

Minutes of Meeting of Mid Ulster District Council held on Thursday 22 March 2018 in the Council Offices, Circular Road, Dungannon

Chair: Councillor Ashton

Members Present: Councillors Bateson, Bell, Buchanan, Clarke, Cuddy, Cuthbertson, Doris, Elattar, Gildernew, Gillespie, Glasgow, Kearney, Mallaghan (7.20pm), McEldowney, McFlynn, B McGuigan, S McGuigan, McKinney, McLean, McNamee, Milne, Molloy, Monteith, Mulligan, J O'Neill, M Quinn, Reid, Robinson, G Shiels, Totten and Wilson

Officers in Attendance: Mr Tohill, Chief Executive
Mr Boomer, Planning Manager
Ms Campbell, Director of Leisure & Outdoor Recreation
Mr Kelso, Director of Public Health & Infrastructure
Mr McCreesh, Director of Business & Communities
Mr P Moffett, Head of Democratic Services
Mr JJ Tohill, Director of Finance
Mrs Forde, Member Support Officer

The meeting commenced at 7pm

C54/18 Apologies

Councillor Burton, McAleer, Mullen, Forde, McGinley and McPeake

C55/18 Declarations of Interest

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

C56/18 Chair's Business

The Chair, Councillor Ashton commended Rhonda Montgomery on the World Butcher Events and passed on congratulations to the Team Ireland winners.

Councillor Molloy concurred stating that the event had brought international companies to the island and had been a huge success.

Councillor Kearney concurred with Members and advised that his cousin had won the world champion title.

Councillor Kearney in the absence of Councillor McAleer requested that the PCSP commence the practice of sending email alerts to Members of Council if they have arranged an event in their area.

Councillor Reid advised that arrangements had been made for this to happen in the future.

Matters for Decision

C57/18 Policy and Resources Committee Minute dated Thursday 8 February 2018 - Item PR27/18 External Signage Play Areas

Proposed by Councillor S McGuigan

Seconded by Councillor Molloy and

Resolved That approval be given to amend the vote taken in relation to item PR027/18 – External Signage Play Areas to read –

For – 8

Against – 5

C58/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Council meeting held on Thursday 22 February 2018

Proposed by Councillor Molloy

Seconded by Councillor McNamee and

Resolved: That the Minutes of the Meeting of the Council held on Thursday 22 February 2018 (C26/18 – C41/18 and C53/18) transacted in “Open Business” having been printed and circulated were considered and adopted.

C59/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee meeting held on Tuesday 6 March 2018

Councillor Glasgow drew attention to LA09/2016/889/F and stated it was his understanding that this had been recommended for approval. Councillor Bateson concurred stating that he had proposed the application as an approval.

Councillor Kearney concurred stating that he had declared an interest in the application.

Councillor Reid also concurred and expressed concern at the misunderstanding.

Resolved That minute item: PO35/18 LA09/2016/889/F - Conversion of a redundant building to a dwelling at 40m SW of 38 Lisnamuck Road, Tobermore for Ian Hopper be amended to read:

That planning application LA09/2016/889/F be approved

Proposed by Councillor Reid

Seconded by Councillor Glasgow and

Resolved: That the Minutes of the Meeting of the Planning Committee held on Tuesday 6 March 2018 (P032/18 – P041/18 and P049/18) transacted in

“Open Business” having been printed and circulated, subject to the foregoing were considered and adopted.

C60/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy and Resources meeting held on Thursday 8 March 2018

Proposed by Councillor Molloy
Seconded by Councillor S McGuigan and

Resolved: That the Minutes of the Meeting of the Policy & Resources Committee held on Thursday 8 March 2018 (PR044/18 – PR056/18 and PR07018) transacted in “Open Business” having been printed and circulated were considered and adopted.

C61/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee held on Tuesday 13 March 2018

Councillor B McGuigan proposed the minutes.

Councillor Cuthbertson drew attention to E080/18 Mid Ulster Bonfires – Draft Procedures and stated that his party had an issue with this stating that it followed on from February committee when four options had been presented. He stated that at that time option one was dismissed, option two was proposed by the DUP as they believed it was the best way forward, option three was proposed by the UUP and options three and four by Sinn Féin. He advised that the DUP had been voted down. He stated that at the March Committee the decision had been ‘rubber stamped’ but stressed that Council needed to engage with communities and thus he would again propose option two.

Councillor McLean seconded the proposal for option two and concurred with Councillor Cuthbertson stating that to do otherwise was using a sledge hammer to crack a nut. He stated that bonfires were part of the unionist culture and there were only one or two that there was issue with and to come down heavy handed is a ploy by Council to erode the unionist culture and this was seen as a threat. He stated that in the past week he had seen statements on sectarianism but that he would watch events leading up to Easter and strike a comparison. Councillor McLean said there was work to be done in the two areas and that the DUP were engaging with the community. He stated that the DUP was on record that when there had been controversy with other bonfires they had done likewise and reached a favourable outcome, but to take the approach of options three and four spoke volumes of the Council.

Councillor Glasgow said that as mentioned earlier he had proposed option three at the Environment Committee as he felt it was the most beneficial to the community. He stated that community relations are important and as a council it was essential to engage thus option three would be the best way forward. He was emphatic that he would not support option four but that Council should work on continued community relations on the ground with Council staff.

Councillor B McGuigan proposed the recommendations of the Environment Committee, that is, that Council implements options three and four. He stated at the committee he had proposed that Council were proactive on the sites at Killymoon and Killymerron. He recalled that Sinn Féin had brought a motion to the Council almost two years ago with concerns regarding burning of tyres, the cost of clean-up and health and safety issues. He stated that there were serious risks to the Council as there was no liability insurance held by the groups. Councillor B McGuigan stated that as a result of that motion a working group for all parties had been established but the DUP had chosen to boycott it. He advised that the group had met for almost two years and commended the work of the councillors and officers who had worked on it. As a result of the aforementioned work Councillor B McGuigan stated in the long term the best options were three and four as it identified the high risk sites which Council needed then to be sure there was liability in place to go forward in case of problems in the threat to damaged homes and people left with nowhere to turn as home insurance would not cover the cost of repairs. Councillor B McGuigan emphasised that he was not targeting bonfires in the run up to July but advised that for example Halloween bonfires would have the same protocol for liability together with health and safety. He stressed that the Council had to have some-one to contact and that the working group had not been about attacking anyone's culture but that Council needed to be proactive in relation to high risk sites.

Councillor J O'Neill seconded the proposal and concurred with Councillor B McGuigan's comments, emphasising that the working group had done tremendous work and it had been a pity the DUP did not come on-board.

Councillor M Quinn referred to radio interviews earlier in the day when people talked about attacks on culture. He emphasised that what was being proposed brought bonfires on Council sites into line with 99% of bonfires across the north and thus he could not understand why anyone was opposed other than to stoke up hatred. He stated that Council had debated the issue for four years in relation to health and safety issues not culturally.

Councillor Cuddy stated that he had represented the UUP on the working group at which there had been much lively debate. He advised that other statutory organisations had been invited in to give the group a full understanding what for example the NIEA and NHIE do. He stated that whilst options three and four had been agreed they would not be his choice as he would like to find a way forward which would not alienate any section of his community. He posed the questions as to how many people adhere to the NIHE Bonfire principles maybe three or four with only one or two following them through. He stated that the working group had been good but all sections of the community needed to be considered. He emphasised that as a party the UUP would opt for option three and whilst it might take a lot of funding to get it over the line progress could be made.

Councillor Cuddy proposed option three and Councillor Glasgow seconded the proposal.

Councillor Cuthbertson stated that in relation to the working group he had made his position clear that all work should be conducted in the open forum of the Environment

Committee and that he felt justified in this when he had been advised by representatives of the NIHE that they had been invited to attend a meeting but had felt excluded.

Councillor Mallaghan entered the meeting at 7.20pm

Councillor Cuthbertson stated that he would not be taking direction from those who would be glorifying terrorism over the next week. He stated that Sinn Féin had lost support in areas of Dungannon together with Coalisland to dissidents and thus were acting in a heavy handedly manner to win back support.

Councillor Wilson expressed disappointment at the situation stating that consensus politics was being thrown out of the window as the views of the unionist population were being run roughshod. He stated there was no attempt to resolve the matter but this was an attack on culture and asked had consideration been given to staff who would have to implement the proposals or was the PSNI expected to police this. Councillor Wilson stated that the UUP proposal was for continuous engagement with local communities and whilst it was al-right saying this was part of the proposal, if licensing was introduced community support would be lost. He emphasised as a party they were endeavouring to work with the two communities as they did not want to see tyres burnt and in connection with this there is no mention of businesses supplying the tyres. Councillor Wilson stated that the best way forward would be to address the issues is not by Sinn Féin and the SDLP dictating terms. He stressed that if Council went down this line the issues would not be resolved and that it would be inexcusable as Sinn Féin and the SDLP would be dictating who was boss. He also highlighted that between Sinn Féin and the DUP there was no report as to when the higher body would be going ahead. Councillor Wilson concluded that he was totally opposed to licensing bonfires.

Councillor B McGuigan referred to remarks about the PSNI and the NIHE not being heard and stated that he was at all the meetings and they were there for the duration of the meeting and at no time had they been asked to leave nor excluded from discussion.

The Chair, Councillor Ashton stated that she too had received that complaint from an agency.

Councillor McLean referred to references made about the DUP boycotting the working group. He stated that during the Magherafelt District Council period the DUP had agreed to participate in an Irish language Working Group but he was not listened to and thus it justifies the decision not to participate in the Bonfire Working Group. He also emphasised that the DUP, in similar situations in Magherafelt, had made contact with people on the ground resulting in the re-location of bonfires a process they were continuing to use.

Referring to the earlier mention of Halloween bonfires he stated that Council needed to deal with facts as these had never been mentioned before and were being used as a smokescreen. Councillor McLean concluded by saying that a Party which had bombed, blasted and maimed for years should put its own house in order before talking about smoke from a bonfire.

Proposal One

The Chair, Councillor Ashton called for a vote on option two as proposed by Councillor Cuthbertson and seconded by Councillor McLean.

For	5
Against	20
Abstained	7

Proposal Two

The Chair, Councillor Ashton called for a vote on options three and four

For	20
Against	12

Proposal Three

The Chair, Councillor Ashton called for a vote on option three

For	7
Against	25

Resolved That options three and four be approved as detailed in the Draft Procedural Arrangements for the promotion of bonfire safety.

Proposed by Councillor M Quinn
Seconded by Councillor McNamee and

Resolved: That the Minutes of the Meeting of the Environment Committee held on Tuesday 13 March 2018 (E069/18 – E092/18 and E099/18) transacted in “Open Business” having been printed and circulated were considered and adopted.

C62/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee held on Thursday 15 March 2018

Proposed by Councillor Doris
Seconded by Councillor McEldowney and

Resolved: That the Minutes of the Meeting of the Development Committee held on Thursday 15 March 2018 (D045/18 – D065/18 and D068/18) transacted in “Open Business” having been printed and circulated were considered and adopted.

C63/18 Conferences, Seminars and Training

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

Officer Approvals

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fee
Royal Institute of Chartered Surveyors: RICS	21 Mar 2018	1	Belfast	Yes
Fuel Poverty Coalition Conference: Protecting the Fuel Poor in a Changing Energy Environment	28 Feb 2018	1	Clogher	No
Sports Safety Conference 2018	23 Mar 2018	1	Belfast	No

The Head of Democratic Services drew Members attention to the undernoted and should any Member wish to attend they register through Democratic Services

- NILGA Digital Growth: Our Future Economy on Tuesday 24 April 10am - 1.30pm at Mossley Mill, Newtownabbey.

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

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

C64/18 Consideration of Requests for Civic Recognition

The Head of Democratic Services referred members to the previously circulated report and approval sought for requests for civic recognition from members, in line with Council Receptions Policy.

Proposed by Councillor Mallaghan
Seconded by Councillor Doris and

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

C65/18 Planning Programme for Elected Members

The Head of Democratic Services drew attention to the previously circulated report to agree two nominees to engage in the NILGA Local Planning Programme for Elected Members.

It was proposed by Councillor B McGuigan and seconded by Councillor Bell that one member of Sinn Féin attend.

It was proposed by Councillor Kearney that one member of SDLP attend.

It was proposed by Councillor Wilson and seconded by Councillor Reid that Councillor Glasgow attend

It was proposed by Councillor McLean that Councillor Robinson attend.

The Chair, Councillor Ashton sought clarification as to whether more than two could attend.

Councillor Kearney advised that the recent NILGA meeting discussed offering additional spaces, should any Council not take up the offer.

It was noted that if the d'hondt mechanism was used Sinn Fein would qualify for both spaces. Councillor McLean stated that the Unionist would lose out yet again

Councillor Reid appealed to Members to agree as adults that one unionist and one nationalist attend. He further advised it was his understanding that the course would be offered again in the future.

Councillor Mallaghan suggested that the decision be referred to the April Planning Committee. It was suggested that party leaders should have a conversation on way forward.

Proposed by Councillor Mallaghan
Seconded by Councillor McKinney and

Resolved Two Members be nominated to engage in the NILGA Local Planning Programme at the April Planning Committee.

C66/18 Revisions to the Protocol for the Operation of the Planning Committee

The Chief Executive drew attention to the previously circulated report to agree amendments to the Protocol for the Operation of the Planning Committee.

The Chief Executive reminded Members that the Protocol formed part of Council Standing Orders and as such, any amendment to same must be undertaken in line with Standing Order 30.2 where it refers, that once proposed and seconded the matter stand adjourned without discussion until the next ordinary meeting of Council.

In response to Councillor Cuthbertson's comments the Chief Executive advised that the matter could not be debated until the same report was brought to the April meeting of Council.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved: That the Revisions to the Protocol for the Operation of the Planning Committee stand adjourned without discussion until the next meeting of Council.

Matters for Information

C67/18 Consultations Notified to Mid Ulster District Council

The Head of Democratic Services referred to and Members noted the previously circulated report providing an update on consultations notified to Mid Ulster District Council since the last meeting of Council.

Councillor Mallaghan left the meeting at 7.41pm

C68/18 Correspondence

The Head of Democratic Services drew attention to the previously circulated report to update the Council on correspondence received from;

- Department of Environment, Agriculture & Rural Affairs on Services Relocating to Ballykelly
- Foreign & Commonwealth Office on Heads of Government Meeting 2018
- Fermanagh & Omagh District Council on Support the Motion on Gambling
- Mr D Sterling, Head of NI Civil Service on Rates Support Grant Motion
- Chair of SOLACE(NI) on Arts Council Meeting Request with SOLACE NI
- Permanent Secretary, Department of Justice on Appointment of Independent Members to NIPB

Councillor Cuthbertson referred to correspondence from the Foreign and Commonwealth Office and advised that a number of Mid Ulster residents were participating in the Commonwealth Games.

Councillor Mallaghan returned to the meeting at 7.43pm

Councillor Cuthbertson proposed that a report be brought to the April Development Committee for Council to highlight the events suggesting that a Commonwealth Day may be appropriate especially with so many nationalities residing in the Dungannon area. He stated that when Brexit comes the area needed to strengthen its ties with other countries.

Councillor McLean seconded the proposal.

Councillor Mallaghan stated that such events should be hosted by the community and that there were plenty of pots of money to progress in this way.

Councillor Wilson concurred with Councillor Cuthbertson's proposal.

The Chair, Councillor Ashton called for a vote on the proposal

For 12
Against 17
Abstained 3

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

C69/18 Boundary Commission - 2018 Review of Parliamentary

The Head of Democratic Services referred Members to the previously circulated report on the Boundary Commission for Northern Ireland 2018 Review of Parliamentary Constituencies.

Councillor McLean stated that every Party should continue to debate the issues.

The paper was noted.

C70/18 Notice of Motion

Councillor Molloy read the motion as undernoted:

This Council acknowledges that there are grave concerns about the Boundary Commission's decision to scrap their own Provisional Proposals of September 2016 in favour of Revised Proposals published in January 2018, which are not only far removed from their provisional proposals but which are remarkably similar to proposals submitted to the Commission by the DUP in the course of the public consultation periods of 2016 and 2017.

As a result of this, many in the Nationalist Community have lost confidence in this Boundary Commission, therefore, this Council, in reflecting that loss of confidence, is calling for a Public Inquiry into the Boundary Commission's handling of the current review.

Councillor Molloy stated that those returned to represent the electorate should reflect the make-up of society and when this is not the case it becomes the serious matter of gerrymandering. The Councillor read out the definition of 'gerrymandering' in the Oxford Dictionary as being, "to manipulate the boundaries of an electoral constituency so as to favour one party or class."

Councillor Molloy referred to the Boundary Commissions proposals in 2016 and the subsequent consultation process. He mentioned the concerns raised with regard to Dungannon town and continued to say that recent history would show that following a consultation there would be some minor tweaks to the original proposals. However, Councillor Molloy stated that the most recent proposals were vastly different and appeared to be a carbon copy of the DUP submission to the consultation process. Councillor Molloy stated that the current proposals would result in a poor representation of the people with no nationalist MLA elected to between 4-6 constituencies whilst the previous proposal had at least one unionist/nationalist to each area. Councillor Molloy was emphatic that he would not go back 50 years to

the situation in the 1970s which resulted in the Civil Rights movement and stated that there must be true democracy.

Councillor S McGuigan seconded the motion.

Councillor S McGuigan stated that prior to last month's meeting the initial sense of outrage was only emerging but since then concern had increased significantly resulting in statements such as gerrymandering or the '*tail wagging the dinosaur*'. Having studied the most recent Boundary Commission proposals Councillor S McGuigan claimed that like most democrats his party was truly disappointed. He continued to state that like others he had been under the impression that the Boundary Commission acted with independence and professionalism but that the current proposals and the introduction of 'Rule 7' has resulted in the permission of gerrymandering. Councillor S McGuigan emphasised that a red line had been run through the original proposals and asked why it had happened? He concluded that the process be suspended until a public enquiry had taken place.

The Chair, Councillor Ashton stated that as agreed at the previous meeting of Council she had sent a letter to the Boundary Commission and was surprised that a motion had come forward so quickly.

Councillor Cuthbertson stated he had spoken on the matter the previous month and stressed that Council should be focused only on matters concerning Mid Ulster. He stated that there was no clear evidence that the motion was about Mid Ulster area and thus he could only assume that it was a motion put out by Sinn Féin headquarters and the party faithful had to bring it forward. He said that the motion was utter nonsense especially moved by a 'town councillor' when the previous proposals had seen Dungannon split with part of the town grouped in with Lurgan and the other side to Strabane and posed the question, what sort of political representation would Dungannon get? He asked if the Councillor was out of touch with Dungannon Regeneration Partnership, the traders and the citizens. Councillor Cuthbertson concluded stating that the motion was ludicrous and unless Council could link it directly to Mid Ulster area the motion should be rejected.

Councillor M Quinn stated that he too had previously spoken on the matter and concurred with Councillors Molloy and S McGuigan that there appeared to be a clear bias towards the DUP submissions. He also said that he had no concerns regarding the plans for Dungannon town in 2016 being scrapped and reflected that it was now Dungiven that was being split in three. Councillor M Quinn proposed the undernoted amendment to the second paragraph of the motion.

As a result of this, this Council is deeply concerned about the process surrounding the consultation, agrees to write to the Boundary Commission to meet urgently, further agrees to make a full submission to the consultation outlining our concerns, and in the event of these proposals being presented to the House of Commons, calls on all MPs from the North to vote against these proposals in order to protect all rights for the people of Northern Ireland.

Councillor Kearney seconded the amendment.

Councillor Wilson said that when the matter was debated last month he had expressed concern that Council was moving away from what concerned Mid Ulster. He stated that he found it strange that the motion came so quickly and claimed that Sinn Féin did not have a leg to stand on but would win the vote. Councillor Wilson stated that it would be the Lagan Valley area that would lose a seat, that Sinn Féin had not given an opinion on the proposals, could not be bothered turning up at Westminster and thus it was 'rich' to complain. He emphasised that Council had felt the first proposal did not bode well for Dungannon as hinterlands were being separated and had made representation, he stated the most recent proposals are not perfect but were better than the original. He claimed that Sinn Féin shouting about gerrymandering is utter hypocrisy given that they deny nationalist representation at Westminster and thus seven constituencies have no representation. Councillor Wilson concluded that his party would oppose the motion.

Councillor Monteith stated that he raised the issue about Dungannon and believed that the motion did not affect the Council's stance on this. He said that Dungannon town was being used as a smoke screen to defend the indefensible. He said that the differences in the proposals is far too great and that he would support the motion.

Councillor McLean stated that the DUP were not happy with the proposals and made representation, he said that Sinn Féin too could have made representation but chose not to. Councillor McLean concluded stating that the motion was premature and farcical that it was apparent that the hierarchy were calling the shots and the Councillors were following.

Councillor Molloy considered the amendment and stated that given the boundary commission had already said they would not meet with groups or parties he would not accept the amendment.

The Chair, Councillor Ashton put the amendment to the vote.

For	3
Against	29

The Chair, Councillor Ashton stated that the amendment was defeated.

The Chair, Councillor Ashton invited Councillor Molloy to comment briefly on the debate.

Councillor Molloy stated given the heat in the Chamber and remarking that the unionists had the benefit of the windows behind them his comments would be brief.

Councillor Wilson stated it was their only benefit.

Councillor Molloy concluded stating that he accepted the concerns raised in the debate with regard to Dungannon Town and stated that he had addressed this in his opening remarks.

The Chair, Councillor Ashton put the motion to a vote.

For 17
Against 12
Abstained 3

The Chair, Councillor Ashton declared the motion carried.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor S McGuigan
Seconded by Councillor B McGuigan and

Councillors McLean, Monteith and Mulligan left the meeting at 8.06pm

Resolved: That items C70/18 – C77/18 be taken as confidential business.

Matters for Decision

- (i) Minutes taken as confidential business of Council meeting held on Thursday 22 February 2018
- (ii) Minutes taken as confidential business at Planning Committee held on Tuesday 6 March 2018
- (iii) Minutes taken as confidential business of Policy and Resources Committee held on Thursday 8 March 2018
- (iv) Minutes taken as confidential business of Environment Committee held on Tuesday 13 March 2018
- (v) Minutes taken as confidential business of Development Committee held on Thursday 15 March 2018
- (vi) Council Insurance Renewals

The press left the meeting at 8.07 pm

C77/18 Duration of Meeting

The meeting was called for 7pm and ended at 8.11 pm

CHAIR _____

DATE _____