

**Minutes of Meeting of Mid Ulster District Council held on Monday 15 April 2019  
in the Council Offices, Circular Road, Dungannon**

**Chair** Councillor S McPeake

**Members Present** Councillors Ashton, Buchanan, Burton, Clarke, Colvin, Cuddy, Cuthbertson, Doris, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, McAleer, McEldowney, McFlynn, B McGuigan, S McGuigan, McKinney, McLean, McNamee, D McPeake, Mallaghan, Milne, Molloy, Monteith, Mullen, Mulligan, O'Neill, M Quinn, Robinson, G Shiels, Totten and Wilson

**Officers in Attendance** Mr A Tohill, Chief Executive  
Ms Canavan, Director of Organisational Development  
Mr Cassells, Director of Environment & Property  
Mr Kelso, Director of Public Health & Infrastructure  
Ms Mezza, Head of Marketing & Communications  
Mr JJ Tohill, Director of Finance  
Mrs Forde, Member Support Officer

The meeting commenced at 7 pm

**C080/19 Apologies**

Councillors Mullen, T Quinn and J Shiels

**C081/19 Chair's Business**

The Chair, Councillor McPeake acknowledged it was the last meeting of the current Council and made mention of Councillors McEldowney, J Shiels and T Quinn who were not seeking re-election. He wished them all the best and thanked them for their participation throughout the mandate.

The Chair, Councillor McPeake reflected on his ten months as Chair of the Council and said he had thoroughly enjoyed his time in office, visiting places and groups throughout the district. He added that the experience had been memorable and enlightening as he had learnt of the powerful work undertaken by groups throughout the district. The Chair thanked all staff, extending special thanks to Colleen, Diane, Ursula, Jennifer, Eileen and Philip. He extended his thanks to the Deputy Chair Councillor Burton for her support in covering many engagements throughout the term.

*Councillor Molloy entered the meeting at 7.07pm*

The Deputy Chair, Councillor Burton thanked her party for the privilege of holding the position of Deputy Chair and spoke of all that had been fitted into the short term. She expressed her thanks to Jennifer and Eileen and all supporting staff together with the Directors. Councillor Burton said she had met many people and highlighted a few events such as NILGA Britain in Bloom coming to Belfast, Council working with

small businesses in Aughnacloy to bring the World Butcher Challenge to Mid Ulster which provided a great public relations opportunity for rural businesses on the world stage. Councillor Burton also spoke the 'Dan the Man' event attended by both the Chair and herself explaining that the group organise birthday parties for children who have autism who very often find themselves excluded from invitation lists. Councillor Burton concluded highlighting the Clogher Valley Agricultural Society receiving the Queens Award and extended her thanks to all who volunteer throughout the District.

*Councillor Clarke entered the meeting at 7.10pm*

*Councillor Cuddy entered the meeting at 7.11pm*

In response to the Chair, Councillor McPeake highlighting that the consultation regarding 'Reshaping Breast Assessment Services' Councillor Monteith confirmed he was happy to make his comments at that point of the meeting.

### **C082/19      Declarations of Interest**

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

*Councillor Monteith declared an interest in C086/19 Development Committee Minutes - D077/19 Community Development Grants*

- *Dungannon Gaelic Forum Comhaltas*
- *Dungannon Thomas Clarkes GFC*
- *Ballysaggart Area Community Association*
- *Dungannon West Recycled Teenagers (former committee member)*

*Councillor Burton declared an interest in C086/19 Development Committee Minutes - D077/19 Community Development Grants*

- *Bawn Development Association (family connections interest)*
- *Caledon Regeneration Partnership*
- *Caledon in Bloom*
- *COSTA*

*Councillor S McPeake declared an interest in C086/19 Development Committee Minutes - D077/19 Community Development Grants*

- *Lavey Erin's Owen*

### **Matters for Decision**

#### **C083/19      Receive and Consider Minutes of matters transacted in "Open Business" at the Council meeting held on Thursday 28 March 2019**

Proposed by Councillor S McGuigan  
Seconded by Councillor McNamee and

**Resolved** That the Minutes of the Meeting of the Council held on Thursday 28 March 2019 (C058/19 – C070/19 and C079/19) transacted in Open Business having been printed and circulated, subject to the foregoing, were considered and adopted.

**C084/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee meeting held on Monday 1 April 2019**

Councillor Burton drew attention to E095/19 Minutes of Environment Committee held on 12 March 2019 referring to discussion regarding use of the general power of competence and the extension of a footpath at the shop and business park at Eglish. Councillor Burton reiterated that the situation was an accident waiting to happen and sought support for Council to write to DFI to flag up the serious issue.

Councillor Gildernew concurred stating that he could not understand why the bank was left as there had been a land issue, which had now been resolved and he would support Councillor Burton's request.

Councillor McAleer concurred, stating that she too was aware of the issue and that it was essential for council to support.

The Chair, Councillor McPeake stated there was a similar issue with the pathway around the town in Maghera, which Councillors B McGuigan and G Sheils would be aware of also and he would like this considered.

Councillor Molloy stated, he could name many in the Moy area though indicated that the general power of competence may not permit the Council to look at these. He suggested that coming into the new Council term Members should compile a list of all such issues and discuss a way forward.

Councillor Clarke concurred stating that he was aware of issues at Ballyronan, Loup and Moneymore.

Councillor Colvin stated that he had raised Farnlough Lane through the Environment Committee.

Councillor Monteith stated that Council has now sat for five years and every time someone suggested the use of General Power of Competence, a similar discussion takes place. He stated that Council put £100k into its budget and that Council should do the footpath rather than starting a blame game. He said the Council should get down to real issues. He made mention of a recent financial windfall received by Council and stated it would be a magnificent gesture to say we cannot do it all but we are make a start.

Councillor Molloy proposed that Council should look more widely at the issue highlighting that he was not about stopping anybody but all Councillors had issues in their area, that a complete list be compiled for consideration.

The Chair, Councillor McPeake stated that a workshop should be organised to look at the issues.

In response to Councillor Gildernew's suggestion that the pathways in Eglish and Maghera be undertaken as a pilot project the Chair Councillor S McPeake stated that he had been advised it would not be appropriate to this course of action without knowing costings.

Councillor Burton asked how often the General Power of Competence had been exercised over the term of Council and said it may well be her last night at Council but she felt she had to do her bit in raising the issue, as the road was unsafe for pedestrians.

In response, the Chief Executive advised that the General Power of Competence had been used once in the Council term.

Councillor Monteith stated that Council should progress on the aforementioned projects.

Councillor Burton emphasised that she had only asked for a letter to be sent to the Department for Infrastructure.

The Chair, Councillor S McPeake stated that a letter be forwarded to Department for Infrastructure, followed by a workshop regarding the use of general power of competence and possible projects.

Councillor Mallaghan stated that one motion had been brought before Council in the last five years in relation to the use of the General Power of Competence, it had been agreed and works had been completed. He stated that all had the opportunity to bring requests and highlighted that Council had an ambitious capital works plan.

**Resolved** That

- (i) A workshop be organised to discuss possible projects that may be considered under General Power of Competence
- (ii) That Council write to DfI Roads to request a footpath on the main road at the shops/business park at Eglish and also extension to pathway around Maghera town centre;

Councillor Cuthbertson drew attention to *E101/19 Consumption of Intoxicating Liquor in Designated Places* and asked what training is given to staff in identifying and reporting issues regarding vulnerable adults and children on council property, for example in Windmill Wood and Railway Park.

*Councillor Ashton left the meeting at 7.26pm*

In response, the Director of Leisure and Outdoor Recreation advised that training is delivered through Child Protection and Vulnerable Adults at three levels in accordance with an officer's role in the Council.

*Councillor Ashton returned to the meeting at 7.28pm*

Councillor Cuthbertson asked specifically about dealing with children and vulnerable adults in public places.

In response, the Director of Leisure and Outdoor Recreation stated that the training was primarily on level 1 for staff in such areas and that there were designated officers to specifically deal with issues.

*Councillor McAleer left the meeting at 7.30pm*

Councillor Cuthbertson stated that he had reported concerns and that he was aware that it was not common practice for them to report back but stated he was unaware of anything in place in Windmill Wood.

In response, the Director of Leisure and Outdoor Recreation stated that it was an open space and like Railway Park although attendants may litter pick they were not staffed on a fulltime basis.

Proposed by Councillor B McGuigan  
Seconded by Councillor McGinley and

**Resolved** That the Minutes of the Meeting of the Environment Committee meeting held on Monday 1 April 2019 (E087/19 – E101/19 and E106/19) transacted in “Open Business” having been printed and circulated were considered and adopted.

**C085/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee meeting held on Tuesday 6 April 2019**

Councillor G Shiels expressed his disappointment that despite repeated requests a consultation event in relation to the Local Development Plan had not been organised in Moneymore even though the Chair himself had agreed to it at a previous meeting. He further highlighted that the Planning Manager had indicated that the drop-in sessions, which had been planned, were finished well before the upcoming elections yet the consultation period did not end until 18 April 2019

*Councillor M Quinn left the meeting at 7.34 pm*

Councillor G Shiels stated that at the end of the discussion at the planning committee on 2<sup>nd</sup> April, on the matter, Councillor Mallaghan had proposed that the Planning Protocol and Scheme of Delegation be reviewed through a workshop and felt it was being choreographed, and stated that it was his opinion that Members were treated as mushrooms. He concluded stating that concerns should be shared with the Planning Manager.

The Chair, Councillor S McPeake advised that Members receive reports on planning performance and that Mid Ulster team were often top performers and were transparent in their business. He also clarified he had not agreed to a consultation event in Moneymore but had referred the request back to committee for consideration and stated that at various times the timetable and schedule of drop in sessions had been brought to Members attention and further requests should have been made at that time.

Councillor Mallaghan stated that any planning application could be called in for decision by any Member.

Proposed by Councillor Mallaghan  
Seconded by Councillor Gildernew and

**Resolved** That the Minutes of the Meeting of the Planning Committee held on Tuesday 2 April 2019 (P039/19 – P045/19 and P053/19) transacted in “Open Business” having been printed and circulated, were considered and adopted.

**C086/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee meeting held on Wednesday 3 April 2019**

Proposed by Councillor McNamee  
Seconded by Councillor Doris and

**Resolved** That the Minutes of the Meeting of the Development Committee meeting held on Wednesday 3 April 2019 (D074/19 – D084/19 and D088/19) transacted in “Open Business” having been printed and circulated were considered and adopted.

**C087/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Thursday 4 April 2019**

Proposed by Councillor S McGuigan  
Seconded by Councillor Doris and

**Resolved** That the Minutes of the Meeting of the Policy and Resources Committee held on Thursday 4 April 2019 (PR065/19 – PR076/19 and PR092/19) transacted in “Open Business” having been printed and circulated, subject to the foregoing were considered and adopted.

*Councillor Glasgow left the meeting at 7.39pm*

**C088/19 Civic Recognition Requests**

The Head of Democratic Services sought approval for the previously circulated report on civic recognition requests from Members, in line with the stated council policy, as detailed within the report.

Proposed by Councillor Bell  
Seconded by Councillor McNamee and

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

*Councillor Mulligan left the meeting at 7.40pm*

#### **C089/19 Delegated Authority to Chief Executive on Matters – Period of Local Election 2019**

The Chief Executive drew attention to the previously circulated report regarding delegated authority to the Chief Executive on matters during the period of local election 2019.

Members considered Appendix A as detailed within the report entitled, Forward Planning on decisions required during the period 16 April - 26 June 2019

Proposed by Councillor Gillespie  
Seconded by Councillor Gildernew and

**Resolved** That approval be granted to delegate authority to the Chief Executive on Matters – Period of Local Election 2019 (16 April 2019 to 26 June 2019) as listed at *appendix A* of the report.

#### **Matters for Information**

##### **C090/19 Correspondence to Council**

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

##### **C091/19 Consultations Notified to Mid Ulster District Council**

Members noted previously circulated report on consultations notified to Mid Ulster District Council since the last meeting of the Council.

Councillor Monteith drew attention to the Department of Health, *Reshaping Breast Assessment Services* and stated that there were a lot of pertinent issues and that the proposed removal of services at Craigavon has caused considerable distress and anguish to a number of people who speak highly of the service. He stated that many had fought to retain services in the area and that Council should send a strong message of resistance, highlighting that for 25 years acute services were being removed from South Tyrone, and in his opinion the ultimate goal was to have two

hospitals in Belfast and Derry. He proposed that Council submit a response and encouraged fellow Members to respond individually also.

Councillor Mallaghan concurred with Councillor Monteith and stated that last year the Health Service had undertaken a survey with women on how far they would travel for breast screening services although it was his understanding that screening would still take place locally. He made mention of stroke services and how they too had undergone change. Councillor Mallaghan stated that whilst some services were coming to the district such as Cataracts and vein services it is still a detriment if you gain one but lose another. Councillor Mallaghan suggested that social media should also be used to encourage responses to the consultation.

The Chief Executive drew attention to the closing date of the consultation and sought approval that delegated powers to be given to Development Committee scheduled on 13 June 2019 to approve the response.

**Resolved**     *That Council*

- (i)     *prepare a response to Department of Health – Reshaping Breast Assessment Services;*
- (ii)    Delegated power granted to the Development Committee scheduled on 13 June 2019 to approve response to consultation

*The press and public left the meeting at 7.47pm*

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

Proposed by Councillor McNamee  
Seconded by Councillor Molloy and

**Resolved**     That items C092/19 – C098/19 be taken as confidential business

**Matters for Decision**

- (i)     Council Meeting of Confidential Minutes of Meeting held on 28 March 2019
- (ii)    Environment Committee Confidential Minutes of Meeting held on 1 April 2019
- (iii)   Planning Committee Confidential Minutes of Meeting held on 2 April 2019
- (iv)    Development Committee Confidential Minutes of Meeting held on 3 April 2019
- (v)     Policy & Resources Committee Confidential Minutes of Meeting held on 4 April 2019
- (vi)    Update in relation to Implementation of new Financial Management Information System
- (vii)   Update in relation to Council's claim against HMRC for over-declared output VAT (Leisure & Recreation Services).



**C099/19      Duration of Meeting**

The meeting was called for 7pm and ended at 7.53pm

Councillor Mallaghan extended sincere thanks to the Chief Executive, Senior Management Team and staff for all that had been achieved in the five year term.

Chair \_\_\_\_\_

Date \_\_\_\_\_