair) Councillors Buchanan, Burton, Cuddy, Cuthbertson, Gillespie, Kearney, McGinley, B McGuigan, S McGuigan, McNamee, Mulligan, Totten
Officers in Attendance	Mr Cassells, Director of Environment and Property Mr Kelso, Director of Public Health and Infrastructure Mr Lowry, Head of Technical Services Mr McAdoo, Head of Environmental Services Mrs McClements, Head of Environmental Health Mr Scullion, Head of Property Services Mr Wilkinson, Head of Building Control Miss Thompson, Committee Services/ Senior Admin Officer
Others in Attendance	Agenda Item 4 – Public Protection Arrangements Northern Ireland (PPANI) – Rosemary Bailie, PBNI Area Manager Julie Smyth, PPANI Coordinator Tara Swann, PSNI

The meeting commenced at 7.03 pm

E91/16 Apologies

Councillors Glasgow, J O'Neill and Mullen.

E92/16 Declarations of Interest

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

E93/16 Chair's Business

None.

E94/16 Public Protection Arrangements Northern Ireland (PPANI)

The Chair, Councillor McFlynn, welcomed representatives of Public Protection Arrangements Northern Ireland to the meeting and invited them to make their presentation.

Ms Smyth provided a background to Public Protection in Northern Ireland which commenced in the 1990's due to a number of high profile cases and growing concern among the public about sex offenders living in the community. The Criminal

Justice (NI) Order 2008 put public protection on a statutory footing with the Public Protection Arrangements Northern Ireland (PPANI) replacing existing MASRAM (Multi Agency Sex Offender Risk Assessment and Management) arrangements. The PPANI arrangements bring together a number of agencies and departments including police, probation, prison service and health trusts to provide effective assessment and management of the risks posed by sexual and violent offenders.

Ms Smyth provided detail on who is subject to PPANI arrangements and advised that in most cases an offender will be managed under single agency statutory responsibility, it was noted however that if the single agency has significant concern regarding an offender they can be re-referred back into the PPANI process. Some offenders require multi agency assessment and their risk management plans will be developed and actioned via multi agency Local Area Public Protection Panels (LAPPPs)

Ms Bailie advised that the LAPPP is a multi agency forum tasked with the operational delivery of PPANI arrangements. The LAPPP will assess cases which are subject to risk management, this assessment process results in an offender being confirmed in one of three categories of risk. For those offenders set at category 2 or 3 a Designated Risk Manager will be appointed who will co-ordinate a risk management plan, these risk management plans will normally include enforcement measures to restrict behaviour and encouragement measures to change behaviour and attitude to reduce an offenders opportunity and/or inclination to re-offend.

Members were provided with statistics on the categories of offenders subject to PPANI arrangements who are resident in the Mid Ulster District Council area.

Councillor McGinley declared an interest in this item and asked if Council had a role to play.

Ms Smyth referred to the importance of partnership working in educating the public in relation to the management of offenders and felt that everyone has a role to play in this respect.

Ms Swann stated that the PSNI hold both an enforcement and re-integration role for offenders. Ms Swann felt the multi agency assessment of cases works well and ensures that offenders are managed in the best and safest way possible.

Councillor Cuthbertson referred to the recent introduction of child protection disclosure arrangements and what uptake there had been to this.

Ms Smyth advised that as these arrangements were only introduced in March 2016 there was no statistical information available as yet, however a higher uptake had been anticipated. Ms Smyth advised that the scheme of disclosure arrangements will be evaluated after its initial six month period.

In response to Councillor Cuthbertson's question Ms Smyth advised that the public can be made aware of disclosure arrangements via agency websites, social services and provision of information to and working with local community groups.

In response to Councillor S McGuigan's question Ms Bailie advised that the LAPPP evaluate category 2 and 3 cases on a 16 week basis meaning that a categorisation is not a once and for all and there is scope for progression.

In reference to statistical information it was advised that reporting of sexual offences was currently up 40% and that work is ongoing which is looking at projected capacity and need, it was felt however the demand will continue to increase in the future.

Councillor Cuddy stated he understood the importance of re-integration of offenders and asked how cases are dealt with post release in terms of relocation.

Ms Smyth advised that, post release, offenders will continue to be reassessed by the multi agency LAPPP. In terms of location Members were advised that offenders may be released into approved hostel facilities or semi supported accommodation. Members were advised that there are shortages in suitable accommodation for offenders but were assured that consideration is given to the type of offence committed when relocating.

Councillor McNamee asked what monitoring is undertaken in respect of people entering the country from EU states.

Ms Swann advised Members that Police work closely with all partners throughout the EU and that there are information sharing protocols in place in terms of tracking movement of offenders.

The Chair, Councillor McFlynn thanked the representatives for their attendance and their explanation of the multi agency approach to PPANI arrangements.

PPANI representatives left the meeting at 7.40 pm.

E95/16 Receive and confirm minutes of the Environment Committee meeting held on Tuesday 8 March 2016

The Director of Public Health and Infrastructure advised of error within item E69/16 and stated that the resolution should read –

‘That it be recommended to Council to sign a three year licence agreement with RH Environmental Ltd to access the RIAMS System at a cost of **£6,000** per year.’

Proposed by Councillor McNamee
Seconded by Councillor S McGuigan and

Resolved That the Minutes of the Meeting of the Environment Committee held on Tuesday 8 March 2016 (E57/16 – E75/16 and E90/16) were considered and, subject to the foregoing, signed as accurate and correct.

Matters for Decision

E96/16 Transport NI Proposals to Mid Ulster District Council

Members considered previously circulated report regarding proposals from TransportNI to introduce measures to enhance safety and development of the transport network with a range of transport projects.

- Resolved** That it be recommended to Council to endorse the proposals submitted by TransportNI as follows –
- Proposed Changes to Parking Places and Loading Bay Orders – The Diamond, Moy
 - Proposed no waiting at any time – Charlemont Street, Moy
 - Proposed 40 mph Speed Limit – Cadian Road, Eglish, Dungannon

Matters for Information

E97/16 Consultation notified to Environment Committee

Members noted previously circulated report which updated Members on consultation notified to the Environment Committee by Department of the Environment Regulatory and Natural Resources Policy Division on the issue of proposed penalties to assist implementation of Regulation (EU) 1143/2104 on Invasive Alien Species in Northern Ireland.

E98/16 Northern Ireland Landfill Allowance Scheme 2014/2015 Final Reconciliation

Members noted previously circulated report which informed Members of the Final Reconciliation of the Northern Ireland Landfill Allowance Scheme (NILAS) for 2014/15 as determined by the Northern Ireland Environment Agency (NIEA) for the three legacy Mid Ulster Councils.

E99/16 Eco Speak Schools Competition

Members noted previously circulated report which updated Members on the first Mid Ulster Schools Eco Speak Competition held on 9 March 2016.

Members commented on this worthwhile event in which 28 schools participated. The Chair also thanked John Murtagh, Jill Eagleson and Karen Brown for their input into the event.

Councillor Burton referred to the winner of the Eco Speak competition who spoke in relation to the high volume of cardboard packaging used by takeaway outlets and suggested that segregated cardboard collection should be encouraged in these facilities to reduce waste. Councillor Burton felt that Council should take on board the suggestions made by the competition winner and look at providing segregated litter bins in towns.

Councillor Cuddy concurred with Councillor Burton's comments and suggested a pilot in one of the towns or villages in the district.

E100/16 Tullyvar Joint Committee Update

Members noted previously circulated report on the business of Tullyvar Joint Committee.

E101/16 Keep Northern Ireland Beautiful Benchmarking Report

Members noted previously circulated report which advised Members on the Keep Northern Ireland Beautiful Benchmarking Report.

Councillor Burton felt that Council needed to take a strong stance in tackling littering offences. The Councillor also advised she was aware of recent instances of dumping of carcasses and felt it was unfair that the person who owns the land on which the dumping has taken place has to pay for the removal.

The Head of Environmental Health advised that in relation to issue of fixed penalties it is often difficult to catch people in the act of dropping litter. It was advised that additional measures are currently being put in place in respect of car registration checks which it is hoped will go some way to addressing instances of litter offences.

Councillor Cuthbertson advised of complaints he had received in relation to the amount of litter in Aughnacloy after the St Patricks Day event, the Councillor spoke in particular about a mobile takeaway trader who drained out oil from the fryers in their vehicle and left it in Moore Street in Aughnacloy. Councillor Cuthbertson asked if a licensing officer was on duty the day of the event.

The Head of Environmental Health advised that licensing officers are no longer in Aughnacloy on a weekly basis as this market now comes under Street Trading legislation and does not require weekly fees to be collected. The Head of Environmental Health advised that she would follow up on the comments raised by the Councillor.

Councillor Cuddy felt that if Council have issued fixed penalties for litter offences then these should be publicised as a deterrent. Councillor Cuddy also referred to CCTV within Dungannon town centre which could be used to assist in identification of offenders. The Councillor asked how many fixed penalties had been issued so far this calendar year.

The Head of Environmental Health advised she would provide figures regarding the number of fixed penalties issued for litter offences.

Councillor S McGuigan stated that legacy councils had been weak in issuing fixed penalties compared to the likes of Belfast City Council who employ litter wardens and return a high revenue of fixed penalty income the Councillor felt this may be something Council may wish to consider for future.

The Head of Environmental Health advised that there are no dedicated specific litter wardens within Mid Ulster Council.

Councillor Gillespie referred to dumping of animals and the possibility of tracing these animals back to their owners.

The Director of Public Health and Infrastructure stated that DARD may have the means of tracing animals via blood testing and agreed to write to DARD in this respect.

Councillor B McGuigan felt that Council also needed to keep a focus on enforcement of dog fouling.

E102/16 Entertainment Licensing Applications

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

E103/16 Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008 (As amended)

Members noted previously circulated report which advised Members on the enforcement of 'The Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008 (As amended)' within Mid Ulster District.

E104/16 Building Control Report

Members noted previously circulated report which provided an update on the workload analysis for Building Control across Mid Ulster District Council.

E105/16 Scheme of Emergency Financial Assistance to District Councils to cover flooding in small businesses and non-domestic properties

The Head of Environmental Health presented previously circulated report which updated Members on the Scheme of Emergency Financial Assistance to District Councils to cover flooding in small businesses and non domestic properties.

The Head of Environmental Health advised that the scheme only applied to businesses and properties within the townlands listed in the DoE circular however she added that there may have been some slight variations to the townlands listed since the report was issued.

Councillor McGinley advised that he had been in contact with DoE regarding inclusion of townlands around the Loughshore to the scheme. The Councillor stated that DoE confirmed to him these townlands would be added to the scheme.

Councillor Burton referred to farm businesses in the Caledon area which suffered from flooding and did not appear to be included in the scheme.

The Head of Environmental Health pointed out that Council has no remit regarding this scheme apart from contact with DoE. The Head of Environmental Health advised that the DoE circular states that farm businesses will only be eligible for payment where their land was significantly affected as a result of sustained high levels on Lough Neagh and Upper Lough Erne during the period 7 November 2015 and 31 January 2016.

Councillor Burton felt that Council should lobby DoE stating that there are other areas within the District which have suffered hardship as a result of flooding.

Councillor Cuddy commented that the townland of Moy was included within the scheme and that Caledon is just further up the Blackwater River.

The Director of Public Health and Infrastructure advised Members to submit details regarding additional areas which they feel should be included in the scheme. The Director advised that he will forward early correspondence to DoE highlighting the issues raised but that the decision regarding inclusion of any further areas rests with them.

Councillor McGinley felt there were other affected areas which should be included in the scheme and asked that DoE provide clarification that the Loughshore will be included within the scheme.

The Head of Environmental Health asked Members to note that the application scheme closes on 30 April 2016.

E106/16 Home Accident Prevention Update

Members noted previously circulated report which updated Members on the Home Accident Prevention Programme across the District.

Confidential Business

Proposed by Councillor McNamee
Seconded by Councillor S McGuigan and

Resolved That items E107/16 – E114/16 be taken as confidential business.

E115/16 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.58 pm.

CHAIR _____

DATE _____

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**Minutes of Meeting of the Development Committee of Mid Ulster District Council
held on Thursday 14 April 2016 in the Council Offices, Ballyronan Road,
Magherafelt**

Members Present

Councillor Burton, Chair

Councillors Clarke, Elattar, Forde, McAleer, McEldowney, McNamee, Monteith (7.16pm), C O'Neill, Reid (7.04 pm), J Shiels, G Shiels and Wilson

**Officers in
Attendance**

Ms Campbell, Director of Culture and Leisure
Mr McCreesh, Director of Business and Communities
Mr Brown, Head of Tourism
Mr Glavin, Head of Leisure
Mr Hill, Head of Parks
Mr McCance, Head of Culture and Arts
Mrs Grogan, Committee Services Officer

**Others in
Attendance**

Agenda Item 4: Peace IV Council Programme
Ciaran Boylan and Maria Curran from LOCUS Management

The meeting commenced at 7.00 pm.

D093/16 Apologies

Councillors Dillon, Molloy and T Quinn.

D094/16 Declaration of Interests

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

D095/16 Chair's Business

No business was raised.

D096/16 Peace IV Council Programme

The Chair, Councillor Burton welcomed representatives from LOCUS Management to the Committee. Ms Curran and Mr Boylan delivered a presentation outlining the EU Programme for Peace & Reconciliation 2014-2020.

Councillor Monteith entered the meeting at 7.16 pm.

Councillor Wilson thanked the group for their presentation and referred to Shared Spaces project and asked if there was a follow up for Council to take over the programme and if there was an opportunity for other voluntary groups to be included in the programme ie. Scouts, Cubs, and Girl's Brigade etc.

Ms Curran advised that there would be an opportunity for small groups to apply for small grants and that the SEUPB would support Council on these events.

Councillor Wilson stated that it was important to get this up and running as there has been a number of youth organisations which never had an opportunity of being included before ie. Church youth clubs, scouts etc amongst other organisations which should be targeted when writing the plan.

Ms Curran advised that this was an opportunity for all to apply for funding.

The Director of Business and Communities advised members that a draft submission will be prepared and brought to the next Development Committee Meeting.

The Director of Business and Communities stated that this could well be the last PEACE programme and it is important therefore that Mid Ulster Council leave a lasting impact across the district.

Councillor McNamee referred to Single Identity Working and felt that through the grant scheme a greater effort should be made to bring people together like doing programmes which interests individuals rather than just sports and arts.

Councillor G Shiels raised concern regarding small grants and said that the public were sometimes unimpressed and turned off by “in your face” attitude. It’s important to bring people together like the Good Relations programme.

Ms Curran stated that if people are brought together in a common interest, relations can be built on that.

In response to Councillor C O’Neill’s query on whether European funding would still be available after the elections, Mr Boylan advised that this would have no impact as 100% funding has been secured and would ask members to encourage people to apply.

Councillor McEldowney said that she had attended a meeting with groups including cycling clubs, pre-schools etc and they were very interested.

Councillor J Shiels stated that PEACE I, II and III were all a huge success and now PEACE IV, and felt that in the past it brought a lot of people together, but shouldn’t be afraid to look at other ways of bringing people together in the future.

The Chair, Councillor Burton thanked the representatives of LOCUS at which they left the meeting at 7.30 pm.

D097/16 Minutes of the Development Committee held on Thursday 10 March 2016

Proposed by Councillor Clarke
Seconded by Councillor J Shiels and

Resolved: That the minutes of the meeting of the Development Committee held on Thursday 10 March 2016 (D055/16 to D089/16 and D084/16 to D088/16), were considered and signed as correct and accurate.

Matters for Decision

D098/16 Walking NI Consortium

The Head of Parks drew attention to the previously circulated report to seek Council approval to commit to Walking NI Marketing Consortium Campaigns for 2016-17.

Proposed by Councillor Wilson
Seconded by Councillor Clarke and

Resolved: That it be recommended to the Council that approval be granted to participate as a regional partner with the Walk NI Marketing Consortium and contribute £3,000 to 2016/17 campaign (divided equally between Tourism and Parks Service).

D099/16 Northern Ireland Fly Fishing Association

The Head of Parks drew attention to the previously circulated report to seek Council approval to develop in partnership with Northern Ireland Fly Fishing Association an angling hub facility for angling coaching and events at Dungannon Parklake.

Councillor McNamee enquired if the local Anglers were happy enough for this to proceed.

The Head of Parks advised that Dungannon Parklake was open to the general public to use and it was only promoted for a shared hub.

In response the Councillor J Shiels query, the Head of Parks advised that it will most likely be always held at the Dungannon Parklake facility.

Councillor Monteith said that he was all for encouraging people to attend, but would be concerned that at weekends or bank holidays this could deter local fishermen from going to Parklake.

The Head of Parks stated that this shouldn't be a problem as it's only going to be a hub and can be used for both angling and coarse fishing.

Councillor Wilson said that it would be useful to draw up a calendar with the organisation and let members decide if it's useful or not.

Proposed by Councillor J Shiels
Seconded by Councillor Reid and

Resolved: That it be recommended to the Council that approval be granted to accept the proposal to establish an angling hub partnership with Northern Fly

Fishing Association and continue to develop shared use opportunities with Ulster Coarse, Fishing Federation.

D100/16 Arts Council of Northern Ireland Challenge Fund Proposal

The Head of Culture and Arts drew attention to the previously circulated report to seek Council approval for the submission of a funding proposal to the Arts Council of Northern Ireland's Challenge Fund and to seek Council approval in advance of the submission to approve the necessary matched funding required to support the project submission and to deliver the projects proposed.

Councillor Wilson stated that although it was an excellent submission, the annual 12th July event has not been included in the proposal.

The Head of Culture and Arts advised that amendments would be made to include this.

Councillor J Shiels enquired as to how each site was identified and that in his area St. Lurach's Church in Maghera was a major heritage site.

The Head of Culture and Arts said that the proposal tried to ensure that an equal share was made amongst communities and that he would investigate if St. Lurach's Church could be included in the proposal.

Councillor Elattar enquired about the timeframe and when groups were eligible to apply.

The Director of Culture and Arts advised that at the last Council meeting the Service Level Agreements were deferred until further communication with groups had taken place. It was agreed that discussions would take place at a future Development Committee before being brought back to Council for decision.

Councillor Monteith advised that it was an opportunity for Communities to make suggestions.

Councillor Wilson stated that it would be beneficial to include Cookstown Youth in the proposal.

Proposed by Councillor Monteith
Seconded by Councillor Wilson and

Resolved: That it be recommended to the Council that approval be given to:

- i) Challenge Fund Proposal and submission to Arts Council for their consideration subject to minor negotiations with the Arts Council on amendments
- ii) Match funding required from within existing service provision.

D101/16 The Sperrin's Management Structure

Councillor Clarke declared an interest in Sperrin's Management Structure.

Councillor Clarke left the meeting at 7.48 pm.

The Director of Culture and Leisure drew attention to the previously circulated report to seek members approval to engage and support the creation of an appropriate management structure for the Sperrins in conjunction with the other Councils and statutory agencies and that NIEA would lead this establishment.

In response to a query the Director of Culture and Arts advised that all groups and organisations would have a part to play in the Management Structure for the Sperrins.

Proposed by Councillor Wilson
Seconded by Councillor Reid and

Resolved: That it be recommended to the Council that approval be given to the Council engaging and supporting the creation of an appropriate management structure for the Sperrins in conjunction with the other Councils and statutory agencies and that NIEA would lead this establishment.

D102/16 Economic Development Report

Councillor Wilson declared an interest in Economic Development.

Councillor Wilson on behalf of the Development Committee wished the Head of Economic Development a very speedy recovery.

Councillor Clarke returned to the meeting at 7.52 pm.

The Director of Business and Communities drew attention to the previously circulated report to update members on:

- Regional Start Initiatives
- Draft Town Centre Action Plan 2016-2017
- Interreg VA Application: Mid Ulster Engineering Centre of Excellence

Councillor J Shiels referred to item 2.4 Provision of Free Wi-Fi in town centres in the Town Centre Action Plan 2016/17 and advised that Maghera has a major problem with poor Wi-Fi provision and enquired if there were any plans to upgrade the facility.

Councillor G Shiels referred to carparking in town centres and asked if there was any plans to introduce a parking ticket to cover all carparks in the town, rather than having to purchase one for each carpark.

Councillor Monteith raised concern regarding the lack of physical regeneration for Dungannon town and other towns, and advised that shop units are not fit for purpose in 2016. Shops are too small and narrow and not fit for an enjoyable shopping experience. There is a need to investigate demolishing, renovation, regeneration and rebuilds for new business start-ups. Major public investment should be encouraged as retail start-up has been neglected over the years. There is a need for the Council and other agencies to come together to try and find a positive way forward.

Councillor Reid referred to street trading and felt that it was important that proper sites be identified for traders so they don't lose trade.

Councillor Wilson agreed with Councillor Monteith's concerns about the retail sector and advised that the LOTS scheme was very successful in Cookstown, as property owners were able to have tenants living above their shops to generate income.

Councillor McNamee agreed with Councillor Wilson and advised that Cookstown was very fortunate that shops were in good shape but would welcome the Shop Front Scheme.

He also advised that it would be useful for Councillor Reid's comments be included in the Environment Committee paper.

Thea Director of Business and Communities advised that as requested officers will investigate if any further enhancements can be made in the Maghera and Coalisland areas.

He advised that a paper was currently being prepared on carparking and would be brought to a future Environment Committee for decision.

In relation to retail properties in Dungannon town, the Director of Business and Communities reminded members of the recent substantive Shop Improvement Scheme across Mid Ulster. He agreed that clearly there is significant dilapidation in Dungannon and as requested a paper will be prepared considering potential ways of addressing such properties.

Councillor Wilson advised that consideration should be given to "Pop-Up Shops" as an innovative approach as a small box shop setting.

Proposed by Councillor J Shiels
Seconded by Councillor Monteith and

Resolved: That it be recommended to the Council that approval be given to:

- i) Regional Start Initiative and New Business Start Programme**
Note progress on the current Regional Start Initiative Programme.
- ii) Addendum to Service Level Agreement from Oonagh Hinds, Invest NI**
Invest NI continuing to manage the delivery of the Regional Start Initiative Contract via a Service Level Agreement with Council from 1 April 2016 to October 2016.
- iii) Draft Town Centre Action Plan 2016-17**
 - Projects contained within Mid Ulster's Town Centre Action Plan 2016-17.
 - Identification of proper street trading sites to be included in the Environment Committee paper
 - Investigate if enhancement can be made to Wi-Fi provision in the Magherafelt and Coalisland areas.

- Investigate an innovative approach to Dungannon town retail to see what initiatives were available, with a paper being prepared and options being brought back to a future Development Committee for consideration.

iv) Interreg VA Application: Mid Ulster Engineering Centre of Excellence

- Mid Ulster District Council's role as a partner in the South West College's bid for Interreg VA funding and, also;
- In principle, that Mid Ulster District Council provides a funding contribution from the economic development budget of up to £10,000 towards preliminary costs of bid preparation and site readiness.

D103/16 Northern Ireland Rural Development Programme 2014-2020

Councillors Burton, Clarke, Forde, McEldowney and Wilson declared an interest in LAG.

The Director of Business and Communities drew attention to the previously circulated report to:

- Update members on progress with the Interim Rural Development Strategy for Mid Ulster
- Present members with a procedure for the processing of requests for Council match funding under the LAG's Rural Services Scheme
- Present members with a village selection criteria for identification of villages under the LAG's Village Action Scheme.

Councillor Elattar referred to the scoping exercise carried out by RDC and enquired as to why only 2 out of the top 25 were in areas of multiple deprivation and felt that some people could be aggrieved by the outcome.

The Director of Business and Communities stated that the RDC, in establishing a selection criteria, had used their own professional independence to include a minimum settlement size of 500 to achieve a critical mass of population benefiting per settlement. Selection therefore considered settlements located within the top 25% of Multiple Deprivation and top 20% of Proximity to Services Deprivation – with each of the top 6 villages falling within at least one of these significant deprivation categories.

Councillor Monteith stated that it's up to elected members to make decisions on behalf of the Council, but when there was such a huge difference in funding of approx. £160,000 amongst communities, this would need to be investigated thoroughly to make sure there was an even share of funding in the future. It's fundamentally unfair on villages and settlements as some weren't even considered.

The Director of Business and Communities advised that the strategy had been prepared by the LAG following extensive consultation with Stakeholders, Community Groups etc on what they wanted to achieve in their villages. DARD, having approved the strategy, are content that the actions proposed fit within the parameters set by the Department for delivery of the Village Renewal scheme.

He said that DARD's priority for Village Renewal is to make a physical impact on areas where priority need was identified but that didn't mean that other areas were not in need either. This is a good news opportunity not just for the successful six areas but for the other 30 or so villages who would be eligible for the Minor Infrastructure Support.

Councillor Reid left the meeting at 8.36 pm.

In response to a query the Director of Business and Communities advised that the outcome of the village plan would determine which grant the village could apply for within the Minor Infrastructure Support.

Proposed by Councillor J Shiels

Seconded by Councillor Elattar and

Resolved: That it be recommended to Council that approval be granted to the following proposed selection criteria:

Rural Service Scheme – Council match funding process

Proposed procedure outlined below and the process to deal with promoter requests for Council match funding under the Rural Services Scheme.

- 1) Promoters seeking Council match funding for their application under Rural Services would complete and submit a pro-forma request (as outlined in report Annex 1)
- 2) On receipt, Council Officers would complete an eligibility check against a set eligibility criteria (as outlined in report Annex 2)
- 3) The eligibility check would consider:
 - Contribution of the project to Councils Community Plan themes;
 - Demonstration of benefit/impact to the local community;
 - Confirmation that the applicant/project does not relate to the furtherance of political or religious objectives; and
 - A Constitution and or evidence of legal status
 - Confirmation of match funding sources
- 4) If the eligibility check is passed, a recommendation is brought to the Development Committee. Subject to Committee approval, a conditional letter of intent to provide match funding would issue stating that an offer of funding would be subject to:
 - LAG approval of the project;
 - The issue of a letter of offer from the LAG;
 - Acceptance of the LAG letter of offer by the applicant, and
 - Clawback/withdrawal of Council match funding in the event of the project not proceeding to completion or withdrawal of financial support by the LAG.
- 5) The offer of funding from Council issued thereafter would tie into the targets and outputs contained within the LAG letter of offer and follow Council procurement processes as the minimum requirement.

Village Action – Village Selection Criteria

A proposed selection criteria for villages participating in the Village Action Scheme be included within a Scoping Study (attached in report Annex 3).

Study was commissioned by Council and independently prepared by the Northern Ireland Rural Development Council.

The key features of the proposed selection criteria are summarised below:

- 44 discrete settlements, clusters or dispersed rural attachments were identified and agreed as the basis on which to conduct further analysis for selection. *To Note: Bellaghy is not included for RDP funding, as Council has made advance financial provision for works in Bellaghy to be completed in advance of Heaney Centre being officially opened in the Autumn.*
- The following indicators were selected and applied to the 44 areas identified to determine suitability and fit with LEADER:
 - **Settlement Size**
The minimum settlement size for which population statistics are provided is 500. This was identified as a suitable cut off point to act as an indicator of a critical mass of population to facilitate larger scale projects (which would also benefit the wider rural population)
 - **Role as a Local Service Centre/Hub**
Settlements were also considered based on the range of services that are provided allowing the settlement to act as an active centre for community activity and essential services
 - **Multiple Deprivation Measure (MDM) Rank**
Settlements were ranked based on the MDM score of the area. Those in the top 25% were selected as those in priority need
 - **Proximity to Services (Deprivation) Domain Rank (as a proxy for rural isolation and accessibility)**
Settlements were also scored on the Proximity to Services Domain, often seen as a proxy for rural isolation and a better indicator of rural disadvantage as a consequence. Those in the top 20% were selected as those in priority need.
- each village/settlement would contribute to meeting one of the deprivation indicators listed above (MDM and Proximity to Services)
- an additional criteria specific to the key aims the RDP Villages Scheme was identified as:
 - Physical settlement structure and prevalence of dereliction/vacancy which could be readily addressed (to identify settlements most suitable for “major” infrastructure works programmes)

Consultants Recommendations based on analysis of selection indicators:

After applying the indicators to each of the 44 settlements, the selection recommendations are as follows:

- a) The following 6 Villages should be considered for support under the Northern Ireland Rural Development Programme (NIRDP 2014-2020) for **Major Infrastructure Support** (up to £200,000 in RDP support funding per village):

- Maghera & Glen
- Fivemiletown
- Pomeroy
- Ballygawley
- Ardboe
- Upperlands

- b) The following areas should be considered for support under the Northern Ireland Rural Development Programme (NIRDP 2014-2020) for **Minor Infrastructure Support** (RDP funding support of up to £30,000 for single villages and £50,000 for village clusters):

Tobermore and Kilcronaghan	Gulladuff and Beagh	Clady and Glenone	Ackinduff/Killeeshill
Clogher	Coagh	Castlecaulfield	Stewartstown
Ballyronan	Newmills	Moortown	Augher
Ballinderry	Benburb	Brocagh	Broughderg
Caledon	Moygashel	Sandholes	Swatragh
Ballymaguigan and Creagh	Desertmartin and Longfield	Galbally/Cappagh	Knockloughrim and Curran
Churchtown/Lissan	Rock and Slatequarry	Tamlaght, Culnady, Innishrush	Dunamore Gortacladdy Killeenan
The Loup	Tullyhogue	Washingbay	Moneymore
Castledawson	Draperstown, Straw, Moneyneena and Sixtowns	Moy	Donaghmore
Aughnacloy			

**excludes Bellaghy due to advanced Council financial provision.*

These recommendations would see all rural settlements availing of support through the upcoming RDP funding programme on the basis that the allocated budget would be managed to cover all settlements selected. In addition it is envisaged that PEACE IV funding would also provide an opportunity to complement and build on the RDP Village Action Scheme through support for additional settlements through Local Authority Shared Space projects.

Matters for Information

D104/16 Leisure Services Progress Report

The Head of Leisure drew attention to the previously circulated report to update Members of the progress being made regarding activities in Leisure Services and highlight events that will be occurring in the future.

Proposed by Councillor Monteith
Seconded by Councillor McNamee and

Resolved: That it be recommended to the Council that members notes the report on Leisure Services Progress.

D105/16 Culture and Arts Progress Report

The Head of Culture and Arts drew attention to the previously circulated report to update members on the progress being made in Culture and Arts Services and highlight events that have occurred during February/March. Also to identify events and activities within Culture & Arts Services that will be occurring in the future.

Proposed by Councillor Monteith
Seconded by Councillor McNamee and

Resolved: That it be recommended to the Council that members notes the report on Culture and Arts Progress.

D106/16 Community Development Section Update

The Head of Community Development drew attention to the previously circulated report to update members on progress relating to the Community Development Section as outlined below:

- Community Support – Grants, Community Support, Advice
- PCSP
- DSD Neighbourhood Renewal
- Good Relations
- Peace IV
- Community Planning (facilitation for Council)

Proposed by Councillor Monteith
Seconded by Councillor McNamee and

Resolved: That it be recommended to the Council that members notes the report on Community Development.

D107/16 Cookstown Comedy Festival

The Head of Tourism drew attention to the previously circulated report to inform the Council of the planned Cookstown Comedy Festival 2016 from Thursday 16 June until Sunday 18 June 2016.

Proposed by Councillor Monteith
Seconded by Councillor McNamee and

Resolved: That it be recommended to the Council that members notes the report on Cookstown Comedy Festival.

D108/16 Walled Garden Signature Event

The Head of Tourism drew attention to the previously circulated report to inform the Council of the proposed new Summer Event planned to promote the Walled Garden, Maghera on Saturday 30 July 2016.

Proposed by Councillor Monteith
Seconded by Councillor McNamee and

Resolved: That it be recommended to the Council that members notes the report on the Walled Garden Signature Event.

D109/16 Women's Events

The Head of Tourism drew attention to the previously circulated report to inform the Council of the success of the two Empowering Women's Events.

Proposed by Councillor Monteith
Seconded by Councillor McNamee and

Resolved: That it be recommended to the Council that members notes the report on Women's Events.

D110/16 External Investment Leverage 2015-16

The Head of Business and Communities drew attention to the previously circulated report to advise members of the external investment leveraged by the Business and Communities Department to support Council priorities in 2015-16.

Proposed by Councillor Monteith
Seconded by Councillor McNamee and

Resolved: That it be recommended to the Council that Members:

- i. Notes the contents of the report
- ii. Feed any relevant projects back to the Department
- iii. Continue to support Officers to secure external funding when resources allow.

Confidential Business

Proposed by Councillor
Seconded by Councillor

Resolved: That items (D111/16 to D114/16) be taken as confidential business.

D115/16 Duration of Meeting

The meeting commenced at 7.00 pm and ended at 8.30 pm.

CHAIR _____

DATE _____

G

Subject Conferences & Seminars – April 2016

Reporting Officer P Moffett, Head of Democratic Services

Contact Officer E Forde, Member Support Officer

1	Purpose of Report
1.1	Provide an update on seminars and conferences received. To seek approval for attendance and the payment of registration/ attendance fees and associated costs, as incurred.

2	Background
2.1	The following seminar/ conference sessions are presented for consideration of representation from Mid Ulster Council.
2.1	Approval for Consideration of Attendance
2.1.1	Lough Neagh – The Potential for Community Ownership <ul style="list-style-type: none"> Friday 29 April 2016 (10am-1pm) at Lough Neagh Discovery Centre, Oxford Island, Craigavon
2.1.2	Human Rights - 21 st Century Approach <ul style="list-style-type: none"> Tuesday 26 - Wednesday 27 May 2016 at Parliament Buildings, Stormont.
2.1.3	From Ulster to Rome: a retrospective of the career of Hugh O'Neill, Earl of Tyrone: <ul style="list-style-type: none"> Friday 3rd – Saturday 4 June 2016 at British School at Rome Via Antonio Gramsci, 61, Roma, Italy
2.1.4	World Towns Leadership Summit 2016 <ul style="list-style-type: none"> Wednesday 15th – Thursday 16th June 2016 at Edinburgh, Scotland
2.1.5	PPMA National Seminar <ul style="list-style-type: none"> Wednesday 22 June - Thursday 23 June 2016 at Aston University Conference Centre, Birmingham Director of Organisational Development to attend

3	Key Issues
3.1	N/A

4	Resources
4.1	<u>Financial</u>
4.1.1	Lough Neagh – The Potential for Community Ownership <ul style="list-style-type: none"> No conference fee, travel and subsistence.
4.1.2	Human Rights – 21 st Century Approach <ul style="list-style-type: none"> £350 per person for entire conference (excluding travel and accommodation) or £150 per person for one day only
4.1.3	From Ulster to Rome: a retrospective of the career of Hugh O'Neill, Earl of Tyrone: <ul style="list-style-type: none"> No conference fee; costs would be flights, accommodation, travel and subsistence.
4.1.4	World Towns Leadership Summit 2016 <ul style="list-style-type: none"> 2 day Summit £295 + Vat, Study Visit £95+VAT and flights, accommodation, travel and subsistence
4.1.5	PPMA National Seminar <ul style="list-style-type: none"> Delegate fees, lunches, black tie dinner and overnight accommodation on 22nd June - £470 + VAT (PPMA Member). Also flights and overnight accommodation for 21 June 2016, travel and subsistence.

5	Other Considerations
5.1	Costs associated will be set against 16-17 member Conference and Seminar allocations.

6	Recommendations
6.1	Approval for attendance at the conferences/ seminars by members and council officers as required.

7	List of Documents Attached
7.1	Appendix A Conferences & Seminar Details

You are invited to the following event:

LOUGH NEAGH. THE POTENTIAL FOR COMMUNITY OWNERSHIP.

Event to be held at the following time,
date and location:

Friday, 29 April 2016 from 10:00 to 13:00
(BST)

Lough Neagh Discovery Centre

Oxford Island
Craigavon
BT66 6NJ
United Kingdom

[View Map](#)

Attend Event

Share this event:



Lough Neagh - The Potential for Community Ownership Findings Conference

Development Trusts NI (DTNI) is a membership based organisation focused on promoting community ownership of assets across NI. We advocate on our members behalf whilst striving to promote, develop and extend the concept of community ownership.

In 2015 the Department of Agriculture and Rural Development commissioned DTNI to test the feasibility of a community ownership model for Lough Neagh (privately owned by the Shaftsbury Estate). An intensive 7 month programme of work followed. The diverse range of stakeholder interests alongside the complexity of the issues around the management and development of the Lough raised a number of key questions which had to be addressed in the DTNI led investigation.

The Lough Neagh Discovery Centre conference on the 29 April will share the key findings and recommendations emerging from the investigation, consultation and subsequent report. All those with an interest in the Lough are invited to attend this open event.

The key themes investigated in the report include:

- § Would community ownership of the Lough offer more to local communities than private ownership?
- § To what extent would the principle of community ownership and management receive community and other stakeholder support?
- § Would community ownership, via a Development Trust comprising a diverse range of interests, be able to establish sufficient 'common ground' and agreed vision for the successful development of the Lough?
- § What form of Trust would offer most by way of opportunity and least by way of risk in relation to local communities and other stakeholders?
- § What governance arrangements would ensure a strong and effective community voice whilst facilitating meaningful input from the full range of stakeholders?

The findings and recommendations for future action in relation to each theme will be presented at the conference followed by an opportunity for discussion with the report authors.

Share this event on [Facebook](#) and [Twitter](#)

We hope you can make it.

Development Trusts NI



HUMAN RIGHTS – A 21ST CENTURY APPROACH TO THE WORK OF OMBUDSMEN

CONFERENCE PROGRAMME

Wednesday 25 May 2016 *PARLIAMENT BUILDINGS, STORMONT*

19.30 – 22.30 **Welcome Reception and Dinner** (Lounge Suits)
Hosted by the Speaker of the Northern Ireland Assembly

Thursday 26 May *STORMONT HOTEL*

09.00 **Registration**

10.00 **Welcome**
Dr Tom Frawley (Former Northern Ireland Ombudsman) &
Les Allamby (Chief Human Rights Commissioner for Northern Ireland)

10.15 **Opening Address** (by video)
Prince Zeid Ra’ad Al Hussein (UN High Commissioner for Human Rights)

10.30 **Think Regional, Think Global** Presentations, Panel Discussion & Q&A with:
Emily O’Reilly (European Ombudsman)
Dr Gunter Krauter (Austrian Ombudsman)
Professor Michael O’Flaherty (Director, Fundamental Rights Agency)

11.15 **Tea/Coffee Break**

11.30 **Human Rights Based Approach - An Introduction**
Virginia McVea (Director, Northern Ireland Human Rights Commission - NIHRC)

11.45 **Human Rights Based Approach - Applied Human Rights**
Les Allamby (Chief Commissioner, Northern Ireland Human Rights Commission)

12.15 **Human Rights Based Approach - Making A Difference in the NI Ombudsman’s Investigations**
Marie Anderson (Northern Ireland Public Services Ombudsman - NIPSO)

12.45 **Lunch**

13.45 **Workshops**
Education: David Russell (NIHRC) & Claire McIlhatton (NIPSO)
Environmental Issues: Brian Thompson (Liverpool University) & Sean Martin (NIPSO)
Health & Social Care: Nick O’Brien (Tribunal Judge) & Michaela McAleer (NIPSO)
Housing: Virginia McVea (NIHRC) & Grainia Long (NIHRC)

14.45 **Building Capacity in the Ombudsman**
Professor Linda Reif (University of Alberta) &
Mr Peter Tyndall (Republic of Ireland Ombudsman)

15.30 **Tea/Coffee Break**

15.45 **Human Rights Based Approach - Adding Value in Public Service**
Dr Kathy Jack (Belfast Health and Social Care Trust)
Dr Anthony Stevens (Northern Health and Social Care Trust)
Dr Michael Maguire (Police Ombudsman for Northern Ireland)

Close Day 1

16.15 **Gala Dinner** (Black Tie)

19.30 **Belfast Harbour Commissioners’ Office**

Friday 27 May 2016 *STORMONT HOTEL*

09.00 **Registration** for Day 2 Delegates only

10.00 **Welcome to Day 2**
Dr Tom Frawley (Former Northern Ireland Ombudsman)
& Les Allamby (Chief Commissioner, Northern Ireland Human Rights Commission)

10.10 **Keynote Address**
Raphael Rebo (Catalonia Ombudsman)

10.30 **Effectiveness of Ombudsmen and NHRIs in Delivering Human Rights Outcomes**
Presentation, Panel Discussion and Q&A with:
John Walters (International Ombudsman Institute)
Lawrence Mushwana (South African, Human Rights Commission)
Michaela McAleer (Director, NIPSO Office)

11.30 **Tea/Coffee Break**

11.45 - 12.45 **Workshops**
Education: David Russell (NIHRC) & Claire McIlhatton (NIPSO)
Environmental Issues: Brian Thompson (Liverpool University) & Sean Martin (NIPSO)
Health & Social Care: Nick O’Brien (Tribunal Judge) & Michaela McAleer (NIPSO)
Housing: Virginia McVea (NIHRC) & Grainia Long (NIHRC)

13.00 **Lunch**

14.00 **THE GREAT DEBATE NHRIs and Complaints Handling - Is the Human Rights Based Approach a Solution?**
Presentations, Panel Discussion & Q&A with:
Professor Carrie Menkel-Meadow (University of California)
Professor Maurice Sunkin (University of Essex)
Virginia McVea (Director, NIHRC)

15.00 **Tea/Coffee Break**

15.15 **The Way Forward** Panel Discussion & Q&A with:
Marie Anderson (NIPSO)
Emily O Reilly (European Ombudsman)
Les Allamby (NIHRC)
John Walters (IOI)

16.00 **Close**



WHO SHOULD ATTEND?

Anyone working in a senior position in the Ombudsman and Human Rights Investigation environment.

DELEGATE COSTS AND BOOKING

Full Conference Delegate: An 'Early Bird' price of £299 per delegate is available until 31st March 2016. Thereafter the full delegate price of £350 will apply. This price covers all Conference activities including the two Conference Dinners. Travelling or accomodation costs are not included.

One Day Only Delegate: To attend the Conference for one day only (either Thursday 26 May or Friday 27 May 2016) a delegate price of £150 will apply.

To book... please click on the link:

<https://www.eventbrite.com/e/human-rights-a-21st-centuryapproach-to-the-work-of-ombudsmen-registration-20919114635>

ACCOMMODATION

Preferential accomodation rates have been secured for delegates in the Conference Hotel - the www.hastingshotels.com 4-star Stormont Hotel - Single Room occupancy with full Irish Breakfast £85; Double Room occupancy with full Irish Breakfast £110. To avail of these preferential rates please telephone the hotel Tel: +44 (0) 28 9065 1066 and quote the Booking ID: 108091.



For Attention of
Cllr Linda Dillon
Chair,
Mid-Ulster Council
Dungannon
Co Tyrone

9 April 2016

Dear Cllr Dillon,

I am writing to invite you to attend our forthcoming conference on the Great O'Neill at the British School at Rome on 3rd June. The event entitled 'From Ulster to Rome: a retrospective of the career of Hugh O'Neill, earl of Tyrone' is organised by the School of History at University College Cork, funded by the Irish Research Council. We will have speakers from Ireland, North and South, Britain, the United States and Rome itself. We are trying our best to make it a reconciliatory event with participation, we expect, for the British Embassy on 3rd June and a reception at the Irish Embassy on the 4th. We are hoping to see as many of O'Neills as possible attend from Ireland and elsewhere.

We would be most grateful for your support. We can supply you with any further details you require and look forward to hearing from you.

Yours sincerely,

Dr. Hiram Morgan

Dr. James O'Neill



15th - 16th June 2016
Edinburgh, Scotland



INVITATION

WTLS2016

World towns and neighbourhoods are facing a challenge but amongst the challenge lies opportunity.

What are the new alliances and approaches for a strong competitive economy combined with a fairer, more equal society?

What can we learn from each other and how do we collaborate on shared areas of concern?

Join world class speakers for this first ever global leaders discussion and contribute to a World Towns Agreement - 'A Public-Private-Social Vision for Urban Centres' - co-produced with the United Nations Habitat Future of Places Programme and the World Economic Forum.

www.scotlandstowns.org/world_towns_leadership_summit

Sponsored by



#WTLS16 @WTLS_16



15th - 16th June 2016
Edinburgh, Scotland

WEDNESDAY 15 JUNE 2016

- 8.00am** **Delegate Registration Opens**
WTLS Marketplace open for delegates to network, visit exhibition stands.
Refreshments will also be available.
- 9.30am** **Official Opening of the World Towns Leadership Summit 2016**
Opening Remarks from the Summit Chair, Ross Martin, Chief Executive SCDI
&
Keynote Address from Nicola Sturgeon MSP, First Minister of Scotland
- 9.45am** **World Towns Leadership Summit 2016 - Setting the Scene**
In discussion with Ross Martin
Andrew Kerr, Chief Executive The City of Edinburgh Council
Michael Smith, Chair International Downtown Association (IDA) & President Charlotte
Center City Partners USA
Professor Leigh Sparks, Chair Scotland's Towns Partnership
- 10.15am** **Getting down to business - Shaping the Agreement**
Interactive session led by Urbact and A&DS
- 10.45am** **The Shrinking State and New Economies**
Michael H Shuman
Economist, attorney, author, and entrepreneur, and a globally recognized expert on
community economics
- 11.05am** **Comfort Break with refreshments available**
- 11.30am** **Better Places, Sustainably Connected**
Tina Saaby, City Architect Copenhagen
- 11.50am** **Observations and comments on the morning sessions**
In discussion with Ross Martin
Michael H Shuman and Tina Saaby

12.30am	Lunch
	WTLS Marketplace open for delegates to network, visit exhibition stands and arrange one2one meetings
1.15pm	Fringe Events Open <ul style="list-style-type: none"> Sustainable and Low Carbon Economies John Lauder, National Director, Sustrans Scotland Healthy places = Healthy people Michael Berne, international retail expert discussing healthy retailing practices from multiple socio-economic perspectives Voices for the Future, the Next Generation Leaders Led by a Scottish collective, features a young Swedish delegation, with input from Kris Larson, CEO of Downtown Grand Rapids, Michigan, USA, a professional planner, and leader in innovative public engagement approaches aimed at reaching younger, more diverse, stakeholders.
2.15pm	Summit reconvenes
	Localism and Towns – a Shifting Power Base Councillor Stephen Hagan COSLA & Mark Garner, Executive Director and Chief Staff Officer at Downtown Yonge Business Improvement Area Toronto
2.50pm	Urban Connectivity – Growth and Inclusion <i>In discussion with Ross Martin</i> Dominic Booth, UK Managing Director Abellio Brendan Dick, Managing Director for Regions & Scotland BT Kathleen Rawson CEO, Downtown Santa Monica Inc Caroline Stuart, Scotland Director Oracle
3.30pm	Comfort Break with refreshments available
4pm	Transforming Place George Ferguson CBE, Mayor of Bristol
4.30pm	Shaping the Agreement further Interactive session led by Urbact and A&DS
5pm	End of main sessions WTLS Marketplace remains open for delegates to network, visit exhibition stands and arrange one2one meetings
6.30pm	Conference Drinks Reception

THURSDAY 16 JUNE 2016

- 8am** **WTLS Marketplace open for delegates to network, visit exhibition stands. Refreshments will also be available.**
- 9.30am** **Summit reconvenes**
Opening Remarks from Ross Martin, Chief Executive SCDI
&
Jim MacDonald, Chief Executive Architecture + Design Scotland
- 9.45am** Keynote Address from John Swinney MSP, Deputy First Minister of Scotland & Cabinet Secretary for Finance, Constitution and Economy
- 10am** **Collaborative Community to Urban Revival**
Bulelwa Makalima-Ngewana, CEO of the Cape Town Partnership
- 10.20am** **New Model of Civic Governance**
In discussion with Ross Martin
Andy Godfrey, Public Policy Manager Alliance Boots
Alexander Nicoll, Corporate Responsibility Director Intu Properties plc and ChairATCM
Sarah Porter, Chief Executive Heart of London Business Alliance
Tim Tompkins President Times Square Alliance NY
- 11am** **Shaping the Agreement further**
Interactive session led by Urbact and A&DS
- 11.45am** **Harnessing the Private and Social Sector**
Fraser Kelly, Chief Executive Social Enterprise Scotland
&
Gerry Higgins, Chief Executive CEIS and Director, Social Enterprise World Forum

12.15pm **Closing Remarks of the main Summit sessions**

- 12.30pm** Delegates have 3 options
- 1) Fringe Events
 - 2) Study Tours
 - 3) Lunch and time at the Summit Marketplace

Fringe Events

- **Creativity, Culture and Heritage**
Janet Archer, Chief Executive Creative Scotland
Barbara Cummins, Director of Heritage Management Historic Environment Scotland
Jamie Licko, UK and US BIDs expert currently managing the State of Colorado's Creative District Programme
Joanne Orr, Chief Executive Museums Galleries Scotland
- **Social Integration and Migration**
John Wilkes, Chief Executive, Scottish Refugee Council
- **Tourism**
To be announced

Study Tours

- Falkirk
- Glasgow
- Grassmarket Edinburgh
- Haddington
- Kirkcaldy by train

Summit closes at Dynamic Earth at 4pm

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Subject	Standing Orders for Regulation of Council Business
Reporting Officer	Chief Executive

1	Purpose of Report
1.1	To consider proposed amendments to the Standing Orders for the transaction of Mid Ulster District Council business.

2	Background
2.1	The Council approved the current version of Standing Orders on 28 th May 2015.
2.2.	By virtue of Standing Order 28, the Members shall make reference to and observe the Protocol for the Operation of Planning Committees ("the Protocol") drafted by the Department of the Environment ("the DoE"), for the business of the Planning Committee.
2.3	Standing Order 20.3(d) requires that Qualified Majority Voting (QMV) is necessary in the exercise of the General Power of Competence ("the General Power"). The draft Regulations that the DoE laid before the Assembly in February 2015 contained a provision that QMV was required in the exercise of the General Power. These Regulations were never passed. In March 2016, the DoE attempted to introduce Standing Order Regulations through the Assembly but a petition of concern was raised by one political party and so they did not pass. The DoE's latest version of model Standing Orders did not require QMV for the use of the General Power.

3	Key Issues
3.1	<i>The Protocol</i> There are proposals to amend the Protocol so that it better reflects the operation of Mid Ulster District Council's Planning Committee and the purpose of this report is so that the Members consider these.
3.2	Attached at Annex A is the entire Protocol document as amended, for completeness sake. A summary of the main changes that are being proposed and that Members are being asked to consider is included at Annex B.
3.3	The Planning Committee has been consulted in relation to the proposed changes. Members of the Planning Committee are asked to note, however, that the amended version being taken to Council now has some further changes than the version that went to Planning Committee in April 2016.
3.4	<i>QMV and the General Power</i> Section 39(1) of the Local Government Act (NI) 2014 ("the 2014 Act") states that subject to the 2014 Act and any other statutory provision, every decision of a council must be taken by simple majority. The 2014 Act does not require or

	provide for QMV in respect of the exercise of the General Power. As noted above, the draft Regulations were never passed. Therefore, in the absence of legislation expressly requiring QMV for a decision based on the exercise of the General Power, the Council does not have the vires to require QMV in such circumstances. The purpose of this report is to correct this inconsistency in the Council's Standing Orders and therefore remove the reference in Standing Order 20.3(d) to QMV being required when exercising the General Power.
4	Resources
4.1	<u>Financial</u> – N/A
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	When considering these proposed amendments to the Standing Orders, the Members must act in accordance with Standing Order 30.2. This states that any motion to amend the standing orders is to be proposed and seconded and must stand adjourned until the next ordinary meeting of the Council. Therefore, there can be no debate on these proposed amendments until the matter arises at the next Council meeting in May.

6	Recommendations
6.1	That a motion amending the Standing Orders as presented at Annex A and Section 3.4 above be proposed and seconded.

7	List of Documents Attached
7.1	Annex A: Full version of the Protocol for the Operation of Mid Ulster District Council Planning Committee, as amended.
7.2	Annex B: Summary of main changes to the Protocol on the Operation of the Planning Committee.

PROTOCOL FOR
THE OPERATION
OF
MID ULSTER
DISTRICT COUNCIL
PLANNING
COMMITTEE

Last updated by Mid Ulster District Council in April 2016

PURPOSE OF THE PROTOCOL

1. A protocol for the operation of Planning Committees was drafted by the Department of Environment in January 2015. Mid Ulster District Council (MUDC) has reviewed this document and has amended it to suit the needs of MUDC.
2. The purpose of the protocol for MUDC Planning Committee is to ensure that planning decisions are consistently taken, and are seen to be taken, in a fair and equitable manner. The protocol offers guidance for Councillors', applicants, agents and the general public
3. The protocol is not intended to change or alter the Standing Orders which apply to all Committee's or the Councillors' Code of Conduct.

REMIT OF THE PLANNING COMMITTEE

Development management

4. One of the main functions of the planning committee is to consider applications made to the Council which are either major in scale, complex or controversial as set out in the adopted Scheme of Delegation, and decide whether or not they should be approved. In order to ensure that decisions are taken at the appropriate level, the decisions of the planning committee are taken under full delegated authority and the decisions of the planning committee will therefore not normally go to the full council for ratification.

Development Plan

5. The local development plans for the Mid Ulster district currently comprise the Cookstown Area Plan, the Dungannon and South Tyrone Area Plan and the Magherafelt Area Plan. These will remain the statutory development plans until replaced by the Mid Ulster Local Development Plan (LDP). The Department of Environment planning policies will also be retained as set out in the Planning Policy Statements and Strategic Planning Policy Statement, until such times as new policies are brought forward and adopted in the LDP.
6. Section 8 of the Planning Act (NI) 2011 requires MUDC to prepare a LDP which will comprise a plan strategy and a local policies plan. The strategy will set out the objectives of MUDC in relation to the development land in the district, and

the strategic policies for the implementation of those objectives. After the plan strategy has been adopted, a local policies plan will be prepared. This will set out the policy agreed by MUDC in relation to what type and scale of development is appropriate and where it should be located.

7. The LDP will form the basis for public and private investment decisions, providing a degree of certainty as to how land will be developed. In law, planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise. Therefore, where land is zoned for a particular use, the MUDC Planning Committee should ensure it is reserved for that use: for example, an application for housing in an area zoned for housing should be approved unless the design and layout fails in terms of the environmental, open space and access standards, or its design and layout has a detrimental impact on the character of the area or neighbouring amenity.
8. The MUDC Planning Committee will approve the LDP before it is passed by resolution of the full council. The Planning Committee will also ensure that the LDP is monitored annually, particularly in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the plan strategy or the zonings, designations and policies as contained in the local policies plan.

SIZE OF COMMITTEE

9. The MUDC Planning Committee consists of 16 Elected Members. The Planning Manager and/or the Head of Development Management or Head of Development Plan and Enforcement will attend planning committee meetings as appropriate.

FREQUENCY OF MEETINGS

10. The Planning Committee will meet at least once every calendar month. Additional meetings will be at the discretion of the Chair of the Committee with the consent of the Committee members. Dates for Planning Committee meetings are published on the Council's website.

SCHEMES OF DELEGATION

11. There are two Schemes of Delegation. One relating to planning applications which is prepared under Section 31 of the Planning Act (Northern Ireland) 2011.

The other scheme deals with planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations and is prepared under Section 7 (4) (b) of the Local Government Act 2014. The purpose of the Schemes of Delegation is to set out those decisions which shall be made by the Planning Committee and those which are the responsibility of the Planning Manager. The Planning Manager is responsible for determining the vast majority of applications, however these tend to be applications that are smaller in scale, local in character and uncontroversial. Whereas the Planning Committee resolves those applications which are either major in scale, subject to dispute or could give rise to a conflict of interest. The MUDC Schemes of Delegation for the Planning function are available to view at www.midulstercouncil.org. The Scheme of Delegation will be reviewed on a regular basis, normally annually.

ENFORCEMENT

12. The planning Committee will determine when an enforcement notice should be served and other enforcement decisions as laid down in the Scheme of Delegation. In addition to those cases presented to the Planning Committee for decision, a monthly report from officers on the enforcement performance (number of cases opened, cases closed, notices issued and convictions obtained) will be provided to members.
13. Enforcement matters will be discussed in the closed section of the Planning Committee meeting (i.e. In Committee) to ensure MUDC complies with the provisions of the Data Protection Act and to ensure that future legal proceedings are not prejudiced.
14. An enforcement strategy, detailing how enforcement action will be dealt with, was agreed by the Planning Committee on 19th January 2016. This is available on the Council website.

REFERRAL OF DELEGATED APPLICATIONS TO THE PLANNING COMMITTEE

15. The Scheme of Delegation agreed by MUDC includes the provision for members (including those not on the Planning Committee) to request, where they consider it appropriate, that an application which would normally fall within the Scheme of Delegation, to be referred to the Planning Committee for determination. In addition, the Planning Manager can also refer any matter which he considers suitable for

determination by the Planning Committee. Members of the public cannot directly request that an application be referred to the Planning Committee. Any referral request **must** be made in writing.

FORMAT OF PLANNING COMMITTEE MEETINGS

16. MUDC will operate its Planning Committee in line with its approved standing orders. In doing so, the following procedural arrangements will apply:-

- the planning office will prepare a weekly list, which will be circulated to all members, of all valid applications that have been received;
- all planning committee members will be sent the agenda at least 5 days in advance of the meeting with a report on each application to be decided;
- if necessary, officers will prepare an addendum on the day of the meeting to report any updates since the agenda was issued;
- the Chair of the Planning Committee will hold a briefing session with planning officers on each application to be considered in advance of the planning committee meeting; and
- All committee items will be bookmarked and reports presented with visual aids to show the site and the proposal.

17. The meeting will be presided over by the Chair of the Planning Committee. Following the approval of the minutes of the previous meeting and apologies, Councillors' will be given the opportunity to declare any interests they have on the agenda items, which should be recorded in the minutes of the meeting. Where a member has declared an interest in an application they cannot vote on that item and must either leave the meeting or sit in the public gallery for that item. However, they may make representations as per the normal speaking rights applicable to all councilors.

Consideration of Planning Applications

18. The planning officer's report, which makes a recommendation on whether the application should be approved, approved with conditions or refused will be considered. Plans and photographs may be shown as appropriate.

19. In considering the report, members also have the opportunity to listen to speakers,

ask questions of the officer, discuss and debate the case before taking a vote on whether or not to agree with the officer's recommendation. Where the majority of members vote against an opinion to approve and in the absence of any other proposals, the application will be deemed to have been refused. In these circumstances, members should propose and vote on the reasons for refusal. The Planning Manager, based on the Committee's decision, will furnish the detailed reasons for refusal.

20. Members can add conditions to a permission but they cannot amend the application itself (for example, by allowing a one-bedroom flat if the application is for a two-bedroom flat). Any additional conditions should be proposed and seconded before being voted on by members. As conditions can be tested at appeal and they should, therefore, be (i) necessary, (ii) relevant to planning and the development under consideration, (iii) enforceable, (iv) precise, and (v) reasonable in all other respects. Therefore, where alterations to conditions are proposed, the Committee will seek the advice of the Planning Manager.
21. Members cannot take part in a debate or vote on an item unless they have been present for the entire item, including the officer's introduction and update.
22. Separate arrangement will be used to discuss special domestic or personal circumstances. Normally this will be held in Committee with members of the public and press excluded. An opportunity will be given for the applicant and objectors to present their case, but each separately. Once this has been done each party will be asked to leave in order for the Committee to discuss and determine the application.

PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS

23. The following procedures will apply to MUDC Planning Committee meetings:
 - planning committee meetings will be open to the public;
 - Requests to speak must be received by the council (in writing or by email) no later than 12.00pm two working days prior to the meeting. The request should state whether they wish to speak in support or in opposition to a planning application. Any written information that the speaker wishes to circulate to members of the committee **must** also be provided at this time. Any written information received after this time **will**

not be circulated;

- The order of speakers is a matter for the Chair, however, this will normally require objectors speaking before the applicant or their agent in order to allow the applicant the opportunity to respond to any issues raised. Thus, if members wish to speak, they should do so before the applicant/agent;
- All parties speaking at Planning Committee may be asked questions by members or the Planning Manager. This would be to seek clarification on any issues raised but not to enter in to a debate with those speaking;
- The Planning Committee will be provided with copies of the information supplied by those who will be speaking at the Committee;
- other elected members may attend and speak about an application but only planning committee members can vote;
- elected members may speak for a up to 5 minutes;
- members of the public (including agents / representatives etc.) may speak for up to 3 minutes;
- Where more than one person wishes to speak on behalf of or against a development, they will be encouraged to elect a spokesperson and, in any event, required to share the 3 minutes speaking time.
- documentation not received in advance of the meeting will not be permitted to be circulated to members by speakers;
- Planning officers can address any issues raised and the planning committee can question officers;
- Any exception to normal speaking rights and procedures will be a matter for the Chair.

DECISIONS CONTRARY TO OFFICER RECOMMENDATION

24. The Planning Committee will reach its own decision on applications put before it. Officers offer advice and make a recommendation. Planning officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Planning Committee or its members. This is acceptable where planning issues are finely balanced as there should always be scope for members to express a different view from officers. The Planning Committee can accept or place a different interpretation on, or give different weight to, the various arguments and material planning considerations.

Overturning recommendation to approve

25. If a member does not agree with the officer recommendation to approve an application, they can propose reasons for refusal, which must be seconded by another member and then voted on. Any decision by the Planning Committee **must be based on proper planning reasons**. The Planning Manager (or their deputy) will be given the opportunity to explain the implications of the Planning Committee's decision. The reasons for any decisions which are made contrary to the planning officer's recommendation will be formally recorded in the minutes and a copy placed on the planning application file / electronic record.
26. As the refusal of a planning application that officers have recommended for approval may be overturned on appeal (to the Planning Appeals Commission), with the potential for costs awarded against MUDC, the Chair will seek the views of officers (including the Council Solicitor) before going to the vote in terms of reasons for refusal that are contrary to officer recommendation. Officers will summarise what are considered to be the main reasons for refusal referred to by members during the debate and advise on what would be reasonable and what would not be reasonable reasons for refusal. Where appropriate the Planning Manager may also comment on whether a refusal on the proposed grounds is defensible, particularly at planning appeal.
27. Planning officers, in liaison with the Council Solicitor where appropriate, will present the Committee's decision at planning appeal or in the courts or in any other forum.

Overturning recommendation to refuse

28. MUDC Planning Committee may decide to approve an application against the officer's recommendation to refuse, aware that while there is no right of third party appeal, there is the possibility that the decision could be subject to judicial review. However, before making such a decision, the advice of the Planning Manager and the Council Solicitor should be sought. Where an approval is granted contrary to officer advice, the Planning Manager and Council Solicitor will present the Council's decision in the courts or any other forum.
29. The minutes should, insofar as is possible, accurately reflect the discussions and decisions taken during the meeting(s) as these could be used as evidence should any complaints be made about how decisions are taken. Members can take their own notes on controversial applications.

DECISIONS CONTRARY TO LOCAL DEVELOPMENT PLAN

30. In general, planning decisions will be taken in accordance with the local development plan (in so far as it is material to the application) unless material considerations indicate otherwise. If a Planning Committee member proposes, seconds or supports a decision contrary to the local development plan they will have to clearly identify and understand the planning reasons for doing so, and demonstrate how these reasons justify overruling the development plan. The reasons for any decisions which are made contrary to the development plan will be formally recorded in the minutes and a copy placed on the planning application file / electronic record. Before making such decisions the advice of the Planning Manager and the Council Solicitor shall be sought.

DEFERRALS

31. The Planning Committee can decide to defer consideration of an application to a subsequent committee meeting for further information, further negotiations, or for a site visit. Before deferring an application the advice of the Planning Manager shall be sought and the purpose of the deferral clearly set out. Deferrals will inevitably have an adverse effect on processing times and therefore will be restricted to one deferral only.
32. Where an office meeting is to be held all councillors' will normally be informed and may make representations on behalf of objectors or applicants. However, where a member of the planning committee chooses to make representations then they will be required to declare a conflict of interest and will not be able to vote on the application at the next planning committee meeting at which the application is to be determined.

SITE VISITS

33. On occasions, members of the Planning Committee may need to visit a site to help them make a decision on a planning application (e.g. where the impact or effect of the proposed development is difficult to visualise from the plans or photographs, or the application is particularly contentious). These visits will be undertaken on an exceptional basis as they are time-consuming and expensive. Where required, they may be identified by officers in consultation with the Chair or they may be asked for by Planning Committee members, but these will only be permitted where the benefit is expected to be of considerable value.

34. The Planning Committee clerk will contact the applicant / agent to arrange access to the site. Invitations will then be sent to members of the Planning Committee. Site visits will not be used as an opportunity to lobby Councillors' or to seek to influence the outcome of a proposal prior to the Planning Committee meeting. Members will not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land, or they may not have the information provided by the planning officer and, in some circumstances (e.g. where a Councillor is seen with applicant or objector) it might lead to allegations of bias. Only Planning Committee members, officers, and local Councillors' should be permitted to attend the site visit. Where possible, the full planning committee should attend site visits, unless there are good reasons (e.g. a member is already very familiar with the site). The clerk to the planning committee will record the date of the visit, attendees and any other relevant information.
35. Planning officers will prepare a written report on the site visit which will then be considered at the next Planning Committee meeting at which the application is to be determined.

PRE-DETERMINATION HEARINGS

36. Regulation 7 of the Planning (Development Management) Regulations (NI) 2015 sets out a mandatory requirement for pre-determination hearings for those major developments which have been subject to notification (i.e. referred to the Department of Environment for call-in consideration, but that have been returned to a council for determination). In such cases MUDC Planning Committee will hold a hearing prior to the application being determined.

In addition, the Planning Committee may also hold pre-determination hearings, at its discretion, when considered necessary, to take on board local community views, as well as those in support of the development.

37. In the main MUDC will only hold pre-determination hearings where there is a mandatory requirement as the speaking rights at planning committee are adequate to deal with nearly all cases. An exception may be made for major developments having taken into account:
- the relevance of the objections in planning terms;

- the extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation; and
 - the number of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.
38. The hearing will take place after the expiry of the period for making representations on the application but before the council decides the application. The Planning Committee will decide whether to have a hearing on the same day as the related planning application is determined by the Planning Committee or to hold a separate hearing. In holding a hearing the Planning Committee procedures will be the same as for the normal planning committee meetings (e.g. number of individuals to speak on either side, time available to speakers etc.). The planning officer will produce a report detailing the processing of the application to date and the planning issues to be considered. If the hearing is to be held on the same day as the application is to be determined, the report to members will also contain a recommendation.

TRAINING

39. Councillors' sitting on planning committees are required to attend relevant training on planning matters before they can sit on the Planning Committee.

LEGAL ADVISER

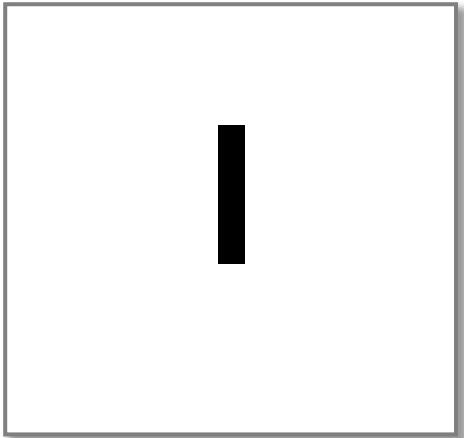
40. The Council Solicitor provides legal advice to the Planning Committee.

Annex B

Summary of main changes to the Protocol on the Operation of the Planning Committee

There are a number of changes to the format and order of the Protocol and it has been tailored where relevant to information specific to Mid Ulster District Council. This summary note does not detail each of these changes, but it is a high level review aimed at summarising the more significant changes:-

- New Paragraph 13 confirms that enforcement cases will be discussed In Committee;
- Paragraph 16 amended to confirm that reports will be presented with visual aids;
- Paragraph 17 amended to reflect that any member who has declared an interest in an application must either leave the meeting or sit in the public gallery for that item;
- Paragraph 19 amended to confirm that where the majority of members vote against a proposal to go with an officer's recommendation to approve, reasons for refusal must be proposed and voted on;
- New Paragraph 22 inserted to refer to separate arrangements where there is discussion regarding special domestic or personal circumstances;
- Paragraph 23 amends the Public Speaking element of the Protocol to include the following:-
 - The order of speakers normally requires objectors and members to speak before the applicant or their agent in order to allow the applicant the opportunity to respond to any issues raised;
 - The members or the Planning Manager may ask questions of speakers, which would be to seek clarification but not to enter in to a debate;
 - Requirement that the 3 minutes speaking slot is shared where more than one person wishes to speak on behalf of or against a development;
- Paragraph 27 confirms that planning officials will represent the Council at appeal etc.;
- New Paragraph 32 inserted to clarify arrangements when an office meeting is called and if a member of the planning committee chooses to make representations, they will be required to declare a conflict of interest and cannot vote on that application;
- New Paragraph 37 has been inserted confirming that pre-determination hearings will usually only be held where there is a mandatory requirement to do so;
- Paragraph 39, amended to require Members to attend relevant training on planning matters before they sit on the Planning Committee.





Subject Revised Council & Committee Meeting Schedule 2016-17

Reporting Officer P Moffett, Head of Democratic Services

1	Purpose of Report
1.1	<p>To seek approval for changes to meeting dates and times, and revision of the Schedule of Meetings for 2016-2017 affecting the following meetings:</p> <ul style="list-style-type: none">• June Council• June Special Council• September Special Council• November Council

2	Background
2.1	<p>The March Council meeting considered a paper on seeking changes to scheduled meetings within the Council and Committee Meeting Schedule for 2016-2017. These changes were agreed and a revised Meeting Schedule issued.</p>
2.2.	<p>Other issues and potential clashes were raised at the March Council Meeting and it was agreed that they be discussed initially through the Party Representatives Group.</p>

3	Key Issues																											
3.1	<p>Further consideration has now taken place on this matter and approval is sought for the following changes:</p> <table><tr><th>Meeting Type</th><th>Current Date/ Time</th><th>Proposed Date/ Time</th></tr><tr><td></td><td></td><td></td></tr><tr><td>June Council</td><td>Thurs 23rd at 7pm</td><td>Thursday 30th at 7pm</td></tr><tr><td></td><td></td><td></td></tr><tr><td>June Special Council</td><td>Thurs 30th June at 7pm</td><td>Thurs 30th June at 8.30pm</td></tr><tr><td></td><td></td><td></td></tr><tr><td>Sept Special Council</td><td>Thurs 29th Sept at 7pm</td><td>Thurs 22nd Sept at 8.30pm</td></tr><tr><td></td><td></td><td></td></tr><tr><td>November Council</td><td>Thurs 24th Nov at 7pm</td><td>Wed 23th Nov at 7pm</td></tr></table>	Meeting Type	Current Date/ Time	Proposed Date/ Time				June Council	Thurs 23 rd at 7pm	Thursday 30 th at 7pm				June Special Council	Thurs 30 th June at 7pm	Thurs 30 th June at 8.30pm				Sept Special Council	Thurs 29 th Sept at 7pm	Thurs 22 nd Sept at 8.30pm				November Council	Thurs 24 th Nov at 7pm	Wed 23 th Nov at 7pm
Meeting Type	Current Date/ Time	Proposed Date/ Time																										
June Council	Thurs 23 rd at 7pm	Thursday 30 th at 7pm																										
June Special Council	Thurs 30 th June at 7pm	Thurs 30 th June at 8.30pm																										
Sept Special Council	Thurs 29 th Sept at 7pm	Thurs 22 nd Sept at 8.30pm																										
November Council	Thurs 24 th Nov at 7pm	Wed 23 th Nov at 7pm																										

4	Resources
4.1	<p><u>Financial</u> – N/A</p>

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	A revised meeting schedule will be re-issued subject to approval.

6	Recommendations
6.1	That; June Council convenes on Thurs 30 June; June Special Council convenes on Thurs 30 June at 8.30pm; September Special Council convenes on Thurs 22 September at 8.30pm and the November Council convenes on Wednesday 23 November.

7	List of Documents Attached
7.1	Appendix A Council & Committee Meeting Schedule 16-17 (Proposed Revision)



Council & Committee Meeting Schedule April 2016 - June 2017

MONTH	COMMITTEE	DATE	LOCATION
April	Planning	Tues 5 th at 7pm	Magherafelt
	Policy and Resources	Thurs 7 th at 7pm	
	Environment	Tues 12 th at 7pm	
	Development	Thurs 14 th at 7pm	
	Council	Thurs 28 th at 7pm	Dungannon
May	Planning	Tues 3 rd at 7pm	Magherafelt
	Environment	Tues 10 th at 7pm	Cookstown
	Policy and Resources	Wed 11 th May	
	Development	Thurs 12 th at 7pm	
	Council	Thurs 26 th at 7pm	Dungannon
	Audit	Tue 31 st at 7pm	Cookstown
June	AGM	Tues 7 th at 7pm	Dungannon
	Policy and Resources	Thurs 9 th at 7pm	
	Planning	Mon 13 th at 7pm	
	Environment	Tues 14 th at 7pm	
	Development	Thurs 16 th at 7pm	
	Council	Thurs 30th at 7pm	Dungannon
	Special Council: Infrastructure	Thurs 30th at 8.30pm	
July	Environment	Mon 4 th at 7pm	Cookstown
	Planning	Tues 5 th at 7pm	Magherafelt
	Development	Wed 6 th at 7pm	Cookstown
	Policy & Resources	Thurs 7 th at 7pm	
	Audit	Tues 26 th at 7pm	
	Council	Thurs 28 th at 7pm	Dungannon
August	Planning	Tues 2 nd at 7pm	Magherafelt
	Council	Thurs 25 th at 7pm	Dungannon
Sept	Planning	Tues 6 th at 7pm	Magherafelt
	Policy and Resources	Thurs 8 th at 7pm	
	Environment	Tues 13 th at 7pm	
	Development	Thurs 15 th at 7pm	
	Audit	Tues 20 th at 7pm	
	Council	Thurs 22nd at 7pm	Dungannon
	Special Council: Housing	Thurs 22nd at 8.30pm	

MONTH	COMMITTEE	DATE	LOCATION
October	Planning	Tues 4 th at 7pm	Magherafelt
	Policy and Resources	Thurs 6 th at 7pm	Cookstown
	Environment	Tues 11 th at 7pm	
	Development	Thurs 13 th at 7pm	
	Council	Thurs 27 th at 7pm	Dungannon
November	Planning	Tues 1st at 7pm	Magherafelt
	Policy and Resources	Thurs 3rd at 7pm	
	Environment	Tues 8th at 7pm	
	Development	Thurs 10 th at 7pm	
	Special Council: Health	Thurs 17 th at 7pm	Dungannon
	Council	Wed 23 rd at 7pm	
December	Environment	Mon 5 th at 7pm	Cookstown
	Planning	Tues 6 th at 7pm	Magherafelt
	Development	Wed 7 th at 7pm	Cookstown
	Policy & Resources	Thurs 8 th at 7pm	
	Audit	Tues 13 th at 7pm	
	Council	Thurs 15 th at 7pm	Dungannon
January 2017	Planning	Mon 9 th at 7pm	Magherafelt
	Environment	Tues 10 th at 7pm	
	Policy & Resources	Wed 11 th at 7pm	
	Development	Thurs 12 th at 7pm	
	Special Council: Education	Thurs 19 th at 7pm	Dungannon
	Council	Thurs 26 th at 7pm	
February	Planning	Tues 7 th at 7pm	Magherafelt
	Policy and Resources	Thurs 9 th at 7pm	Cookstown
	Environment	Tues 14 th at 7pm	
	Development	Thurs 16 th at 7pm	
	Council	Thurs 23 rd at 7pm	Dungannon
March	Planning	Tues 7 th at 7pm	Magherafelt
	Policy and Resources	Thurs 9 th at 7pm	
	Environment	Tues 14 th at 7pm	
	Development	Wed 15 th at 7pm	
	Council	Thurs 23 rd at 7pm	Dungannon
	Audit	Tues 28 th at 7pm	Magherafelt
	Special Council: Economy	Thurs 30 th at 7pm	Dungannon

MONTH	COMMITTEE	DATE	LOCATION
April	Planning	Tues 4 th at 7pm	Magherafelt
	Policy and Resources	Thurs 6 th at 7pm	Cookstown
	Environment	Tues 11 th at 7pm	
	Development	Thurs 13 th at 7pm	
	Council	Thurs 27 th at 7pm	Dungannon
May	Planning	Tues 2 nd at 7pm	Magherafelt
	Policy and Resources	Thurs 4 th at 7pm	
	Environment	Tues 9 th at 7pm	
	Development	Thurs 11 th at 7pm	
	Council	Thurs 25 th at 7pm	Dungannon
June	AGM	Thurs 1 st at 7pm	Dungannon
	Planning	Tues 6 th at 7pm	Magherafelt
	Policy and Resources	Thurs 8 th at 7pm	Cookstown
	Environment	Tues 13 th at 7pm	
	Development	Thurs 15 th at 7pm	
	Council	Thurs 22 nd at 7pm	Dungannon
	Special Council: Infrastructure	Thurs 29 th at 7pm	

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Subject **DFP Consultation – Enhanced Sport & Recreation Rate Relief for Unlicensed Community Amateur Sports Clubs**

Reporting Officer **Director of Finance**

1	Purpose of Report
1.1	To provide Members with an update in relation to the current Department of Finance and Personnel (DFP) consultation exercise in relation to the proposed introduction of an enhanced (i.e. additional) sport and recreation rate relief for unlicensed community amateur sports clubs.

2	Background
2.1	<p>The rating of amateur sports clubs has been the subject of a series of consultations in recent years. The current consultation exercise is a targeted consultation in terms of both its:</p> <ul style="list-style-type: none"> • Reach (who the DFP is consulting with); and • Scope (what it covers).
2.2	Although DFP will be contacting relevant umbrella groups and organisations, it will not be engaging directly with individual sports clubs and ratepayers. However, it will accept written responses from individuals.
2.3	<p>The policy intent is to allow clubs with rateable premises to qualify for 100% relief if:</p> <ul style="list-style-type: none"> a) The club is registered with HMRC as a community amateur sports club; and b) It does <u>not</u> hold a liquor licence.

3	Key Issues
3.1	There is currently a rating exemption for sport and recreation in Northern Ireland. This can be summarised as an 80% reduction of the normal rate on certain rateable properties used for “prescribed recreations”. Ancillary social facilities, such as bars, restaurants, etc. remain fully rateable – unless those facilities are de minimus.
3.2	“Prescribed recreation” is defined as meaning “a recreation, whether conducted indoors or outdoors, which in the opinion of the Department demands an appreciable degree of physical effort and which is of a kind specified by the Department, after consultation with the Sports Council for Northern Ireland and with any association which appears to the Department to be representative of district councils, by an Order made subject to affirmative resolution.”

3.3	The DFP state that the policy proposal will align rating policy with the treatment of community halls which exempts to bodies which does <u>not</u> under licence (other than occasional licence), or a protection order sell intoxicating liquor by retail, or by virtue of the occupier being a registered club. DFP state that eligible sports clubs therefore would be entitled to sell alcoholic drink at special occasions and not lose their entitlement to 100% relief.
3.4	<p>The legislation pertaining to community amateur sports clubs (CASC) includes income restrictions and, as the DFP takes the view that it may be possible to implement avoidance arrangements in relation to the income restrictions, the policy intent is that, notwithstanding legal separation by separate title, lease or licence, clubs which:</p> <ul style="list-style-type: none"> • Occupy premises alongside a trading subsidiary; or • Have licensed premises that are physically connected (for example in the same building) and that are functionally “not unrelated” <p>will not qualify for the enhanced relief.</p>
3.5	The cost of relief will be borne by central government with the rates income lost to councils being compensated by the Department of the Environment's longstanding de-rating grant.
3.6	The consultation does not address the potential for councils in the future to fund discretionary rate relief for qualifying sports clubs.

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

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	That Council considers the above and authorises the officers to reply to the consultation in a manner which welcomes the proposed policy.

7	List of Documents Attached
7.1	DFP Consultation document (including initial impact assessment)

DFP CONSULTATION

**ENHANCED SPORT &
RECREATION RATE RELIEF -
UNLICENSED COMMUNITY
AMATEUR SPORTS CLUBS**

MARCH 2016

1. INTRODUCTION AND SCOPE	3
2. CORE POLICY CONSIDERATIONS	6
3. PREFERRED POLICY APPROACH – ENHANCED RELIEF	11
4. PIGEON RACING AND CHANGES TO LIST OF SPECIFIED RECREATIONS	14
5. NEXT STEPS	18
ANNEX A – LIST OF STAKEHOLDERS	
ANNEX B – POLICY FRAMEWORK	
ANNEX C – POSITION IN UK	
ANNEX D – IMPACT ASSESSMENT STATEMENT	

INTRODUCTION AND SCOPE

1. This consultation paper is about the granting of additional rate relief for unlicensed community amateur sports clubs (CASCs).
2. The consultation exercise is a targeted one, both in terms of its reach (who the Department is consulting with), and its scope (what it covers).
3. There has already been a series of consultations undertaken on this subject area in recent times. Firstly, the Department of Culture, Arts and Leisure engaged with sporting bodies on the issue back in 2012. Then there was a further consultation with sports clubs undertaken to inform a Private Members Bill in 2014. The Finance Committee undertook consultation with stakeholders in 2015 to inform their response to the Rates (Amendment) Bill 2016. Furthermore, the matter is also touched on as part of this year's Review of the non domestic rating system.
4. This consultation is to help supplement known views and address gaps. The Department will be contacting relevant umbrella groups and organisations but given the nature of this consultation will not be engaging directly with individual sports clubs and ratepayers. However, written responses from individuals are most welcome.
5. A list of key stakeholders that have been written to by the Department can be found at **Annex A**. The consultation period will be **8 weeks** and it will close on **9 May 2016**.
6. In terms of its scope, this consultation is intended to inform decisions around the rules associated with the granting of enhanced rate relief to eligible amateur sports clubs in Northern Ireland. This follows enabling legislation which was passed by the Assembly on the 2 February 2016 and is currently awaiting Royal Assent. A copy of the Bill can be found through the following web-link:

7. When commenced this Bill will provide a new enabling power to increase rates relief from 80% to 100% for sports clubs in **prescribed cases**. Those ‘prescribed cases’ will be set out in subordinate legislation, informed by this consultation.
8. The Department is seeking views only on its intended policy approach in order to identify any unforeseen consequences; it is not consulting on alternative policy proposals at this time and the consultation is not presenting an opportunity to significantly broaden the scope of the relief at this time.
9. A wider use of the power was not the basis on which the enabling bill was introduced to the Assembly.
10. The Department’s policy intent is to allow clubs with rateable premises to qualify for 100% rate relief if:
 - a. **the club is registered with HMRC as a community amateur sports clubs; and**
 - b. **does not hold a liquor licence.**
11. The Department recognises that there are many amateur sports clubs that operate small bars a couple of days or evenings a week, as a ‘mere accompaniment’ to participation in sport, which could not be said to be in competition with the licensed trade nor a significant source of revenue.
12. This may well be the case, however, differentiating between one type of bar and another is not a straightforward matter in the context of administering rates and for the time being the line is being drawn at unlicensed clubs.
13. In the meantime it is important to note that those clubs that operate bars **will still be entitled to at least 80% relief on their sporting facilities**. Furthermore, there is already an allowance in the existing legislation that allows

non sporting areas (such as bars) that do not exceed 20% of the assessed value of the entirety (ie the whole premises and the grounds) to avail of 80% relief on everything, including the bar.

14. An integrated impact assessment statement can be found at **Annex D**.
15. Finally, this consultation also takes the opportunity to consult on the list of prescribed recreations, (all the sports who currently benefit from 80% relief) prompted by the unforeseen inclusion of pigeon racing during the passage of the legislation referred to above.

POLICY CONSIDERATIONS

16. The full details of how the existing 80% relief scheme operates are set out in **Annex A**. This will remain undisturbed but some new eligibility rules are needed to ensure that the unlicensed Community Amateur Sports Clubs that are currently entitled to 80% rate relief on their sporting facilities, can take advantage of 100% relief.
17. Before outlining what these proposed rules are it is worth setting out some of the wider considerations associated with this policy. The first issue, and one that has dominated the debate, is the question of **competitive advantage**.
18. This is by no means a new issue. Indeed, it is worth noting the following extract from the **1978 Lawrence Committee report** which led to sporting rate relief increasing from 35% to 65% :

“The Northern Ireland Hotels and Caterers Association drew our attention to the fact that many clubs in Northern Ireland with catering and associated services and facilities enjoy 35% relief from rates, whereas hotels and catering establishments are fully rated. The Association also argued that clubs are free from many statutory restrictions which apply to hotels and caterers, involving them in additional expenditure. Representatives of the Association complained that their members were confronted by a large growing volume of unfair competition which, by reductions in rates and other ways, was supported by public policy. In written and oral evidence, the Association indicated that, while it did not object to appropriate measures of rate relief, it did object strongly to the principle of giving relief to clubs providing catering and associated services and withholding it from private operators.”

19. The Department accepts the issue is a complex one. As noted earlier the Department recognises that there are many amateur sports clubs that operate small bars a couple of days or evenings a week, as a ‘mere accompaniment’ to participation in sport, which could not be said to be in competition with the licensed trade nor a significant source of revenue. Differentiating between one

type of club bar and another is not a straightforward matter in the context of administering rates.

20. There are limits to the amount of information that **Land and Property Services** can be expected to handle in arriving at relief decisions and issues of disproportionate cost associated with, what is effectively, a 20% top up to existing support.
21. Currently in Northern Ireland, all CASCs with their own premises are in receipt of at least 80% relief on their sporting facilities. The bar areas are excluded from the relief unless they amount to 20% or less of the assessed value of the entire property. In such circumstances 80% relief applies to the entirety (the bar and the sporting facilities).
22. It is important to note, that club bars and restaurants are assessed for rates using figures derived from the cost of construction, rather than receipts and expenditures figures adopted for commercial licensed premises. Typically that leads to assessments per square foot of club bars being much less than commercial premises. The valuation method is not something, however, that would normally be set out in legislation. In the final analysis it is the courts that decide and their different treatment is a consequence of the differences in terms of their status as legal entities. Clubs should only be selling food and drink to members and occasional guests, the other is open to the general public.
23. DFP is concerned with developing policy that is both balanced and represents good value for money (which includes measures that forgo revenue) but it is not the policy competent Department in determining the underlying need for policy interventions associated with amateur sport in NI. That role falls to the Department of Culture Arts and Leisure (DCAL).
24. In taking forward its policy responsibility in this area DFP has considered the views put forward by the DCAL, in their response to the Finance Committee's call for evidence on this policy area on 28 May 2014.

<http://www.niassembly.gov.uk/globalassets/documents/finance/legislation/rates-relief-for-amateur-sports-clubs-bill/written-submissions/dcal.pdf>

25. In particular the following has helped inform thinking:

“This priority informs a range of key issues of concern for DCAL going forward on this issue as follows, that...the application of financial savings by clubs who benefit from maximum relief, should be for the development of sport and the increase of participation and not the development of the club and those facilities not directly linked to these priorities, for example, bar and clubrooms, entertainment facilities and spectator facilities”

“The [Private Members] Bill seeks to apply the CASC criteria to rate relief in the north of Ireland [direct quote], providing a benchmark by which clubs can be assessed for 100% relief. Its standard conditions however should be supplemented by requirements in the interest of Government priorities here in the north [direct quote]. It may not be the case that every club will or should benefit, unless there is clear evidence that they have signed up for and are seen to implement existing and any new additional criteria”

26. Evidence heard and received by the **Finance Committee** in late 2015 is worth noting in terms of the policy effects in Northern Ireland. Two Committee sessions in particular highlighted what could be regarded as competing stakeholder interests in this policy area. Those sessions took place with the Sport Governing Bodies and Sport Northern Ireland on **2 December 2015** and with Hospitality Ulster on **3 December 2015**.
27. The minutes of evidence from the two sessions can be accessed in full at the following links:

<http://aims.niassembly.gov.uk/officialreport/minutesofevidencereport.aspx?AgeId=16057&eveID=8805>

28. Issues around unfair competition in this policy area manifested themselves in December 2013 when the EU Commission received a complaint concerning alleged **State Aid** under Corporation Tax and business rates granted to member-owned golf clubs with CASC status in the United Kingdom (UK). The complaint was submitted by the Association of Golf Club Owners, which represents proprietary golf clubs in the UK.
29. According to the complaint, the alleged beneficiaries (CASCs) are being allowed to trade for gain with outsiders and non-members, by registering visitors as members so that their income is not taxed, and by offering their services including the use of their golf courses, bar and catering sales, accommodation, conferences and weddings. The complainant alleged that the tax measures provided a selective advantage to the qualifying golf clubs which compete with the "proprietary" golf clubs.
30. Given that the case related to CASC status the Department could not legislate on the issue of enhanced rate relief for any CASCs until the outcomes of the Commission Case. The Commission ultimately reported on the case at the end of April 2015. The judgment was silent on the specific issue of rate relief but its tone suggests that enhanced rate relief could amount to State Aid unless due care is taken in policy design.
31. **Consistency of policy treatment** is another consideration and the approach the Department intends to take forward aligns policy with that which operates for community halls, where licensed halls are excluded from full exemption on the grounds that this can generate revenue and so make a contribution to rates revenue.
32. The approach taken in the rest of the UK is summarised in **Annex B**.

33. Finally, there is the **issue of cost**. If the enabling power is subsequently used to allow for the provision of 100% exemption for unlicensed clubs the cost is not expected to exceed £750,000 per annum.
34. In terms of bearing this cost, the full amount will be borne by central government, as opposed to district councils. The reduction in rateable value within the district council will initially act as a loss to both central government and district council revenue. The district council revenue reduction is normally compensated in full under DOE's long standing policy to pay "derating grant" to councils.
35. The remainder of the cost to central government is accounted for by way of revenue foregone to the tax base. Effectively the enhanced exemption will reduce the return to central government.
36. If the scheme is implemented for a partial year in Year 1, the cost will be as above only reduced in proportion to the remaining months in the rating year.

PREFERRED POLICY APPROACH – ENHANCED RELIEF

37. The proceeding section explains the background to the Department's approach. This section sets out how this could be achieved. It is on this section in particular that views are sought.
38. The Rates (Amendment) Bill passed through its final stage in the Assembly on 2 February 2016. The Bill will provide a new enabling provision to grant enhanced rate relief under Article 31 of the Rates (Northern Ireland) Order 1977 ("the 1977 Order"), subject to prescribed criteria.
39. The policy proposal is to:-
- a. allow clubs registered with HMRC as community amateur sports clubs to qualify for 100% rate relief, rather than 80%, in accordance with the new Article 31(5A) as inserted by Article 1 of the Rates (Amendment) Bill 2016; but
 - b. exclude from exemption properties that have a liquor licence.
40. This will align rating policy with the treatment of community halls. The legislation governing Community Halls stipulates that exemption applies to a body which does **not** under licence (other than occasional licence), or a protection order sell intoxicating liquor by retail, or by virtue of the occupier being a registered club.¹ Eligible sports clubs therefore would be entitled to sell alcoholic drink at special occasions and not lose their entitlement.

Trading subsidiaries / related entities

41. The main financial restriction within CASC legislation is the 'income condition' which restricts a club's receipts from trading with non-members and property income to £100,000 per annum.

¹ Registration of Clubs (NI) Order 1996

42. At present if a club or company is a CASC (or intends to be) and determines that they are at risk of exceeding that £100,000 p.a. income threshold (thus putting its CASC status or eligibility at risk) the Department is aware that arrangements can be put in place so that any trading income and/or property income that is generated can be placed in a separate trading subsidiary (for example a wholly owned subsidiary trading company).
43. The Department takes the view that clubs that occupy premises alongside a trading subsidiary should be excluded from any enhanced relief, on the basis that trading activity is substantial enough for the club to afford to pay 20% rates on their sporting facilities.
44. This principle also extends to clubs with licensed premises that are physically connected (for example in the same building) and that are functionally “not unrelated”, notwithstanding that the social club is legally occupied in different names under a separate title, lease or licence. This is to guard against contrived or artificial arrangements being set up. In other words, for the purposes of determining relief entitlement, the Department will treat the two parts as if they are in the same occupation.

Council contribution to the cost of enhancements / discretionary enhancement

45. During the course of the Committee evidence session on the use of the Bill enabling powers, the issue was raised as to whether District Councils should contribute to the funding of a discretionary top-up.
46. This would require adjustments to primary legislation which could not be put in place for September. The issue is not a new one however. In 2005 DFP consulted on the issue but it was decided to await the conclusion of the Review of Public Administration (RPA) before considering Council funded discretionary rate relief for qualifying sports clubs.

47. RPA or local government reorganisation was implemented in April 2015 and accordingly DFP consulted on greater discretions for councils, as part of the wider and ongoing review of Non-Domestic Rating. See page 24 of the consultation paper:

<https://www.dfpni.gov.uk/sites/default/files/consultations/dfp/Review%20of%20Non-Domestic%20Rating%20System%20-%20Consultation%20Paper%20-%201%20December.pdf>

48. Longer term decisions on this issue will be taken as part of the Non Domestic Rating Review and are not therefore being considered within this consultation.

Treatment of spectator facilities and stands

49. An issue raised by the DFP Committee is the treatment of spectator facilities and stands, which are not entitled to relief. This is set out in primary legislation which states that relief is only applicable to those parts of the property used by those taking part in a prescribed recreation, which means not those parts used by spectators. This cannot be changed through the new regulations.
50. In any case, because of the 20% “de minimus” rule (where non sporting areas can be disregarded if they amount to less than 20% or less of the total value, explained in full detail within **Annex B**). It would be rare for unlicensed clubs to exceed this threshold. In any cases where this does arise, it does raise the question that if such assets are income generating whether or not it is reasonable for rates to be charged.

PIGEON RACING AND CHANGES TO LIST OF SPECIFIED RECREATIONS

Pigeon Racing

51. Prompted by the unforeseen inclusion of pigeon racing in the prescribed list of eligible recreations during the passage of the recent legislation, the Department is now taking the opportunity presented by this paper to consult further on the issue.
52. This is a complex issue and one this is widely misunderstood, in terms of the impact it is likely to have.
53. It is important to note that raising the issue in this consultation paper has nothing to do with the merits, or otherwise, of allowing premises used by pigeon racing clubs to secure Sport and Recreation Relief.
54. The tabled amendment that was unexpectedly passed by majority vote in the Assembly (which was against the advice of the Department) is unlikely to have the anticipated effect of delivering 80% rate relief to many of the premises occupied by pigeon clubs.
55. The amendment is unlikely to work in practice because of the requirement placed on the Department under the existing legislation to only permit relief for rooms or areas involving a:

*“recreation, whether conducted indoors or outdoors, **which in the opinion of the Department** demands an appreciable degree of physical effort **and which is of a kind specified by the Department**, after consultation with the Sports Council for Northern Ireland and with any association which appears to the Department to be representative of district councils, **by an order made subject to affirmative resolution.**”*

56. In other words, although the Assembly has voted in favour of the amendment, it is not enough to simply place the activity “Pigeon Racing” onto the list of specified recreations in rating legislation² to secure rate relief. As was pointed out when the amendment was debated in the Assembly, entitlement to rate relief still requires an appreciable degree of physical effort to be present and for the Department to be satisfied that this is so in every case.
57. Although the question was debated in the Assembly and views were expressed that the physical effort involved in pigeon racing stood comparison with many recognised active sports, pigeon racing does not feature in Sports NI’s list of recognised sports on their official list of “sports we recognise”. In addition Sports NI state that:
- “any physical effort and skill required to prepare for the activity to take place (e.g. preparation of playing fields, animal husbandry, travelling to and from a place where the activity is played) will not be taken into consideration for the purposes of recognition”.***
58. Notwithstanding this, pigeon racing will feature shortly as an addition to the list within rating legislation when the Rates Amendment Bill is enacted. As noted above, this may not in itself confer rate relief to premises used for activities associated with pigeon racing.
59. It is important, therefore, that bodies associated with pigeon racing clearly present the case that the ‘sport’ involves an appreciable degree of physical effort and go on to identify and explain the various activities involved and where they typically occur. This is in order to help the Department draw up practicable guidance notes so that rate relief can be granted in appropriate cases.
60. It is worth noting, however, that there is an assortment of buildings associated with pigeon racing that are currently rated, ranging from lofts and sheds through to higher value clubrooms and halls. It is this latter category of property where the most difficulty may lie. This is because the physical activity needs to be the

² <http://www.legislation.gov.uk/nisr/2007/72/made>

sole use of the room or area. For example, “pigeon moots” or other social gatherings are unlikely to qualify because even though they may be associated with racing, generally speaking they do not involve an appreciable degree of physical effort.

Review of list of specified recreations

61. The list of Specified Recreations in the subordinate rating legislation will simply mirror the centralised list of “recognised sports” and this has led to some anomalous entries, particularly as certain activities have been removed from the “recognised” sport listings by sporting authorities since the last prescription exercise by the Department. There are, therefore, specified recreations on the rating list that may not pass that further test and would not therefore get rate relief.
62. There is a case for tidying up the list of specified recreations in rating legislation and removing activities in order to ensure that the list is more in keeping with the other requirements for rate relief. However the current process is intended to prescribe the sport / recreation as one stage, with another being the assessment by LPS on behalf of the Department to satisfy itself as to the appreciable degree of physical effort.
63. Any addition to or exclusion from the list of prescribed recreations is carried out through subordinate legislation and is subject to a condition precedent that consultation must have been undertaken with sporting and local government authorities.
64. Views are sought on the issue of listing, particularly from bodies who may consider themselves (or be under the mistaken belief that they may be) disadvantaged by their removal from the list contained in rating legislation.
65. These recreations include, camping, model aircraft flying and model power boating, wild fowling, and camping.

66. Although it is not possible to bind any future Executive or Assembly, in the absence of any decision to the contrary, the Department will ensure that pigeon racing is placed on future prescribed lists, as this was the will of the devolved Assembly as reflected in the primary legislation.

NEXT STEPS

67. This targeted consultation will last for **8 weeks**, and will end on 9 May 2016.

68. Details of where to send consultation responses are set out below.

Rating Policy Division
Department of Finance and Personnel
Carleton House
1 Cromac Avenue
Gasworks Business Park
BELFAST
BT7 2JA

69. Responses to the consultation exercise will be made available on the Rating Policy website at:

<https://www.dfpni.gov.uk/topics/property-rating/rating-policy>

70. A paper setting out the main issues raised during consultation will also be made available in due course. The results of the consultation exercise will be analysed and shared with the Finance Minister and the Committee for Finance and Personnel. Decisions will then be reached on the way forward by the Finance Minister.

71. Any queries and consultation responses should be sent to:

ratingpolicy.cfg@dfpni.gov.uk

72. If you require any further information about this consultation exercise you should contact Rating Policy Division on (028 9090 9325). The consultation paper can be made available, on request, in alternative languages and formats.

Annex A – List of initial key stakeholders for targeted consultation

Northern Ireland Sports Forum
Sports NI (on behalf of governing bodies)
Sports Institute NI
NI Federation of Clubs
Northern Ireland Council for Voluntary Association (NICVA)
Association of Golf Club Owners
Disability Sport Northern Ireland

Hospitality Ulster
NI Food and Drink
NI Federation of Hotels
Tourism NI

District Councils
Northern Ireland Local Government Association

All MLAs

Other consultees upon request.

The Paper will also be made available to all interested parties on the DFP public internet site.

ANNEX B

Current level of relief

1. The current rating exemption for sport and recreation in Northern Ireland is authorised by statute under Article 31 of the Rates Order (Northern Ireland) Order 1977 (the 1977 Order) and there are currently no discretionary schemes available. Article 44 of the 1977 Order is also relevant in this context.
2. Article 31 provides that there can be a reduction of rates on certain rateable properties used for “prescribed recreations”. **The level of reduction in such cases is currently 80% of the normal rate.** Ancillary social facilities, such as bars, restaurants, card rooms, etc. remain fully rateable.
3. Article 44 provides for apportionment of the hereditament where part of it is not used for prescribed recreation, subject to “de minimus” criteria (see below).

Prescribed recreations

4. “Prescribed recreation” is defined as meaning *“a recreation, whether conducted indoors or outdoors, which in the opinion of the Department demands an appreciable degree of physical effort and which is of a kind specified by the Department, after consultation with the Sports Council for Northern Ireland and with any association which appears to the Department to be representative of district councils, by an Order made subject to affirmative resolution”*.
5. Such recreations are currently prescribed by The Rates (Recreational Hereditaments) Order (Northern Ireland) 2007. See:-

<http://www.legislation.gov.uk/nisr/2007/72/made>

6. As the definition makes clear, the relief is restricted to those activities that require an appreciable degree of physical effort. The rationale for this

longstanding policy stems from the Lawrence Report of 1978 which recognised the wider benefits of encouraging fitness in the wider community and deemed it worthy of special treatment.

7. Games that require a high degree of skill or contribute to intellectual development but require little physical effort do not generally qualify as prescribed recreations, although the degree of physical effort in the list of prescribed recreations varies considerably. The Department usually takes its lead from the list of activities recognised by the UK Sports Councils for the purpose of registering clubs as Community Amateur Sports Clubs. In its last iteration the lists of sports were consulted on in 2005, and updated using the most up to date list in light of consultation outcomes in 2007³. A copy of the previous consultation document can be accessed through the link below:-

<http://webarchive.proni.gov.uk/20150609103612/http://www.dfpni.gov.uk/rating-review/charitableexemptions.pdf>

Apportionment of bar facilities and non-sporting areas

8. Article 44 then states that “if only one or more than one part (but not the whole) of the hereditament is so used, the net annual value of the hereditament shall be apportioned by the Commissioner or the District Valuer between the part or parts of the hereditament used solely for the purposes of a prescribed recreation and the remainder of the hereditament.” This is apportioned as follows:-
 - i. if the amount apportioned to the part or parts of the hereditament used solely for the purposes of a prescribed recreation is less than 20% of the net annual value, the hereditament shall be shown in the NAV list as having no part of its net annual value apportioned to that part or these parts;
 - ii. if the amount so apportioned is 20% or more, but less than 50%, of the net annual value, the apportionment shall be shown in the NAV list;

³ Prior to that the list of recreations were outlined in the Rates (Recreational Hereditaments) Order (Northern Ireland) 1979

- iii. if the amount so apportioned is 50% or more, but less than 80%, of the net annual value, that amount shall be increased by 20% thereof (and the amount apportioned to the remainder of the hereditament shall be reduced accordingly) and the apportionment as so adjusted shall be shown in the NAV list;
 - iv. if the amount so apportioned is 80% or more of the net annual value, the hereditament shall be shown in the NAV list as used solely for the purposes of a prescribed recreation.
9. References to “the hereditament” for the above purposes do not include any part of the hereditament which is used for the purposes of a private dwelling.
10. The level of mandatory rate relief available for all qualifying sports clubs was increased from 65% to 80% on 1 April 2006 by Article 9 of the Rates (Capital Values, etc.) (Northern Ireland) Order 2006. The conditions that need to be met for the mandatory 80% are less stringent here in NI than the rest of the UK (see **Annex B** below). For example, wealthy private members clubs are entitled to relief if they satisfy the conditions. The Department does not intend to increase relief for these clubs through the new enabling provision.

Annex C

Position in rest of UK

1. The position on rate relief in Northern Ireland is different to Great Britain. In the rest of the UK sports clubs that are registered as Community Amateur Sports Clubs (CASCs) receive 80% mandatory rate relief. This is granted under section 43 of the Local Government Finance Act 1988 to occupiers who are Community Amateur Sports Clubs and have been registered with HM Revenue & Customs for the purposes of Chapter 9 of Part 13 of the Corporation Tax Act 2010, and who use the hereditament wholly or mainly for the purposes of the club. Local authorities then have the discretion to grant a further 20% rate relief in accordance with section 47 and 48 of the Local Government Finance Act 1988. In addition, sports organisations that are charities and use their premises wholly or mainly for charitable purposes are also entitled to 80% mandatory relief and a possible further 20% discretionary relief. Each local authority has its own policy on who benefits from this additional discretionary relief.
2. CASCs in the rest of the UK get the same level of mandatory relief (80%) as Sport and Recreation hereditaments occupied by sporting facilities here. To qualify for the additional discretionary top up relief in GB (providing up to 100% relief) a CASC must satisfy additional criteria set by the Local Authority. Typical additional criteria include:
 - i. club objectives that must align with local antipoverty strategies and local council priorities;
 - ii. pricing structures that reflect the impact of forthcoming cuts and benefits changes;
 - iii. a requirement to provide training or education to its members, and non-members such as young people, people with disabilities, retired people (the organisation should provide facilities that indirectly relieve the local Council of the need to do so, or enhance and supplement those it does provide);
 - iv. organisations required to provide two years worth of their most recent financial accounts;

- v. Verification of Valid recognised Sport England Clubmark / associated National Governing Body Accreditation;
- vi. Proof should be presented that facilities are available to and used by all parts of the local community; (i.e. non-restrictive membership rates, membership open to general community and facilities available to non members);
- vii. Verification that a significant percentage (usually over 51%) of the membership is made up of local residents

ANNEX D

See separate attachment

**ENHANCED SPORT & RECREATION
RATE RELIEF FOR UNLICENSED
COMMUNITY AMATEUR SPORTS CLUBS**

INITIAL IMPACT ASSESSMENT

Policy:

To Increase rate relief on properties associated with unlicensed CACSs from 80% to 100%

Summary of Impact Screening

Impact Assessment	Assessment	Full Assessment/Appraisal Required Yes/No	Reason
<u>Social Impacts</u>			
Crime		No	No impact identified
Community Safety & Victims		No	No impact identified
Equality		Details provided below	No impact identified
Health		No	No impact identified
Human Rights		No	No impact identified
Rural		Details provided below	No impact identified
Social Inclusion		Details provided below	No impact identified
<u>Economic Impacts</u>			
Economic Appraisal		Yes – Details provided below	The policy involves raising less money from the rating system. Government spending will increase through increases in the de-rating grant to District Councils.
Economic Assessment		Yes – Details provided below	Involves changes in the use of public resources as there will now be less revenue recovered from the rating system to use for government spending. Local government budgets will be unaffected by this change.
Regulatory		No	No impact on business. Policy ensures that only those sporting facilities that are unlicensed will benefit. This avoids potential issues around competition with other licensed non sporting facilities e.g. hotels.
State Aid		No	No impact identified
<u>Environmental Impacts</u>			
Environmental		No	No impact identified
Strategic Environmental		No	No impact identified
<u>Sustainable Development Impact</u>			
		No	No material impact identified

Limitations of Analysis

1. The following analysis seeks to examine potential impacts, but it is important to note that there are limitations inherent in using 'designated' characteristics. Chief amongst these is the location factor, which is deduced from the property address. Whilst it is often the case that clubs are situated within the communities from which they draw their membership, this is not always true. Nevertheless, it is the best known indicator in the absence of other data. Furthermore, 'predominant characteristics' are only available and demonstrated at an electoral ward level, which is not necessarily representative of the makeup of the membership of individual clubs.

Equality

2. Analysis has been undertaken to establish whether the policy change will be more beneficial to a particular community group. This was undertaken at electoral ward level and demonstrates that of those sporting facilities likely to benefit from the policy, 54% are located within electoral wards that are designated as having “Roman Catholic” as the largest percentage of the community.
3. When this is assessed based on those wards with at least 50% of the population being from a particular community background i.e. Roman Catholic or Protestant, the analysis demonstrates that of those properties benefiting, 46% are in wards with a majority from a Roman Catholic background, 38% from wards with a majority protestant and 16% are in wards with no clear majority i.e. no one community background accounts for more than 50% of all residents.
4. No potential impact has been identified for groups based on the other section 75 categories i.e. sex, marital status, sexual orientation, political opinion, race, age or disability.

Rural Impact

5. An assessment has been carried out to determine whether the policy is likely to be beneficial or otherwise to CASCs located in rural areas.
6. This involved an analysis of whether the properties being impacted are located in urban or rural wards. For the purposes of this analysis, and in the absence of a centralised DARD/cross departmental definition of ‘rural’, the definition of a rural ward has therefore utilised similar methodology to that used for the Rural ATMs policy within DFP.
7. This has shown that 44% of properties benefiting from this policy are located in rural wards i.e. wards where at least 80% of residents are described as living in rural areas.

Social Inclusion

8. Although it is thought that the policy will not have any significant social inclusion impacts an assessment has been carried out to determine the ward level Multiple Deprivation Measure (MDM) for each property that will benefit.
9. The results of this analysis are presented in the following table:

MDM score	1 - 100	100 - 200	200 - 300	300 - 400	400 - 500	500 - 600
No of properties¹	63	56	97	95	79	40
Average MDM	64	152	252	345	451	537

N.B. MDM score of 1 represents the most deprived ward

¹ The total number of properties benefiting from enhanced relief should only be considered an estimate, as limitations with the data prevent definitive analysis in this regard.

10. This analysis indicates that the benefits of the policy are spread across a wide spectrum of wards from the most deprived to the least deprived.

Economic Appraisal/Assessment

11. Given that this policy will impact on public resources it is considered that an economic appraisal/assessment is necessary. However given that the total cost of this policy is likely to be around £500k and no more than £750k, (which is in the context of a non-domestic rating system that generates £600m), the following analysis is presented bearing in mind the principle of proportionate effort.

Strategic Context

12. This policy will impact on the use of Article 31 of the Rates (Northern Ireland) Order 1977, subject to prescribed criteria. It will impact on DFP's use of a new regulation-making power to increase the level of rate reduction under Article 31 from 80% to 100% in circumstances set out in the Regulations.
13. This is likely to apply to hereditaments² in which intoxicating liquor is not being sold.

Need

14. The need for this policy change has been driven by a desire to assist Community and Amateur Sports Clubs in the delivery of wider public benefits. The original intention of granting 80% relief was to help CASCs with the promotion of physical recreation as well as their contribution to health care. It is thought that increasing this relief to 100% will assist further in this regard.
15. It is however, unclear to what extent this policy change will result in increased demand or participation for activities provided by CASCs, however all else being equal, it should provide CASCs with more resources to promote and support their activities.
16. The level of deadweight associated with this policy is unknown. However it would appear reasonable to assume that the increased support will not result in increased participation or public benefit for all CASCs. Indeed for some, it may simply mean that they will not have a rates bill and therefore will not have to raise the revenue to pay it or others may decide to pass the benefit onto its members through e.g. lower membership fees.

Objectives

The overall objectives of the policy are as follows:

- a) To increase the level of relief provided to CASCs through the rating system. It is expected that this will apply to rates bills from [subject to outcome of consultation
- b) To prevent unfair competition with other sectors within the business community by ensuring only unlicensed premises can benefit.

² The legal term for properties that are assessed for rates

Constraints

- a) Regulations have to be in place by September 2016 as per section 1 of the Rates Amendment Act.
- b) Regulatory – the final policy to be taken forward should not create issues of unfair competition with the business community.

Options

- 17. Alternative policy proposals were considered as part of the consultation exercise undertaken as part of the Rates (Relief for Community Amateur Sports Clubs) Bill which fell at second stage on 20th October 2015.
- 18. The current option and legislative process seeks to take forward aspects of the Rates (Relief for Community Amateur Sports Clubs) Bill that the Department considers had significant merit and rectify those parts that lead to concerns being raised for stakeholders and other departments, notably that it would have applied to sporting facilities with alcohol licences that compete directly with e.g. hotels for functions & weddings etc.
- 19. Given the process outlined above, it is apparent that alternative options have been considered, with the current policy proposal now representing the preferred option.

Costs & Benefits

- 20. When considering the cost of this policy change it is important to first of all consider who will bear the burden of the cost.
- 21. Currently all “revenue forgone” through sport & recreation relief represents a cost to central government. This is despite the fact that the revenue forgone relates to regional as well as district revenue. However as councils are compensated for S&R through the de-rating grant, central government (DOE) will end up paying for the “district” element, with the remainder being paid or forgone for by central government for regional services.
- 22. Current cost estimates of the policy change costing no more than £750k to central government are based on an assessment of those hereditaments that currently receive 80% relief on 100% of their NAV. This will represent approximately £375k of revenue forgone from the rating system, with the remaining £375k likely to be the increased cost to the DOE’s de rating grant.
- 23. This represents an average saving of around £1,000 to clubs, though this ranges from just a few pounds to around £15,000.
- 24. Benefits are anticipated to result from the policy in relation to helping CASCs maintain or increase levels of participation in the sports concerned. A beneficial financial outcome cannot be assessed but it is anticipated that this should lead to benefits in areas such as improved health of participants as well as enhanced social cohesion.

Risks

25. The main risk originally identified with this policy was that it could increase the competitive disparity between sporting facilities with bar areas and other businesses that seek to engage in similar activities e.g. pubs, hotels, wedding venues etc.
26. This risk has been eliminated as the enhanced relief will not apply to those sport & recreational hereditaments that have a liquor licence.
27. There is also a risk that those sport & recreational hereditaments that are entitled to relief will not be aware of the scheme and therefore not apply. The Department will be advising Sports NI so that relevant sporting bodies can be advised and then communicate with individual clubs. The information will also be included on the LPS and RPD websites.

Management & Monitoring

28. Rating Policy Division will be responsible for taking forward all legislative changes to facilitate this policy change. Rating policy division will also liaise with LPS in order to ensure all aspects of the policy change can be practically implemented.

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Subject Consultations notified to Mid Ulster District Council

Reporting Officer Philip Moffett, Head of Democratic Services

1	Purpose of Report
1.1	To update members on the consultations notified to Mid Ulster District Council for comment, since the last meeting of Council.

2	Background
2.1	Council is a consultee for many government departments, statutory agencies and other bodies, and as such receives consultation documentation inviting commentary on a wide range of issues which may be pertinent to council services and/or the District.

3	Key Issues																		
3.1	<p>The following outlines the consultations of which Council has been notified:</p> <table><tr><th>Organisation</th><th>Issue</th><th>Closing Date</th></tr><tr><td>Department of Enterprise, Trade and Investment</td><td>Options for closure of the Northern Ireland Renewables Obligation to new small scale onshore wind projects</td><td>09 May 2016</td></tr><tr><td>Department of the Environment Road Safety & Vehicle Regulation Division</td><td>Proposals to introduce regulations (set of five draft Statutory Rules) that are needed to introduce new measures to tackle drink driving in NI</td><td>27 May 2016</td></tr><tr><td>Department of Culture, Arts and Leisure - PRONI</td><td>Draft Statutory Rule that will set fees for services and provide rules for governing the admission of persons to use records at the Public Record Office of Northern Ireland (PRONI)</td><td>23 May 2016</td></tr><tr><td>Department of Agriculture & Rural Development</td><td>Application for BSE Negligible Risk (NR) status (cattle) on a regionalised basis for Northern Ireland</td><td>13 June 2016</td></tr><tr><td>Department of the Environment</td><td>Historic Environment Fund - policy proposals to help provide strategic direction to the funding of the historic environment</td><td>06 June 2016</td></tr></table>	Organisation	Issue	Closing Date	Department of Enterprise, Trade and Investment	Options for closure of the Northern Ireland Renewables Obligation to new small scale onshore wind projects	09 May 2016	Department of the Environment Road Safety & Vehicle Regulation Division	Proposals to introduce regulations (set of five draft Statutory Rules) that are needed to introduce new measures to tackle drink driving in NI	27 May 2016	Department of Culture, Arts and Leisure - PRONI	Draft Statutory Rule that will set fees for services and provide rules for governing the admission of persons to use records at the Public Record Office of Northern Ireland (PRONI)	23 May 2016	Department of Agriculture & Rural Development	Application for BSE Negligible Risk (NR) status (cattle) on a regionalised basis for Northern Ireland	13 June 2016	Department of the Environment	Historic Environment Fund - policy proposals to help provide strategic direction to the funding of the historic environment	06 June 2016
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	Department of the Environment Driver & Vehicle Agency	Proposed changes to the Approved Driving Instructor (ADI) /Approved Motorcycle Instructor (AMI) schemes in Northern Ireland	15 June 2016
	Department of Health, Social Services and Public Safety with Dept of Justice	Improving Health within Criminal Justice – Draft Strategy and Action Plan	20 June 2016
	Department of Health, Social Services and Public Safety	Review of Pharmacy Regulation in Northern Ireland - Consultation on potential options for the future of Pharmacy Regulation in NI	14 June 2016
	Dept of Culture, Arts & Leisure	Consultation on Sign Language Framework Proposals for Legislation	04 July 2016
Documentation on the aforementioned consultations may be provided on request.			

4	Resources
4.1	<u>Financial</u> - N/A
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	Not applicable

6	Recommendations
6.1	Members review and note the government consultations.

7	List of documents attached
7.1	Not applicable