

Minutes of Meeting of Mid Ulster District Council held on Thursday 26 October 2017 in the Council Offices, Circular Road, Dungannon

Chair: Councillor Ashton

Members Present: Councillors Bateson, Bell, Buchanan, Burton, Clarke, Cuddy, Cuthbertson, Doris, Elattar (7.10pm), Forde, Gildernew, Gillespie, Glasgow, Kearney (7.17pm), Mallaghan, McAleer, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, Milne, Molloy, Monteith, Mullen, Mulligan, J O'Neill, M Quinn, Reid, Robinson, J Shiels, G Shiels, Totten and Wilson

Officers in Attendance: Mr Tohill, Chief Executive
Ms Campbell, Director of Leisure & Outdoor Recreation
Ms Canavan, Director of Organisational Development
Mr Cassells, Director of Environment and Property
Mrs Forde, Member Support Officer
Mr Kelso, Director of Public Health and Infrastructure
Ms Mezza, Head of Marketing and Communications
Mr Moffett, Head of Democratic Services
Mr JJ Tohill, Director of Finance

The meeting commenced at 7pm

C207/17 Apologies

Councillor McPeake

Councillors J Shiels, McKinney and Mullen entered the meeting at 7.01pm

C208/17 Declarations of Interest

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

*Councillor Cuddy declared an interest in Dungannon Enterprise Centre
Councillor Wilson declared an interest in Cookstown Enterprise Centre*

Councillor McGinley advised that Councillor Molloy would replace Councillor Doris as a representative of Council on the board of Dungannon Enterprise Centre.

C209/17 Chair's Business

The Chair, Councillor Ashton congratulated staff at the Heaney HomePlace following the attainment of NILGA Award for Best Local Authority Tourism Initiative.

C210/17 Receive and consider minutes of matters transacted in “Open Business” at the Special Council meeting held on Thursday 21 September 2017

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

Resolved That the Minutes of the Meeting of the Special Council meeting held on Thursday 21 September 2017(SC29/17 – SC34/17), transacted in “Open Business” having been printed and circulated were considered and adopted.

C211/17 Receive and consider minutes of matters transacted in “Open Business” at the Council meeting held on Thursday 28 September 2017

Councillor Wilson drew attention to C196/17 regarding Council's response to the Health Trust proposed cuts, he welcomed the recent decision that the proposed cuts would not now be implemented and acknowledged that the situation should not have arisen. Councillor Wilson commended staff and all who lobbied against the cuts. He further highlighted the reprieve of Cookstown Social Security Office had been granted, highlighting that this again was another successful lobbying campaign by Council.

The Chair, Councillor Ashton concurred stating that messages had been sent to organisations.

Proposed by Councillor J Shiels
Seconded by Councillor Wilson and

Resolved That the Minutes of the Meeting of the Council held on Thursday 28 September 2017(C183/17 – C199/17 and C206/17), transacted in “Open Business” having been printed and circulated were considered and adopted.

C212/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee meeting held on Tuesday 3 October 2017

Proposed by Councillor Mallaghan
Seconded by Councillor Gildernew and

Resolved That the Minutes of the Planning Committee meeting held on Tuesday 3 October 2017 (P129/17 – P134/17 and P140/17) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C213/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Thursday 5 October 2017

Proposed by Councillor Molloy
Seconded by Councillor McKinney and

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Thursday 5 October 2017 (PR174/17 – PR184/17 and PR194/17) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C214/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee held on Tuesday 10 October 2017

Councillor Bell drew attention to E241/17 and welcomed the approval regarding Cott Lane Footbridge and stressed that expediency was required in relation to maintenance and upkeep of the footbridge and Gort Moss Walk, Ballinderry/Kinturk.

Councillor Glasgow drew attention to E262/17 and sought clarification from a legal perspective on signatures being retained on letters submitted regarding renaming and renumbering of existing streets. He recalled that at the Environment Committee it had been stated that signatures were removed in line with Data Protection principles, as the matter was in open business. He asked, if the matter was dealt with in confidential business if the signatures could be retained.

In response the Director of Public Health and Infrastructure stated that a report would be brought to the November Environment Committee meeting in relation to Cott Lane Footbridge and Gort Moss Walk; and the Renaming and Renumbering of Existing Streets on retention of signatures on letters.

Proposed by Councillor B McGuigan
Seconded by Councillor McNamee and

Resolved That the Minutes and recommendations of the Environment Committee meeting held on Tuesday 10 October 2017 (E235/17 – E263/17 and E270/17) transacted in “Open Business”, having been printed and circulated were considered and adopted.

C215/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee held on Thursday 12 October 2017

Councillor Mallaghan declared an interest in Harps Club in relation to Community Grants stating that although not a member he had assisted the Club.

Councillors McEldowney, McGinley and M Quinn declared an interest in Lough Neagh Partnership

In response to Councillor McGinley's question in relation to declaring interests the Chief Executive stated that if a Member lists an interest in the annual 'Registration of Interest' declaration which is a public record, it is already declared however if an organisation was, for example receiving a significant amount of money a Member may wish to highlight the interest.

Councillor G Shiels drew attention to D209/17 Neighbourhood Renewal Programme advising that since he had spoken on the topic at Development Committee, following a meeting earlier in the day that the community plan would be severely threatened due to the crisis in rural transport. He advised that Rural Transport was on verge of closure due to the effect of the new proposed licensing restrictions and stated he could not stress enough the seriousness of the situation.

Councillor Wilson drew attention to D198/17 and stated that on reflection he felt that three Members would be sufficient to attend the Joint Delegation Visit and thus he would withdraw his name.

Proposed by Councillor Wilson
Seconded by Councillor Doris and

Resolved: That the Minutes and recommendations of the Development Committee meeting held on Thursday 12 October 2017 (D187/17–D211/17 and D215/17) transacted in "Open Business", having been printed and circulated, were considered and adopted.

C216/17 Conferences and Seminars

Approval was sought for undernoted conferences for attendance of Members and council officers outlined in the report, the payment of attendance fees and associated costs as incurred.

(i) Member Approvals

- National Association of Councillors AGM & Conference
Theme Emergency Services & Emergency Planning 3rd - 5th November
at Mercure Hotel, Glasgow Cost £350+vat, accommodation, travel & subsistence
- Level 3 Award in Developing Counselling Skills: JMC Counselling, Unit 23, 51 Dungannon Rd, Coalisland - Tuesday evenings 6-10pm October-December 2017 Cost £495 plus travel

Councillor N Doris to attend

(i) Officer Approval

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fees
Local Govt Finance under the new govt	2/11/17	1	London	Yes
Digital Tech, Young People & Heritage Conference	2/11/17	1	Belfast	Free
BTO Birdwatchers Conference 2017	11/11/17	1	Craigavon	Yes
Joint Delegation visit to Catapult Centres in UK (via South West College)	21/11/17	2 + Councillors	Glasgow & Coventry	Yes
Equality & Diversity Seminar	7/11/17	1	Newtownabbey	Free

(ii) Officer Retrospective Approval

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fees
Annual Conference for Head of Info Systems Group (Ireland)	11/10/17	1	Dundalk	Free
Common Ground-Shared Language	16/10/17	1	Belfast	Free

Proposed by Councillor McNamee
Seconded by Councillor Molloy 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 and officers.

C217/17 Consideration of Requests for Civic Recognition

The Head of Democratic services drew Members attention to the previously circulated report and sought approval for civic recognition requests for those groups and individuals listed in line with Council Receptions Policy.

Proposed by Councillor Burton
Seconded by Councillor Mulligan and

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

C218/17 European Capital of Culture Bid

The Director of Business and Communities drew attention to the previously circulated report and highlighted the possible direct economic return and tourism boost if the two cities were successful. He further highlighted that within phase two of the bid Council may be able to assist with the programme of events and projects.

Councillor Wilson stated it would be a pleasure to support highlighting the success of Londonderry City of Culture and wished both cities success.

Proposed by Councillor Wilson
Seconded by Councillor B McGuigan and

Resolved That Council provide a letter confirming its support for Belfast City Council and Derry and Strabane District Council joint bid for the title of European Capital of Culture 2023.

Matters for Information

C219/17 Consultations notified to Mid Ulster District Council

Councillor Monteith drew attention to the Department for Communities consultation ‘*A Fundamental Review of Social Housing Allocations*’ and proposed that Council make a response highlighting the issues of housing stress and the allocation system. He emphasised if Council was to be relevant to the community it was important to convene a public event and encourage charities, housing bodies and especially families suffering due to both housing stress and the allocation system to have their say.

Councillor Mallaghan drew attention to the Department for the Economy consultation Mineral Development Act (NI) 1969 relating to an application from Karelian Diamond Resources for mineral prospecting rights. It was noted that part of the lands was in Council jurisdiction. Councillor Mallaghan highlighted that although the planning department was developing a response there was insufficient time to bring it back to Council as the closing date was 10 November. The Chief Executive advised that if Council were mindful to do so they could delegate authority to the Planning Committee to progress and finalise the response.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke

That Council devolve powers to the Planning Committee to progress response to the consultation carried out by the Department for the Economy in relation to the Mineral Development Act (NI) 1969

Councillor Cuthbertson stated that on previous occasions Council had issued a letter of intention and forwarded the response following the Council meeting. In response

the Chief Executive stated that Council could enquire if the closing date listed was final, and if not, issue a letter of intent and bring a response brought back to Council to approve.

Councillor Monteith sought clarification as to whether the response approved by the Planning Committee would be constrained to just planning legislation or whether it could incorporate other views, for example that of the community.

The Chief Executive stated that Members should forward their views to the Planning department prior to the meeting.

Councillor Kearney entered the meeting at 7.17pm

Councillor McLean concurred with Councillor Monteith and stated that Council must be careful as to how it responds.

Councillor Wilson asked if Members could have sight of the draft response prior to the committee. In response the Chief Executive stated that the draft response would be within the Planning Committee papers being issued.

Councillor Reid asked if the Chief Executive could be present at the Planning Committee. In response the Chief Executive stated he would have to consult his diary and that he would endeavour to attend but emphasised that Council's legal representative would be present.

- Resolved** The previously circulated paper on consultations notified to Mid Ulster District Council was noted and that
- (i) Department for Communities: Review of Social Housing Allocations - Council to prepare a response initiate a public event to liaise with those in housing stress, Charities and Housing bodies
 - (ii) Department for the Economy: Mineral Development Act (NI) 1969 - if it is required, delegate authority to Planning Committee to approve. Response should not be confined to a planning legislative perspective but incorporate Members comments corporately and reflect view points of the community

C220/17 Correspondence

Resolved The previously circulated paper on correspondence to Council was noted.

C221/17 Consideration of Motion

C221.1/17 Councillor S McGuigan to move

Councillor S McGuigan stated that in bringing forward the motion on what is a wide ranging topic it was difficult to encapsulate in words what might be seen as a positive consequence of the motion being agreed.

Councillor S McGuigan stated that the reason for highlighted the housing development in Belfast was to link the fact that political parties seemed to agree a way forward. He emphasised prior to that incident thousands of others had happened and unfortunately would be likely to occur in different aspects of daily lives.

He stated that sectarianism had infected each level of society right across the island of Ireland both north and south and that the Good Friday Agreement provides the political framework and governing principles to facilitate the conduct of politics, the co-existence of distinct and competing political traditions and aspirations. Councillor S McGuigan continued stating that a failure to fully embrace Good Friday Agreement principles of mutual respect, parity of esteem, equality and the right to both live free from sectarian harassment and to pursue political goals on the basis of peaceful politics would mean that the culture of sectarianism retards the primacy of democratic politics.

Councillor S McGuigan emphasised that what he was asking is that collectively, as political representatives, Council Members and the corporate body contribute by pledging support for the principles outlined in the second half of the undernoted motion.

He stated that all could be more mindful of what they say, or fail to say reflecting that the natural instinct is often to take the easy option without thinking of the consequence of the action. He concluded by saying that initially if the motion results in reflection on the many instances daily where Members input would contribute to a positive outcome then the debate will have been useful. He also emphasised that if anti-sectarian measures and initiatives could be brought into the mechanisms of Local Government it would further supplement positive outcomes.

Councillor S McGuigan moved the motion as undernoted:

“In the aftermath of the intimidation of families from a shared housing development in Cantrell Close, Belfast that this Council acknowledges the recent statement by the six main party leaders pledging their support for ‘citizens to live in a society without fear of intimidation, free from sectarianism, and condemn all forms of sectarianism, intolerance and threats of violence.’ That this council also affirms the principle of the Good Friday Agreement which promised to citizens the right to freely choose one’s place of residence’ and the ‘right to freedom from sectarian harassment’ and pledges it support for:

- *The right to employment free from sectarian discrimination, intimidation and attack.*
- *The right to housing and to live in your home free from sectarian attack, intimidation or any other discrimination.*
- *The right to free association, recreation and to socialise at places of choice free from sectarian attack or other discrimination.*
- *The right to practise religious faith and worship free from sectarian attack, intimidation or other discrimination.*
- *The duty to report or challenge sectarian speech, attack, intimidation or other discrimination when witnessed or heard.”*

Councillor Doris seconded the motion.

Councillor McLean stated that in normal circumstances the motion holds ground and weight but having read it and considered the party it is coming from the DUP had discussed it and decided that the words are plausible but hypocritical and thus reflecting on history they would not support the motion.

Councillor G Shiels stated that there were many things within the motion that he could agree with but that he was horrified in relation to the party moving it, and speaking about discrimination. Councillor G Shiels said he had two relatives one a cousin and the other his brother who was the father of a four week old baby both of whom were indiscriminately murdered during the Troubles. The Councillor told of how he had to identify his brother and the horrendous ordeal it had been. He spoke in despair as to having to listen to the motion being moved when his brother had been murdered when all he had been doing was feeding his dog at 10.30pm at night at his own home. He asked if those moving the motion had no shame.

Councillor Wilson asked how anyone could follow on from what Councillor G Shiels had shared. He stated that he had listened carefully to Councillor S McGuigan emphasising that what had happened at the referred housing development should be condemned, but declared that the motion refers to the Good Friday Agreement yet Sinn Féin only cherry pick what they want from it, as the agreement clearly stated that Northern Ireland was part of the United Kingdom. He also emphasised that the motion did not condemn deaths in the Mid Ulster region and that they would not support the motion.

Councillor Kearney stated that the recent attacks on families had been well documented and that they had not been random but well planned. He also made mention of three separate racist attacks which had been orchestrated and were a real attempt to discriminate. He stated that the Good Friday Agreement was to bring the Troubles to an end but stated that the school he had taught in in Ballymena had been demolished. Councillor Kearney stated that they supported the rights listed in the motion which were really formed from the Civil Rights movement. He emphasised that there was an ever increasing need for the NI Executive and the Policing Board to come together.

Councillor Kearney supported the motion.

Councillor Reid stated that he had heard a lot of talk about equality and respect but shared that the protestant people he represented were afraid to move into nationalist or Catholic areas as sectarianism was taking place even prior to them moving in. He condemned the attacks but stated that he hadn't heard any condemnation on other events he stated he supported the comments of his group leader and reiterated that the UUP would not support the motion.

Councillor S McGuigan stated that in respect of the comments made, some of which were very personal, which was the right of the speakers, he emphasised that he had only used one incident as an example and had highlighted this. He also stated that he had spoken to Councillor McLean in relation to the motion earlier in the evening at which time he had been accepting of it but noted it had been before he spoke to his

party colleagues. He emphasised that there were many sectarian incidents in the past and that there may be more in the future but said the motion was in respect to where he sees society now and how as a Council they could move forward.

The Chair, Councillor Ashton called for a vote on the motion.

For	22
Against	15
Abstained	1

The motion was carried.

Confidential Business

Proposed by Councillor Gillespie
Seconded by Councillor J Shiels and

Resolved: That items C222/17 – C 229/17 be taken as confidential business.

- (i) Minutes taken as confidential business at Audit meeting held on 19 September 2017
- (ii) Minutes taken as confidential business at the Council meeting held on Thursday 28 September 2017.
- (iii) Minutes taken as confidential business at the Planning Committee held on Tuesday 3 October 2017
- (iv) Minutes taken as confidential business at the Policy and Resources Committee held on Thursday 5 October 2017
- (v) Minutes taken as confidential business Environment Committee held on Tuesday 10 October 2017
- (vi) Minutes taken as confidential business Development Committee held on Thursday 12 October 2017
- (vii) Tender for Curran Terrace, Dungannon - Road Improvements

Documents for Sealing

- (viii) Conveyance between Mid Ulster District Council and Dungannon Enterprise Centre in respect of lands at Dungannon Enterprise Park, Drumcoo

The public and press left the meeting at 7.28pm

C230/17 Duration of Meeting

The meeting was called for 7pm and ended at 7.35pm

CHAIR _____

DATE _____