

**Minutes of Meeting of Mid Ulster District Council held on Thursday 26 July 2018
in the Council Offices, Circular Road, Dungannon**

Chair: Councillor McPeake

Members Present: Councillors Ashton, Bateson, Bell, Burton, Clarke, Cuddy, Cuthbertson, Forde, Gildernew, Gillespie, , Kearney, Mallaghan, McAleer, McEldowney, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, Milne, Molloy, Monteith, Mullen, Mulligan, J O'Neill, T Quinn, M Quinn, Reid, G Shiels, Totten and Wilson

Officers in Attendance: Mr McCreesh, Director of Business & Communities
Ms Anne Marie Campbell, Director of Leisure & Outdoor Rec.
Ms Canavan, Director of Organisational Development
Mr Kelso, Director of Public Health & Infrastructure
Ms Mezza, Head of Marketing & Communications
Mr P Moffett, Head of Democratic Services
Mr JJ Tohill, Director of Finance
Mrs Forde, Member Support Officer

The meeting commenced at 7pm

C159/18 Apologies

Councillor Buchanan, Doris, Elattar, Glasgow and McFlynn

C160/18 Declarations of Interest

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

C161/18 Chair's Business

None

Matters for Decision

C162/18 Receive and Consider Minutes of matters transacted in "Open Business" at the Council meeting held on Thursday 28 June 2018

Proposed by Councillor McGinley
Seconded by Councillor McNamee and

Resolved: That the Minutes of the Meeting of the Council held on Thursday 28 June 2018 (C130/18 – C149/18 and C158/18) transacted in Open Business having been printed and circulated were considered and adopted.

C163/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee held on Monday 2 July 2018

Proposed by Councillor B McGuigan
Seconded by Councillor Gillespie and

Resolved That that the Minutes of the Meeting of the Environment Committee held on Monday 2 July 2018 (E207/18/18 – E226/18 and E235/18) transacted in “Open Business” having been printed and circulated were considered and adopted;

C164/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee meeting held on Tuesday 3 July 2018

Councillor Clarke drew Members attention to P092/18 LA09/2017/0948/F and LA09/2018/018/DCA re 10 Circular Road, Dungannon and advised that he had spoken at the planning committee regarding the application. He again expressed concern that the planned works backed onto the Council’s Hill of The O’Neill site. He emphasised that Council must take care to protect the archaeological site and proposed that the work is carried out under close archaeological supervision. Councillor Clarke spoke of having attended an event on the Hill of The O’Neill and stated if Council was going to protect this key feature it must take every opportunity to research what is happening around it.

Proposed by Councillor Clarke
Seconded by Councillor Bell

That the works associated with planning application LA09/2017/0948/F and LA09/2018/018/DCA re 10 Circular Road, Dungannon is carried out with archaeological supervision.

Councillor McKinney stated that at the planning committee the matter had been discussed and Officers had advised that the NIEA (Northern Ireland Environment Agency) had not expressed concern in relation to the planning application.

Councillor Cuddy stated he was not familiar with the application but was not 100% sure if the property backed onto the Hill of The O’Neill and said that Council should be careful not to delay the application.

Councillor Molloy concurred with Councillor Clarke and stated he had had representation on the application and supported the matter being raised with the NIEA but said that in his experience they appeared to be relaxed about past history.

Councillor Monteith declared an interest in the application as the neighbouring property had been his grandfather’s house and was still in family ownership.

Councillor Monteith shared Councillor Molloy’s scepticism regarding the NIEA but sought clarity as to whether they had been approached with regard to the application.

Councillor McLean asked why no one from the planning department was in attendance at the meeting.

Councillor Cuthbertson stated he had declared an interest at the Planning Committee and stated that Council should be careful in its discussions as the Planning Committee had devolved powers in relation to applications and thus the approval would already be granted.

Councillor Reid stated that the matter had been discussed at the planning committee at which time Mr Bowman had addressed the issue and that the application should progress.

The Director of Business and Communities reminded Members that the planning committee had devolved powers in relation to applications and thus the decision was effective immediately. The Director summarised the discussion stating that the decision made in relation to the application would progress and that the concerns of Members would be relayed to the Planning Manager.

Councillor Clarke concurred.

Councillor Cuthbertson expressed concern in relation to the delay in responses from Environmental Health section to statutory consultations. He stated that Members were critical of other statutory bodies delaying applications as such delays halted investment and development yet it itself was causing delays.

In response the Chair Councillor McPeake stated an update would be sought in relation to the matter.

Councillor Monteith concurred with aforementioned comments and sought clarity as to why there was no representation from the Planning Department present at the meeting.

In response the Director of Business and Communities stated the Officer had another engagement and the matter would be brought to his attention.

Councillor Monteith stated that the Chief Executive was not in attendance but had arranged representation.

Resolved That

- (i) P092/18 LA09/2017/0948/F and LA09/2018/018/DCA re 10 Circular Road, Dungannon – That Planning Department is mindful of the archaeological importance of the Hill of The O'Neill which neighbours the property at the rear;
- (ii) That an update be provided with regard to the delay in responses provided by Environmental Health in relation to statutory consultations.

Proposed by Councillor Clarke

Seconded by Councillor McKinney and

Resolved That the Minutes of the Meeting of the Planning Committee held on Tuesday 5 July 2018 (P089/18 – P094/18 and P101/18) transacted in “Open Business” having been printed and circulated, subject to the foregoing were considered and adopted.

C165/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee held on Wednesday 4 July 2018

Proposed by Councillor McNamee
Seconded by Councillor Wilson and

Resolved: That the Minutes of the Meeting of the Development Committee held on Wednesday 4 July 2018 (D138/18 – D157/18 and D161/18) transacted in “Open Business” having been printed and circulated were considered and adopted.

C166/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy and Resources meeting held on Thursday 5 July 2018

Proposed by Councillor Gildernew
Seconded by Councillor Molloy and

Resolved: That the Minutes of the Meeting of the Policy & Resources Committee held on Thursday 5 July 2018 (PR150/18 – PR160/18 and PR173/18) transacted in “Open Business” having been printed and circulated and subject to the foregoing were considered and adopted.

C167/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Special Council meeting held on Monday 9 July 2018

The Chair, Councillor McPeake invited the Director of Public Health and Infrastructure to update Members following the meeting that took place on Tuesday 24 July 2018.

The Director of Public Health and Infrastructure reminded Members of the two previous resolutions firstly to progress the High Court Order and secondly to set up a meeting to discuss a way forward.

The Director apologised that the minute of the meeting was not yet finalised but assured Members it would be issued in due course. He outlined four points as undernoted which had arisen from the meeting;

- (i) The Planning Manager had indicated that the NIHE (Northern Ireland Housing Executive) had not completed the formal report regarding Travellers Needs Assessment, the relevance of which is that the Traad site feasibility assessment cannot be completed until Council are in receipt of

- the formal Needs Assessment. The Director of Public Health and Infrastructure recommended that work on the Traad site assessment is suspended until the aforementioned report had been received by Council.
- (ii) That a working group is established by Council to liaise with NIHE and relevant Statutory agencies;
 - (iii) That the NIHE had indicated verbally they recognised there was a need for establishment of traveller accommodation but until the formal assessment had been completed that they would give consideration to temporary accommodation. It was noted that the remit for provision of such accommodation was that of the NIHE; and
 - (iv) The NIHE team would provide time scales to Council for completion of the Travellers Needs Assessment and any other associated works.

Councillor McGinley proposed the minutes.

In response to Councillor McGinley's enquiry the Director of Public Health and Infrastructure advised that despite repeated requests over a number of years Council had not been furnished with the formal Travellers Needs Assessment but had been provided with a review of Council identified sites.

The Director stated at the meeting on Tuesday 24 July the NIHE confirmed that they would have the mechanisms in place to commence the formal needs assessment in September.

Councillor McGinley expressed extreme disappointment stating that Council had embarked on a journey in good faith and that the current situation was somewhat desperate and would have a massive impact. He stated that he hoped the NIHE would complete the aforementioned report swiftly and asked if the Planning Department could move forward with the feasibility studies.

In response the Director of Public Health and Infrastructure stated that it would not be appropriate to carry on with the feasibility studies without the formal report.

Councillor McGinley expressed his disappointment that the NIHE had left Council in this situation and emphasised that the need was clearly visible.

Proposal One

Proposed by Councillor McGinley

That Council continue to progress the ongoing scoping study in relation to identification of potential sites for traveller provision but do not progress feasibility studies on any of these sites until the Northern Ireland Housing Executive furnish Council with a formal report regarding Travellers Needs Assessment.

Councillor McLean expressed his disappointment at the timing of the meeting and stated that 12 noon was not a suitable time. He recalled that the legacy Council of Magherafelt had written to two Ministers to clarify if the role of the Councillor in the 'super Councils' was full or part time and both had indicated that the role would be part

time. As such Councillor McLean stated that the process was unsavoury and he would even say it was deliberate to exclude some Councillors.

The Chair, Councillor McPeake stated that Councillor McLean should not make such statements.

Councillor McLean stated that there had been a meeting of Council, the minutes of which were before Members and asked why the NIHE representative had not been challenged on the evidence that had been presented to Members. He stated that the Council are 'doing catch up' when the NIHE appeared not to have carried out its duties for a number of years. Councillor McLean stated that this appeared to be a 'get out clause' which in his opinion was a fiasco, a joke and an embarrassment to Council. He stressed that the people who have been the most effected are still affected and had been let down by Council.

In relation to meeting times the Chair, Councillor McPeake stated that some Councils had all their meetings during working hours and emphasised that it was difficult for officers to strike a balance and it was wrong of Councillor McLean to indicate otherwise.

Councillor McLean stated that officers pick and choose times to suit.

Councillor Wilson also expressed concern regarding the time of the meeting on Tuesday 24 July and stated if one was astute you would say it was called to be prior to the meeting held by the community at Ballyronan.

He stated that Council had embarked on the issue without any evidence from the NIHE and was carrying out a task which was not its function. He stressed that the Travelling Community had human rights but it was not the remit of Council to provide accommodation. He stated that Council had assisted with a scoping study which he had understood was on evidence. He stated he had attended the meeting at Ballyronan and asked who had identified the five sites in question, he further stated that he would not be happy to progress the matter until the evidential information required had been received from the NIHE.

Councillor McGinley responding directly to Councillor Wilson stated he was requesting the scoping exercise to continue as there was a clear need and everyone had experienced illegal encampments over the past 15-20 years. He stressed that Council had acted in good faith and when the NIHE did provide the report Council would be ready.

Councillor Kearney on behalf of Councillor McFlynn who could not be present stated that there had been a successful interagency meeting in Magherafelt and also a meeting in Ballyronan, he stated that the meeting on 24 July had been positive and that the Planning Manager had provided clear answers. He advised he had been raised along the River Bann and had been taught it was an 'angry monster' evidence of which had been the drowning of a young mother in recent days. He stated that he had an affinity with the people from Traad an area of outstanding beauty and recreation. He stated that the community of Traad had welcomed the cross party support and emphasised that Members were their 'eyes and ears'. He reminded

Members that they had all been involved with local issues such as fracking, mining and gas pipes. Councillor Kearney stated it was his belief that the NIHE would act quickly but that keeping Traad in the Scoping study was a waste of money and resources.

Proposal Two

Proposed by Councillor Kearney
Seconded by Councillor M Quinn

That due to community concerns and the health and safety of the travelling community that Traad is excluded from the current scoping study.

The Chair, Councillor McPeake advised that the Director of Public Health and Infrastructure would outline Councils involvement to date.

The Director of Public Health and Infrastructure in response advised that the first report had been brought to the Environment Committee in December 2016 updating Members on Travellers issues. As a result of this report Council wrote to the NIHE in January 2017 regarding the identification of sites and requesting an update on the needs assessment. In response the NIHE then indicated that they were struggling to identify sites. In October 2017 a proposal was brought to the Environment committee to appoint a design team to carry out a scoping study of possible sites. The design team were appointed January 2018 and requested to liaise with the NIHE to address the matter. The design team met with the Place Shaping Planning Team in the NIHE in the preparation of the scoping report.

The Director acknowledged that it was disappointing that the scoping report was in place and that the NIHE had not yet fulfilled their duties. He advised that correspondence from the NIHE indicated that the need assessment report was being progressed and that Council had acted in good faith on behalf of both the ratepayers and the Travelling families.

With regard to the timing of the meeting on Tuesday 24 July the Director stated that he had been on annual leave at the time and both apologised and assured the Member that it had not been the intention to exclude anyone.

Councillor McGinley reiterated his proposal aforementioned.

Councillor Batson seconded Councillor McGinley's proposal.

Proposal Three

Proposed by Councillor Wilson
Seconded by Councillor McLean

That Council halt the scoping exercise and associated actions until it was in receipt of the formal report regarding Travellers Needs Assessment from the NIHE.

Councillor McKinney stated that he was aware that the Travelling families had moved away and returned and stated that their time at the site needed to be clarified. He stated there was a need for a traveling site for a period and then the Travellers moved on.

The Chair Councillor McPeake stated that such issues would be addressed through the working group.

Councillor Reid stated he too had attended the meeting at Ballyronan and shared that when the NIHE had been asked about the place shaping report they had advised it was a province wide project that could take up to five years.

The Director of Business and Communities expressed caution in relation to Councillor Kearney's proposal reminding Members of Standing order number 24 *Rescission of a preceding resolution*. He requested that Members recall a decision taken by Council on 26 April 2018 to include Traad in the Scoping Study and if it was Councils desire to change that decision the appropriate exercise to rescind the resolution must be carried out. Members noted that 15% of the Members (six) must sign the notice and as this had not occurred Councillor Kearney's proposal would not be within due process.

Councillor Kearney reluctantly withdrew proposal two.

In response to Councillor Wilson's question the Director of Business and Communities advised he was not in the position to give clarity on the legality of the process and that he would need to confer with the council solicitor

Councillor McLean sought clarity as to whether the Director of Public Health and Infrastructure had advised that the process was to be suspended.

Councillor McGinley reiterated his proposal.

Councillor Wilson stated that his proposal would not change the previous resolution and reiterated his proposal.

The Chair, Councillor McPeake called for a vote on Councillor McGinley's Proposal one:

That Council continue to progress the ongoing scoping study in relation to identification of potential sites for traveller provision but do not progress feasibility studies on any of these sites until the Northern Ireland Housing Executive furnish Council with a formal report regarding Travellers Needs Assessment.

For	18
Against	12
Abstained	4

The Chair, Councillor McPeake called for a vote on Councillor Wilson's proposal three

That Council halt the scoping exercise and associated actions until it was in receipt of the formal report regarding Travellers Needs Assessment from the NIHE.

For 12
Against 18
Abstained 4

The Chair, Councillor McPeake declared Councillor McGinley's proposal carried.

Proposed by Councillor McGinley
Seconded by Councillor Bateson and

Resolved That Council continue to progress the ongoing scoping study in relation to identification of potential sites for traveller provision but do not progress feasibility studies on any of these sites until the Northern Ireland Housing Executive furnish Council with a formal report regarding Travellers Needs Assessment.

Proposed by Councillor McGinley
Seconded by Councillor B McGuigan and

Resolved: That the Minutes of the Meeting of the Special Council held on Monday 9 July 2018 (SC16/18 – SC20/18) transacted in Open Business having been printed and circulated were considered and adopted.

C168/18 Conferences, Seminars & Training

The Head of Democratic Services sought approval for the undernoted for attendance of Councillors and Council Officers as outlined in the report, the payment of attendance fees and associated costs as incurred.

(i) Member Training Requests

- Diploma in Irish Language, University of Ulster (Cookstown)
2 year course commencing September 2018
Cost £911 per year plus one residential at an additional of £60-£100, plus travel and subsistence
Councillor McGinley to attend.

(ii) Officer Approvals

Conference & Seminar	Date	No. of Attendees	Location	Attendance (Yes/ No)
Next Steps for Apprenticeships	30/8/18	1 – Officer	London	Yes

Local Government Commercialisation : Generating Income To Support More Effective Public Services	06/03/19	2 Officers	London	Yes
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Proposed by Councillor S McGuigan
Seconded by Councillor Gillespie and

Resolved: That the attendance of Members and Officers, the payment of attendance fees and associated costs as incurred be approved, as required for attendees.

C169/18 Consideration of Requests for Civic Recognition

The Head of Democratic Services referred Members to the previously circulated report and sought approval for requests for civic recognition from Members, in line with revised policy. He advised Members that the report had been updated to include an additional recommendation for Father Rocks in Cookstown as due to an administrative error the request had been omitted from the initial report.

Proposed by Councillor McNamee
Seconded by Councillor B McGuigan and

Resolved That approval be given to submitted requests for civic recognition as outlined in the report.

C170/18 Muldoon Carpark, Moortown

Councillor McGinley advised he had been speaking to residents at Moortown and requested that Council set up a meeting to investigate the possibility of incorporating Muldoon Car Park site into the current Council led LAG project.

Proposed by Councillor McGinley
Seconded by Councillor Bateson and

Resolved That Council set up a meeting to investigate the possibility of incorporating Muldoon Car Park site into the current Council led LAG project.

Matters for Information

C171/18 Consultations Notified to Mid Ulster District Council

The previously circulated report providing an update on consultations notified to Mid Ulster District Council since the last meeting of Council was presented to the meeting.

Resolved That Council note the consultations within the Consultations Report

C172/18 Correspondence to Council – July 2018

The previously circulated report to update the Council on correspondence received from three organisations was presented to Council, from:

- Minerals & Petroleum Branch, Department for the Economy;
- Two letters from Chief Executive, Derry City & Strabane District Council

Councillor Montieth drew attention to the letter received from Derry City & Strabane District Council seeking support for their notice of motion relating to the Joint Marie Curie and Motor Neurone Disease Association campaign highlighting deep concern about the impact of the current definition of terminal illness used for eligibility for benefits including Personal Independence Payments (PIP) in Northern Ireland.

Councillor Monteith expressed concern in the current process stating that it was both degrading and distressing for people who have to engage in the process and thus it was important that Council support the motion.

Proposed by Councillor B Monteith

Seconded by Councillor B McGuigan and

Resolved That Council

- (i) support Derry City and Strabane District Council motion as undernoted

“That Council Support the Joint Marie Curie and Motor Neurone Disease Association campaign highlighting deep concern about the impact of the current definition of terminal illness used for eligibility for benefits including Personal Independence Payments (PIP) in Northern Ireland. Council notes that PIP has special rules for applicants with terminal illnesses, which allows people to access payment quicker and without a face-to-face assessment. However, this avenue is only open to those who have been given a prognosis of six months or less. This restriction is unfairly excluding many people with terminal illnesses, including those with Motor Neurone Disease (MND), chronic heart failure and COPD, as they fail to access PIP under the special rules, meaning they have to wait much longer for their payments and undergo face-to-face assessments. Council affirms that this is unfair and denies people the best quality of life during the time they have left and calls on the Secretary of State for Northern Ireland to follow the lead of the Scottish government and implement the call from Marie Curie and the MND Association for a fairer definition of terminal illness that is based on clinical judgement and patient need, not a time-restricted estimation of life expectancy.”

- (ii) Council note correspondence received.

The public and press left the meeting at 7.45 pm

Items restricted in accordance with Section 42, Part 1 of Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Gildernew
Seconded by Councillor Mallaghan and

Resolved: That items C173/18 – C185/18 be taken as confidential business.

Matters for Decision

- (i) Minutes taken as confidential business at the Special Planning Committee (Development Plan) meeting held on 20 June 2018
- (ii) Minutes taken as confidential business at the Council meeting held on Thursday 28 June 2018
- (iii) Minutes taken as confidential business at the Environment Committee held on Monday 2 July 2018
- (iv) Minutes taken as confidential business at the Planning Committee held on Tuesday 3 July 2018
- (v) Minutes taken as confidential business at the Development Committee held on Wednesday 4 July 2018
- (vi) Minutes taken as confidential business at the Policy and Resources Committee held on Thursday 5 July 2018
- (vii) Minutes taken as confidential business at the Audit Committee held on Tuesday 17 July 2018
- (viii) Contract for Final Capping Works at Magheraglass Landfill Site
- (ix) Village Schemes – Benburb, Castlecaufield, Gulladuff and Newmills
- (x) Village Programme – Maghera Walkway
- (xi) Document for Sealing:- Contract for the Purchase of Unit 2, Railway Yard, Cookstown
- (xii) Document for Sealing:- Boundary Rectification Deed of Transfer and Agreement between Rainey Old Boys Rugby Club and Mid Ulster District Council
- (xiii) Document for Sealing:- Gas to the West – Option Agreement with SGN re Railway Park

C186/18 Duration of Meeting

The meeting was called for 7pm and ended at 8pm

CHAIR _____

DATE _____

