

Minutes of Meeting of Mid Ulster District Council held on Thursday 24 February 2022 in the Council Offices, Circular Road, Dungannon and by virtual means

Chair Councillor McLean

Members Present Councillors Ashton*, Bell*, Black*, Brown, Buchanan*, Burton*, Clarke*, Colvin*, Corry, Cuddy, Cuthbertson, Doris*, Elattar*, Forde*, Gildernew*, Glasgow, Graham, Hughes*, Kearney*, Kerr, Mallaghan, N McAleer, S McAleer, McFlynn, B McGuigan, S McGuigan, McKinney, McNamee, D McPeake, S McPeake*, Milne*, Molloy, Monteith*, Mullen*, Oneill*, Quinn*, Robinson*, Totten* and Wilson

Officers in Attendance Mr McCreesh, Chief Executive
Ms Campbell, Deputy Chief Executive & Strategic Director of Environment (SDE)**
Ms Canavan, Strategic Director of Organisational Development Strategy & Performance (SD:ODSP)**
Mr Kelso, Director of Public Health & Infrastructure (DPHI)**
Mr Moffett, Assistant Director of Organisational Development, Strategy & Performance (AD:ODSP)
Mr Tohill, Strategic Director of Corporate Service & Finance (SD:CSF)**
Mrs Forde, Member Support Officer
Mrs Mezza, Head of Communications**

* Denotes Members present in remote attendance

** Denotes Officers present by remote means

The meeting commenced at 7 pm.

The Chair, Councillor McLean welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. The Chair in introducing the meeting detailed the operational arrangements for transacting the business of the meeting in the chamber and by virtual means, by referring to Annex A to this minute.

C021/22 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

C022/22 Apologies

C023/22 Declarations of Interest

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

C024/22 Chair's Business

The Chair, Councillor McLean made reference to Council's recent successes such as the Mid South West Region securing £430k for business innovation programme supporting 250 business; Council awarding £180k funding over 600 local business via the Business Marketing Grant Scheme; Council receiving Fair Trade status Award and also the New Active Lifestyle Programme. The Chair also offered congratulations to Mr George Glover from the district who was recently appointed the High Sheriff for County Londonderry.

The Chair, Councillor McLean referred to the Health Minister's announcement on 14 February replacing the Covid 19 restrictions in Northern Ireland with guidance commencing on 15 February. He said that this now afforded the opportunity for all Members to come into the Chamber should they wish to do so and that he would look forward to the interaction of a full return. He concluded that anyone still wishing to join meetings virtually would be permitted to participate in the same way as from within the Chamber.

The Chair, Councillor McLean drew attention to the ongoing situation in Ukraine and said that everyone had been taken aback by what has taken place. He said that thoughts and prayers are with the people, for Ukrainians in Mid Ulster worrying about friends and family and for the missionaries from Northern Ireland working in Ukraine at this time.

Councillor Cuthbertson drew attention to the shortage of HGV/PSV drivers and said he had read with interest how three other Councils were offering training schemes to get drivers trained up. He highlighted that ABC Council's scheme offered 45 training places and anyone who passed their HGV were guaranteed an interview. He posed the question had Mid Ulster considered this and proposed that officers would investigate a similar scheme as local hauliers and coach providers were turning away work as there was no drivers.

In response the Chief Executive stated that the Labour Market Partnership had discussed such matters and officers would take the proposal and refer it to the committee.

Resolved That Council explore through Labour Market Partnership a HGV/PSV training scheme.

Councillor Milne shared that Brooke Scullion from Bellaghy had been selected to represent Ireland at the Eurovision Song Contest in Turin in May 2022. He requested that the Chair send a letter of congratulations and wish her well for the forthcoming completion. Councillor Milne also proposed a civic reception.

In response the Chair, Councillor McLean said he would be happy to send a letter of congratulations but that the request for civic reception should be made through the application process in place.

Resolved That the Chair, send a letter of congratulations to Brook Scullion of Bellaghy on being chosen to represent Ireland in Eurovision Song Contest

Councillor Kerr drew attention to the number of power outages in Coalisland since December which had caused several major disruptions. He said that many local businesses had been impacted and elderly residents left without heat and power in the cold weather. He indicated that one of the outages had caused disruption on New Year's Day impacting many people on their Christmas/New Year break. He proposed that Council write to NIE expressing its concern and requesting that they work to minimise this going forward.

The Chair, Councillor McLean agreed.

Resolved That Council to write to NIE with regard to the recent power outages in the Coalisland area which is causing disruption to businesses and homes.

Councillor Graham said a few weeks ago she had booked to take her grandchildren to Davagh as a birthday treat but due to the recent storms it had to be rearranged. She advised that she had rescheduled to go on Saturday 26 February 2022 but during the week had been contacted by constituents to be told that there was a political event being held in Davagh the same day. She advised that the question had been put to her by constituents 'what kind of Council was Mid Ulster in allowing such an event to take place?'

Councillor Graham said whilst she was aware that Davagh was under DAERA control, Mid Ulster Council had put in the walkways and bicycle trails but as policy stands anyone can do what they like outside in open space even if it is Council property. She said that often it is heard in the chamber about neutrality in shared spaces so that people don't feel uncomfortable or intimidated, but it must be understood it works both ways. She said that she could not go ahead as planned because she had no desire to be caught in the middle of a political event with her grandchildren. She said it had also been suggested to her that she could rearrange her planned visit but felt she should not have to do that as she had the same rights as anyone else. Councillor Graham concluded that Council needed to have a look at what they are condoning and the message being given to the general public, which is that not everyone and in particular the unionist community are not welcome.

In response, the Chief Executive advised that the matter had been brought to his attention on Tuesday and he had considered it in line with policy approved by Council through the Policy and Resources Committee. He said the policy extends only to facilities and rooms and the space in question is outdoor and open to public access and the policy is silent on same. He concluded that staff could not 'police' outdoor spaces to this level and could only apply the policy in place.

Councillor Wilson on a point of clarification stated that the policy refers to Council property and while it might indicate buildings internally Council property is mentioned and this is an easy opt-out. He asked if Council was thus stating that there is no

issue to hold a rally on Council property but surely if that was the case someone needs to know.

In response, the Chief Executive stated that the policy relates to booking a facility and the event in question was on open space. He concluded that the officer team would be happy to clear up ambiguity and would welcome Member direction.

Matters for Decision

C025/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Council Meeting held on Thursday 27th January 2022

Councillor Cuddy drew attention to the motion brought to Council in January by Councillor Cuthbertson which had fallen. He said that since then, the leader of Sinn Féin Mary Lou McDonald had issued a statement in relation to the Platinum Jubilee. Councillor Cuddy said it was important to respect the identity of the British and was emphatic in stating that a way forward had to be found by Council to respect each other's culture. He expressed his disappointment that something so simple could not be granted and yet again that the motion had not been carried. Councillor Cuddy made an appeal across the chamber but especially to Sinn Féin to come together and find a way forward.

Councillor Cuddy said that the unionist community pay their rates and some of the money should be used to celebrate 70 years of The Queen on the throne. He concluded in reiterating his appeal that all parties get together and find a way forward to respect all events reminding the meeting that the district was home to many unionists.

In response, the Chair Councillor McLean said he would endeavour to facilitate a party leaders meeting to discuss same.

Councillor Burton drew attention to C006/22 Environment Committee Minutes and requested that the minute be amended to include the wording; ‘It was also suggested that holders for the bags be placed on for example display boards at recreational facilities’. She also sought an update regarding the request to have bags available at recreational sites.

In response the Director of Environment said she would provide an update to the Councillor directly.

Proposed by Councillor Kerr
Seconded by Councillor Molloy and

Resolved That the Minutes of the Council held on Thursday 27 January 2022 (C001/22 – C014/22 and C020/22) transacted in Open Business having been printed and circulated, subject to the foregoing, were considered and adopted.

C026/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee Meeting held on Tuesday 1 February 2022

Proposed by Councillor Brown
Seconded by Councillor Black and

Resolved That the Minutes of the Planning Committee held on Tuesday 1 February 2022 (P013/22 – P018/22 and P024/22) transacted in Open Business having been printed and circulated, were considered and adopted.

C027/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy and Resources Committee Meeting held on Thursday 3 February 2022

In response to Councillor Kerr’s request that Council buildings be illuminated for the Boom Foundation in July the Chair Councillor McLean requested that the request be put through the application process outlined in the policy.

Proposed by Councillor Gildernew
Seconded by Councillor S McAleer and

Resolved That the Minutes of the Policy & Resources Committee held on Thursday 3 February 2022 (PR023/22 – PR030/22 and PR043/22) transacted in Open Business having been printed and circulated, were considered and adopted.

C028/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Special Council Meeting held on Monday 7 February 2022

Councillor Cuddy stated that the rate had been struck but he was concerned that the decision taken last year for a 0% rise in the rate was highlighted by some to be a mistake and that Council was paying for it now. He said he did not agree with the comments as financially Council had had a good year and the bank balances demonstrated this. Councillor Cuddy concluded that the Westminster Government had put up to £7m into the economy and this had contributed to the strong financial position. He said the rates is struck annually and the fact that Mid Ulster had incurred the highest rates in Northern Ireland was not a good position.

Councillor Mallaghan on a point of order stated that the minutes were brought to be resolved for accuracy and to deal with matters arising. He said this was now the second occasion in the meeting when comments were being made on the debate and to be fair to all it should not be permitted as it would only serve to lengthen meetings.

The Chair, Councillor McLean reiterated that the minutes were for accuracy and Members should adhere to that.

Proposed by Councillor B McGuigan
Seconded by Councillor S McGuigan and

Resolved That the Minutes of the Special Council Meeting held on Monday 7 February 2022 (SC001/22 – SC008/22 and SC0010/22) transacted in Open Business having been printed and circulated, were considered and adopted.

C029/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee Meeting held on Tuesday 8 February 2022

Proposed by Councillor Brown
Seconded by Councillor Wilson and

Resolved That the Minutes of the Environment Committee held on Tuesday 8 February 2022 (E032/22 – E046/22 and E055/22) transacted in Open Business having been printed and circulated, were considered and adopted.

C030/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee Meeting held on Thursday 10 February 2022

Councillor Cuthbertson drew attention to discussion in relation to update on WISE. He said that his understanding was it would now be reported to the Development Committee. He said prior to the contract if for example the dog warden witnessed a dog fouling they afforded the opportunity to the offender to clean up the mess and asked if WISE officers done likewise. He said he had been told of an instance when a member of the public had picked up a piece of litter having been approached by the WISE officer but was still fined and sought clarity as to whether the law had changed. He requested that a report be brought to committee to provide clarity.

Resolved That an update report to be brought through Development Committee in relation to WISE also to include clarification as to whether the legal requirement still exists to give people the opportunity to pick up the litter/dog mess to avoid the fine when approached by prosecuting officer.

Councillor Cuddy referred to recent discussions on railway tunnels and the fact that one had recently been filled in. He said this was almost a crime and sought a report as soon as possible on the matter as such actions had to stop.

In response the Chief Executive clarified that officers could bring a report for information, that an officer team had engaged with owners and contractors and whilst they could guide, encourage and advise when Council did not own the property they could not command. He said that an undertaking had been given but all stakeholders and owners had to take their part and whilst officers would bring a report it would bear cognisance as to what Council could and could not do.

Resolved That a report to be brought to committee for information with regard to the filling in of a railway tunnel in Dungannon.

Proposed by Councillor Kerr
Seconded by Councillor Wilson and

Resolved That the Minutes of the Development Committee held on Thursday 10 February 2022 (D020/22 – D033/22 and D038/22) transacted in Open Business having been printed and circulated, were considered and adopted.

C031/22 Civic Recognition Nominations

The AD: ODSP sought approval for the previously circulated report on civic recognition requests from Members, in line with the stated Council Policy, and as detailed within the report at appendix A and B

In response to Councillor Milne's proposal to include Brook Scullion on the civic reception list the Chair, Councillor McLean requested that the application process be used to do same and the request would be considered next month.

Proposed by Councillor Mallaghan
Seconded by Councillor Kerr and

Resolved That approval be given to submitted requests for civic recognition detailed at appendix A and B as outlined in the report

C032/22 Conferences, Seminars & Training

The AD: ODSP sought approval for the previously circulated report on conferences, training and seminars.

Proposed by Councillor Kerr
Seconded by Councillor Mallaghan and

Resolved That approval be given to submitted requests for conferences, seminars and training as outlined in the appendix to the report.

Matters for Information

C033/22 Correspondence to Council

Members noted previously circulated report providing correspondence received for the attention of Council.

Councillor Mallaghan drew attention to the correspondence from Fermanagh and Omagh District Council and proposed that Council lend its support and write for a public enquiry.

Councillor Corry seconded the proposal

Proposed by Councillor Mallaghan
Seconded by Councillor Corry and

Resolved That Council support Fermanagh & Omagh District Council: Motion with regard to Public Inquiry into Northern Ireland's handing of care home residents.

Councillor Cuthbertson drew attention to the response letter received from DfI Western Division Manager dated 21 February 2022 which had been emailed to Members and said that whilst Council had endeavoured to seek clarity the letter did not provide same. He said there was still no clear indication as to when resurfacing in Dungannon would take place.

The Chair, Councillor McLean concurred and suggested that that Council seeks a meeting with DfI Western Regional Manager with Chair & Party Leaders in attendance to seek clarification.

Resolved That Council seeks a meeting with DfI Western Regional Manager with Chair & Party Leaders in attendance to seek clarification.

C034/22 Consultations Notified to Mid Ulster District Council

Members considered previously circulated report on consultations notified to Mid Ulster District Council for comment.

Councillor Corry proposed that Council respond to Consultation: NI Housing Executive Supporting People Three Year Draft Strategic Plan and COVID-19 Recovery Plan 2022-2025.

Resolved That Council prepares a response to Consultation: NI Housing Executive Supporting People Three Year Draft Strategic Plan and COVID-19 Recovery Plan 2022-2025 (Closing date 25 April)

Councillor Monteith proposed that Council respond to Consultation: Department of Health Adult Social Care System in Northern Ireland Closing Date 18 May 2022 and also Consultation: Department of Health Consultation on the Draft Advance Care Planning Policy for Adults in Northern Ireland (Closing date 11 March 2022).

Resolved That Council prepares a response to

- (i) Consultation: Department of Health Adult Social Care System in Northern Ireland (Closing Date 18 May 2022); and
- (ii) Consultation: Department of Health Consultation on the Draft Advance Care Planning Policy for Adults in Northern Ireland (Closing date 11 March 2022).

Councillor Brown proposed that Council respond to Consultation: DAERA Joint Fisheries Statement (JFS).

Resolved That Council prepares a response to Consultation: DAERA Joint Fisheries Statement (JFS) (Closing date 12 April 2022)

Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

The live broadcast concluded at 7.40pm

Proposed by Councillor McNamee
Seconded by Councillor S McGuigan

Resolved

Matters for Decision

- (i) Council Confidential minutes of meeting held on Thursday 27 January 2022
- (ii) Planning Committee Confidential minutes of meeting held on Tuesday 1 February 2022
- (iii) Special Council Confidential minutes of meeting held on Monday 7 February 2022
- (iv) Environment Committee Confidential minutes of meeting held on Tuesday 8 February 2022
- (v) Policy and Resources Committee Confidential minutes of meeting held on Thursday 3 February 2022
- (vi) Development Committee Confidential minutes of meeting held on Thursday 10 February 2022
- (vii) Document for Sealing: Capital Scheme for Ballyronan Wood Refurbishment awarded to E Quinn Civils Ltd
- (viii) Document for Sealing: Lease Agreement between Mid Ulster District Council and Thomas Clarke Gaelic Football Club in respect of lands known as West Park Playing Fields, Lisnahull, Dungannon

C043/22 Duration of Meeting

The meeting was called for 7.00 pm and ended at Meeting ended at 7.45pm

Chair _____

Date _____

Annex A - Introductory Remarks from Chairperson

Good evening and welcome to our meeting of Mid Ulster District Council in the Chamber, Dungannon whether you have joined us remotely or in the Chamber.

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening I will ask each member to confirm whether they are for or against the proposal or abstaining
- When invited to speak please introduce yourself by name to the meeting
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- If referring to a specific report please reference the report, page or slide being referred to
- Lastly, I remind the public and press that taking photographs of proceedings or using any means to enable anyone not present to see or hear proceedings, or making a simultaneous oral report of the proceedings are not permitted

Thank you and we will now move to the first item on the agenda – apologies and then a roll call of members in attendance.