

Minutes of Meeting of Mid Ulster District Council held on Thursday 23 April 2015 in the Council Offices, Circular Road, Dungannon

Members Present: Councillor Dillon, Chair

Councillors Ashton, Bateson, Bell, Buchanan, Burton, Clarke, Cuddy, Cuthbertson, Dillon, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, McAleer, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, McPeake, Molloy, Monteith, Mullen, Mulligan, C O'Neill, J O'Neill, M Quinn, T Quinn, Reid, Robinson, G Shiels, J Shiels, Totten and Wilson

Officers in Attendance:

Mr A Tohill, Chief Executive
Mrs Canavan, Lead HR Officer
Mrs Campbell, Director of Arts and Leisure
Mr Cassells, Director of Environment and Property
Mr Kelso, Director of Public Health and Infrastructure
Mr McCreesh, Director of Business and Communities
Mrs Mezza, Head of Marketing Communications
Mr Moffett, Change Management Officer
Mr O'Hagan, Head of ICT
Mr JJ Tohill, Lead Finance Officer
Mrs Forde, Member Support Officer

The meeting commenced at 7 pm.

C71/15 Chair's Comments

The Chair Councillor Dillon expressed support to Councillor Mullen who had received a death threat stating that such threats were totally unacceptable and stressed that everyone should offer their support. The Chair further stated her disappointment regarding the attack on the Council Offices stating that everyone is entitled to have their opinion but there are ways and processes to express same.

Councillor M Quinn expressed shock at what had happened to Councillor Mullen and was emphatic that no one should have such threats issued to them, this was like 'mob rule' and the Councillor had suffered enough during 'the troubles' and called on all to support the condemnation against the threat.

Councillor Wilson on behalf of the Ulster Unionist Party condemned the threat against Councillor Mullen.

Councillor Cuthbertson concurred with the condemnation and also condemned the recent pipe bomb attack at Cookstown and the fact that it had been alleged that pipe bombs had been left in Aughnacloy.

Councillor Wilson expressed condolence to Councillor Mulligan on the death of his son-in-law. He also requested that Council send a letter of congratulations to Susan Parke of Cookstown who won the National Royal British Legion Standard Bearer and Rachel McKeown who has become Deputy Youth National Standard Bearer.

Councillor Mulligan expressed his thanks for condolences offered on the death of his son-in-law.

Councillor Reid stated that Council should express its condolence to the families of those who have lost loved ones as a result of road deaths throughout the Borough in the past month. The Chair, Councillor Dillon concurred stating that there had been four of which she was aware within a ten mile radius, one of which the family was known personally to her. The Chair expressed condolences to all.

C72/15 Apologies

Apology was received for Councillor Mallaghan

C73/15 Declarations of Interest

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

C74/15 Receive and consider minutes of matters transacted in “Open Business” at Council meeting held on Thursday 26 March 2015

Councillor McGinley requested change to C45/15 in that proposer be amended to read Councillor B McGuigan.

Proposed by Councillor Buchanan
Seconded by Councillor Mulligan and

Resolved That the Minutes of the Meeting of the Council held on Thursday 26 March 2015 (C41/15 – C62/15 and C70/15), transacted in “Open Business” having been printed and circulated were considered and subject to the foregoing were adopted.

C75/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee meeting held on Monday 13 April 2015

Proposed by Councillor S McGuigan
Seconded by Councillor Reid

Resolved That the Minutes and recommendations of the Planning Committee meeting held on Monday 13 April 2015 (P25/15 – P34/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

Councillor Burton entered the meeting at 7.08 pm.

C76/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee meeting held on Tuesday 14 April 2015

In relation to minute reference E48/15 Councillor Cuthbertson stated it was his understanding that all issues raised at this meeting and the fact that pot holes would not be filled until June would be included in the letter to the Minister.

Discussion ensued as to whether the motion which was item 11 on the agenda should be heard as the minute dealt with the issues being raised. The Chair, Councillor Dillon sought comment from Councillor McGinley who stated that he would concur with Councillor McNamee that street lighting was also an issue and was not dealt within the minute and that the motion should be considered.

Proposed by Councillor Cuddy
Seconded by Councillor J O'Neill

Resolved That the Minutes and recommendations of the Environment Committee meeting held on Tuesday 14 April 2015, (E37/15 –E49/15 and E53/15), transacted in “Open Business”, having been printed and circulated were considered and subject to the foregoing were adopted.

C77/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources meeting held on Wednesday 15 April 2015

Proposed by Councillor S McGuigan
Seconded by Councillor Molloy

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Wednesday 15 April 2015, (PR56/15 – PR66/15 and PR71/15) transacted in “Open Business”, having been printed and circulated were considered and adopted.

C78/15 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 16 April 2015

Councillor Elattar advised that it had been Councillor G Shiels who had declared the interest in the Charles Thomson Society, minute reference D66/15.

Councillor G Shiels concurred and requested that the paragraph referring to Charles Thomson Society be amended to read that Charles Thomson was one of the signatories of American Independence.

Proposed by Councillor T Quinn
Seconded by Councillor McPeake

Resolved That the Minutes and recommendations of the Development Committee meeting held on Thursday 16 April 2015, (D52/15 – D68/15 and D72/15) transacted in “Open Business”, having been printed and circulated, subject to the foregoing were considered and adopted.

C79/15 Standing Orders for Mid Ulster Council

The Chief Executive stated that Standing Orders for the transaction of business had been discussed at the March meeting of Council and would be considered at the April meeting. The Chief Executive reminded Members that Council had made a submission to the DoE consultation in August 2014 with a view to commentary being reflected in the final Standing Orders to be laid before the NI Assembly for adoption and onward provision by DoE for use, taking effect from 1 April 2015.

The DoE laid the draft Local Government (Standing Orders) Regulations (Northern Ireland) 2015 before the NI Assembly on 24 February 2015 but these were not passed and therefore each Council had to agree their own standing orders. He further outlined that the recommendations coming before Council tonight incorporated Council's own amendments and those from Senior Counsel regarding standing orders made following the recent Call In procedure.

The Chief Executive referred to and sought agreement on the undernoted issues:

- (i) Annual and Monthly meetings item 1.3, the Council meeting day be the fourth Thursday of each month.
- (ii) Convening Special Meetings item 3.2, ‘the Chair of the Council may call a meeting’ be amended to read ‘the Chair of the Council must call a meeting’.
- (iii) Noted that in the past a hard copy of meeting summons was sent by ordinary post but this was now amended to reflect to allow it to be sent electronically.
- (iv) Chair of Meeting item 6.3, the nominating officer of the political party whose member is chair of the Council shall nominate a member to preside in their absence is contrary to legislation therefore it will be amended to allow members of the meeting to agree a chair.
- (v) Deputations:
 - 11.1 period of notice to be 7 days;
 - 11.2 duration to be determined by the Council be 10 minutes;
 - 11.3 time before deputation can present to Council again six months.

Councillor McGinley drew attention to detail in the report where it stated ‘discussion on their content must be adjourned until the next available meeting of the Council at which they will be placed on the agenda’ and stated that his understanding of that was that the discussion take place in May. In response, the Chief Executive advised that standing orders had been received at the March meeting of Council and thus discussion was to take place at the April meeting.

Councillor S McGuigan referred to an email received by Councillors earlier in the day which indicated that there was to be discussion around standing orders in the incoming week and as such Sinn Féin had not had the opportunity to discuss.

The Chief Executive advised that his understanding was that the email referred to training for chairing meetings and as the standing orders had been taken to the March committee they could be discussed tonight. On receiving clarity regarding the email aforementioned by Councillors the Chief Executive apologised for confusion.

Councillor McLean suggested that the Chief Executive outline the proposed changes and defer recommendation until the May meeting. The Chair, Councillor Dillon stated that Council should proceed as suggested.

In response to Councillor Cuthbertson's question the Chief Executive advised that the email issued earlier in the day was a reminder regarding training on standing orders for Chairs and Deputy Chairs of committees.

Councillor Wilson stated that the understanding of his party colleagues and himself was that the discussion was to be next week and they too were in no position to agree recommendations.

The Chief Executive continued to outline amendments:

- (vi) Order of Business, Item 12. It has been practise that deputations are heard following declaration of members interest
- (vii) Minutes of Committees, Item 15.2. That members raising issues regarding committees be entitled to a reply within 48 hours not 24.
- (viii) Mode of Address, Item 19.4 and Members Conduct item 25.1. Members addressing the chair could do so either standing or seated.
- (ix) Qualified Majority Item 20.3. Dealing with suspension of standing orders should list mandatory elements which cannot be suspended.
- (x) Motions Item 16.2. Incorrect reference and Appointment of more than one Committee Item 23.3 and 23.4 need tidied up.
- (xi) 19.1 members being allowed to remain seated.
- (xii) Recession of a preceding resolution, Item 24 reference 17.1 should read 16.1
- (xiii) Call In Process Item 21.2. Qualified majority changed to simple majority.
- (xiv) Committees Item 27.5. Quorum to govern forum at committee meetings is referred.

The Chief Executive stated he was happy to answer any questions. The Chair, Councillor Dillon deferred the matter to the next meeting of Council.

C80/15 Interim Arrangements for Flags

The Chief Executive sought direction on the interim arrangements for the flying of flags at Council facilities reminding Members that the matter had been presented to the March meeting of Council at which time the decision had been made to adopt a 'no flags' policy as the interim arrangement. He referred to an admissible 'call in' which had been received in relation to the decision (call in admissible under section

41 (1)(a) and section 41 (1)(b) of the Local Government Act 2014), advised that legal opinion had been sought which advised that the 'call in' did not have merit, Members had been advised of outcome and the matter was now being presented to Council for reconsideration with the decision to be taken by simple majority.

The Chief Executive sought direction from Members to provide interim arrangements for the flying of flags at Council facilities.

Proposal One

It was proposed by Councillor Cuthbertson

To fly the Union flag on designated days.

Councillor McGuigan reiterated his comments made at previous meetings that in relation to flags there should be neutrality and equality which would mean, two flags or no flags. He said no flags flown would achieve the outcome of neutrality.

Proposal Two

It was proposed by Councillor McGuigan

That no flags be flown.

Councillor Wilson seconded Proposal One

Councillor McGinley seconded Proposal Two

The Chair called for a vote on Proposal One.

For	15
Against	23

The Chair then called for a vote on Proposal Two.

For	23
Against	15

The Chair then declared that Proposal Two is carried

Resolved That as an interim arrangement no flags be flown at Council facilities.

Councillor McLean stated that he felt the proposal to fly the Union flag on designated days at Council facilities was not an unreasonable one as the Unionist were in a minority and over recent months they had seen a continuous erosion of their culture and heritage. The Councillor further stated the Unionist population made up 40% of the Council's population though designated days fell short of 40% of a year. He added that Council was a cold house for unionism.

The Chair, Councillor Dillon stated that Councillor Cuddy had made similar comments the previous meeting on the make-up of the district and this she accepted, but stated that 60% of the population of the District reflected a nationalist/ republican culture yet no Tricolour could be flown. The Chair stated that she did not accept it was a cold house for unionism.

Councillor McLean sought further permission to respond and the Chair ruled against. He stated he would respond to the remarks through the press.

Councillor Cuddy stated that he had been an elected representative in Dungannon Council for 14 years and it showed maturity that the Union flag was flown on designated days. The Councillor remarked that elected representatives had built upon this and the current situation in Mid Ulster was creating problems for Unionism as they wanted an acknowledgement that they belong. Councillor Cuddy stated that the Irish Language had a place in both Mid Ulster and Northern Ireland.

The Chair, Councillor Dillon advised Councillor Cuddy that the discussion was around flags and not the Irish Language.

Councillor Cuddy concluded his comments stating that he was disappointed that a way forward could not be found.

Councillor M Quinn stated that the policy of the SDLP was to work towards a neutral workspace and thus it should either be that both flags or else no flags be flown. He concluded his remarks by stating that Council had a lot of more important issues to deal with.

Councillor Cuthbertson stated that he was getting tired of hearing about neutrality when on Monday past a political party had used a Council building for a party political event.

The Chair responded, stating that it was a separate issue that the room was hired as a public space and it was the right of any party to do likewise. She concluded by stating the matter was not an item on the agenda.

C81/14 Conferences and Seminars

The Change Management Officer referred to details of the undernoted conferences and sought approval for the attendance of Members and officers, the payment of attendance fees and associated costs as incurred.

C81.1/14 2015 NILGA Annual Conference & Exhibition on Thursday 18 June 2015 in the La Mon Hotel in Belfast at a cost of £121 per person together with travel and subsistence costs.

Proposed by Councillor McGinley
Seconded by Councillor McNamee and

Resolved That the attendance of Members and officers, the payment of attendance fees and associated costs as incurred be approved and that anyone wishing to attend contact officers.

C81.2/14 N Ireland Confederation for Health & Social Care (NICON) retrospective approval was sought for Members who had attended the conference on 22 & 23 April at La Mon Hotel, Belfast

Proposed by Councillor McGinley
Seconded by Councillor McNamee and

Resolved That retrospective approval be granted for payment of attendance fees and associated costs incurred by Members who attended the N Ireland Confederation for Health & Social Care conference on 22 & 23 April 2015.

Notice of Motion

C82/15 Councillor McGinley to move Motion

Councillor McGinley in moving the undernoted motion stated he would like to see Mid Ulster people getting the service they deserve in relation to the upkeep of roads, street lighting, road gulley emptying, grass cutting and off street car parking.

The Chief Executive and Lead Finance Officer left the room at 7.39 pm

The Councillor further stated that he understood that Transport NI had restricted budgets but some of the defaults on Mid Ulster roads were unacceptable and that he was fearful there would be more serious accidents and stated that Council had a responsibility to lobby on the issues.

The Chief Executive and Lead Officer for Finance returned at 7.40 pm

Councillor McGinley continued stating that response time for filling of pot holes was not quick enough, street lighting was not up to scratch and extreme times lay ahead as together with street lighting not being up to scratch it was not being extended making conditions in rural areas particularly dangerous. With regard to road gully emptying the Councillor stated that the machines were available but apparently there is no money for diesel to have them operational and if the current spell of weather breaks and there are downpours of rain and flash flooding, conditions will be very dangerous. The Councillor made reference to the transferring of responsibility for car parks which with no accompanying budget was going to cost the Mid Ulster rate payer money.

Councillor McGinley proposed the undernoted motion:

This council notes with great concern that following recent communications with officials from Transport NI, smaller local roads are no longer to be maintained. The local section engineer has confirmed that potholes will no longer be filled. This follows announcements that the street lighting network is not to be extended,

street lights will not be repaired unless in extreme circumstances, road gulley emptying to be significantly reduced, grass cutting in towns no longer funded and off street car parks have transferred to council with inadequate maintenance budgets.

That this council writes to Minister Danny Kennedy and ask him what measures he intends to put in place to reassure the citizens of Mid Ulster that he can deliver the basic services they deserve

Councillor Monteith supported the motion stating that it reflected the frustration of everyone and that it was near a pointless exercise to telephone Transport NI. The Councillor made reference to public dismay and local communities who are themselves putting out traffic cones to draw attention to pot holes. Continuing, the Councillor stated that public commitments had been made to the three former Councils in the Spring of last year on resurfacing and yet Council was now being fobbed off with budget restraints. The Councillor further stated that it was time for Transport NI to be accountable, massive amounts of money were spent in Dungannon Town Centre, meetings had been held and promises made regarding disability access in relation to kerbing in Irish Street, work was not done and the same issues are experienced in George's Street and William Street. He added that street lighting improvements now appeared to mean the removal of street lights. Councillor Monteith stated that he fully shared the concerns raised in the motion and that the performance of Transport NI was shocking.

Councillor Ashton adding to the comments aforementioned stated that it was impossible to get the smallest job done with budget constraints being blamed. The Councillor stated that people were extremely frustrated and that Transport NI must work with what they have.

Councillor Kearney stated that the SDLP constituency office was contacted on a daily basis regarding damage to vehicles, lack of grass cutting, street lighting and the amount of pot holes.

Councillor Wilson stated he could not disagree but emphasised that the DRD Minister could not spend what he didn't have and made reference to the budget cuts in the NI Assembly made by Sinn Féin and DUP, highlighting comments in relation to spend such as £2.5 million for an Irish School by the Minister for Education and the promises made surrounding Local Government Reform with transfer of services being cost neutral. Councillor Wilson proposed an amendment to the motion, that this Council writes to the NI Executive to highlight that the budget is inadequate to the requirements.

The Chair, Councillor Dillon stated that the proposal would not apply and be taken as the NI Executive does not decide how any department spends its money and that it was relevant that the letter goes to Minister Danny Kennedy. The Chair further stated that the same Minister had returned millions last year and yet she had dealt with workers losing their jobs because it had been stated that the Department had no money to pay workers to clean gulleys.

Councillor McNamee seconded the proposal of the motion.

Councillor McNamee stated that at the Environment Committee it had been noted that former Councils had received £29k for grass cutting in year 2014/15 yet confirmation had been received from Transport NI that there would not be budget allocation in the 2015/16 year and thus this income in the budget would not be realised. The Councillor continued that lack of grass cutting, weed control, pot hole repair, street lighting and flash floods could lead to loss of life and that the Minister needed to 'stand up to the plate'.

Councillor Wilson stated that the real issue was that if more money was made available to the Department through the NI Executive these issues may not arise.

Councillor Dillon responded that the amendment proposed by Councillor Wilson could not be applied as it would alter the motion and it was the case that each Minister had to prioritise Department spend and this was the area the Minister had decided to cut. She did not understand why the Councillor did not want Council to seek the rationale behind it.

Councillor Wilson asked if a proposal to write to the NI Executive regarding budgeting would be acceptable.

Councillor McGinley stated that it was honourable of the Councillor to defend a Minister of his party but he could bring a different motion next month on the matter.

Councillor McLean stated that the Minister was no different to any other he had to make cuts, the cut was 0.6% and it was a matter of delivery of service and thus he would support the motion.

Councillor McGinley thanked the Councillors for their support.

The Chair called for a vote for the proposal to accept the motion

For	31
Against	0

The Chair declared the motion carried.

Confidential Business

Proposed by Councillor B McGuigan
Seconded by Councillor Gillespie and

Resolved That items C83/15 to C87/15 be taken in committee.

The press left the meeting at 7.55pm

C88/15 Duration of Meeting

The meeting was called for 7pm and ended at 8.10pm .

CHAIR _____

DATE _____