

Minutes of Meeting of Mid Ulster District Council held on Thursday 23 November 2017 in the Council Offices, Circular Road, Dungannon

Chair: Councillor Ashton

Members Present: Councillors Bell, Buchanan, Burton (7.08pm), Clarke, Cuddy, Cuthbertson, Doris, Elattar (7.02pm), Forde, Gildernew, Gillespie, Glasgow, Kearney, Mallaghan (7.24pm), McAleer, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, Molloy, Monteith, Mullen, Mulligan, J O'Neill, M Quinn, Reid, Robinson, J Shiels, G Shiels, Totten and Wilson

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

The meeting commenced at 7pm

C231/17 Apologies

Bateson, Mallaghan and Milne

C232/17 Declarations of Interest

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

C233/17 Chair's Business

The Chair, Councillor Ashton referred to the Members Learning and Development programme and other training opportunities and encouraged Members to attend.

The Chair, Councillor Ashton reported that a meeting had now been scheduled for Friday 15 December 2017 at 2.30pm with the Department of Infrastructure to consult regarding the Minibus licensing issues and requested that Members notify their intention to attend.

Councillor Elattar entered the meeting at 7.02pm

C234/17 Receive and consider minutes of matters transacted in "Open Business" at the Council meeting held on Thursday 26 October 2017

Proposed by Councillor B McGuigan
Seconded by Councillor McNamee and

Resolved That the Minutes of the Meeting of the Council held on Thursday 26 October 2017 (C207/17 – C221/17 and C230/17), transacted in “Open Business” having been printed and circulated were considered and adopted.

C223/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee meeting held on Tuesday 7 November 2017

Proposed by Councillor Gildernew
Seconded by Councillor J Shiels and

Resolved That the Minutes of the Planning Committee meeting held on Tuesday 7 November 2017 (P151/17 – P157/17 and P166/17) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C234/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Thursday 9 November 2017

Proposed by Councillor S McGuigan
Seconded by Councillor Gildernew and

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Thursday 9 November 2017 (PR195 /17 – PR205/17 and PR 225/17) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C235/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee held on Tuesday 14 November 2017

Councillor Reid expressed concern regarding the issue of flyers in relation to the ‘Warm Home Scheme’ which the PCSP is involved in distributing to the elderly. The Councillor sought clarity regarding the criteria for distribution of the packs. The Director of Public Health and Infrastructure advised that the Public Health Agency funds the warm home packs and that an issue had been brought to his attention earlier in the day, which he was investigating.

Resolved That the Director of Public Health and Infrastructure to investigate recent issues concerning distribution of Warm Home Packs.

Proposed by Councillor McNamee
Seconded by Councillor M Quinn and

Resolved That the Minutes and recommendations of the Environment Committee meeting held on Tuesday 14 November 2017 (E271/17 – E297/17 and E307/17) transacted in “Open Business”, having been printed and circulated were considered and adopted.

C236/17 Receive and consider the minutes, recommendations and Decisions Resolved transacted in “Open Business” at the Development Committee held on Thursday 16 November 2017

Councillor McNamee drew attention to item D226/17 Motorsport Task Force and requested that the matter be deferred and placed on the Development Agenda for December. He stated that his reason was that he had people investigating the issue and would like to be 100% sure of the facts before progressing.

Councillor Wilson stated he had expressed concerns at the Development Committee that the Cookstown 100 which brought thousands to the area had not been included and stated that the resolve at the Committee had depicted that a report be brought back to the meeting on the issues raised and thus he would propose that it was not deferred.

Proposal One

Proposed by Councillor McNamee
Seconded by Councillor Bell

That D226/17 Motorsport Task Force be deferred back to the committee.

Proposal Two

Proposed by Councillor Wilson
Seconded by Councillor Cuddy

That the resolve of the committee stand and the matter not be deferred.

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

| | |
|---------|----|
| For | 16 |
| Against | 13 |

Resolved That D226/17 Motorsport Task Force be deferred back to the committee.

In response to Councillor McGinley’s question the Chair, Councillor Ashton clarified that the matter would be now be referred back to the development committee.

Proposed by Councillor McNamee
Seconded by Councillor Doris and

Resolved: That the Minutes, recommendations and decisions resolved of the Development Committee meeting held on Thursday 16 November 2017

(D216/17–D239/17 and D246/17) transacted in “Open Business”, having been printed and circulated, subject to the foregoing were considered and adopted.

C237/17 Conferences and Seminars

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

- (i) Member Approvals
 - Digital Government 2017 Theme Towards Smarter Public Services, Guildhall, Derry/Londonderry, Tuesday 5 December 2017, Cost £195+ vat, accommodation, travel and subsistence
- (ii) Officer Approval

| Conference & Seminar | Date | No. of Attendees | Location | Attendance Fees |
|--|----------|------------------|----------|-----------------|
| People and OD Conference: The HR Transformation Challenges | 5.12.17 | 2 | Belfast | No |
| NI Public Sector Chairs' Forum | 30.11.17 | 2 | Belfast | Yes |

Proposed by Councillor J O'Neill
Seconded by Councillor Molloy and

Councillor Burton entered the meeting at 7.08 pm

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

C238/17 Consideration of Requests for Civic Recognition

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

Proposed by Councillor J O'Neill
Seconded by Councillor M Quinn and

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

C239/17 Response to Mineral Development Consultation

The Planning Manager drew attention to the previously circulated report and advised that from a planning perspective there would be no issue but as in earlier consultations Council would have to consider the impact on the community. The Planning Manager suggested that Council may wish to adopt the same line as for previous applications and object on the grounds that granting the licence would cause division in the community and conflict amongst neighbours.

Councillor Bell stated that he would like the response to include that it was unknown how much water would be used and that there may be detrimental effects to the environment highlighting an example at Greencastle where a prospector dug up 15k tonne of earth which was removed in 1800 tipper loads and was shipped to Canada. The Councillor emphasised that it was unacceptable as no developer would be permitted to carry out such actions. He reiterated that an environmental impact assessment should be carried out and highlighted that there would be no benefits to the communities and families and neighbours often turned against each other. The Councillor further highlighted that any metals extracted goes to the Crown Estate and that the resources of the Island should be for the people of the Island.

Councillor Clarke concurred with Councillor Bell and emphasised that prospecting was really to gain and build up an expertise of knowledge. He stated that there would be no local gain and the area should be left alone.

Councillor Monteith supported what had been said and drew attention to Council's involvement in the Mid Ulster Business Awards whereby Dalradian Gold had sponsored the Community Award and whilst he was keen that Council should invest in events showcasing local business talent given Council's position and the fact that the company activity caused division in the community Council should be mindful who fellow sponsors were.

The Chair Councillor Ashton stated that she had attended the Mid Ulster Business Awards and only became aware that the company was a sponsor when she received the programme the day prior to the event. The Chair emphasised that council had no input in choosing sponsors.

Proposed by Councillor Monteith
Seconded by Councillor Bell and

Resolved That Council investigate events and their sponsors prior to agreeing contributions of either support or sponsorship.

Councillor McLean expressed concern that Council adopt a 'blanket ban' approach and stated that perhaps discussion with party leaders should take place on how to progress such matters. Councillor McLean advised that there are a number of locations in the Republic of Ireland where extract of minerals had been prosperous, and benefited the local economy and improved areas through creation of employment. The Councillor stated that some may not thank Council for a 'blanket ban' approach and emphasised the need for sensible conversations and a plan to

incorporate and consider all options. He stated that this may be something that would set a standard for the province and the matter should be placed on a future agenda.

The Chair, Councillor Ashton advised that the response had to be submitted by 27 November 2017.

The Planning Manager stated that Council should consider contacting the Department for the Economy and suggested that a working group be formed to gain better knowledge. He stated that the Department would confirm that knowledge base is small and prospecting assists it but emphasised that it was clear there was a large element of fear and greater understanding was required. The Planning Manager again stated that Council should request the Department to formulate a working group to attain further understanding.

Councillor McLean stated that he would not disagree but emphasised that people on this site are the decision makers and the fear arising in the Chamber comes from the electorate. He stated that Council needed to have the discussions to define a way forward.

Proposed by Councillor McLean
Seconded by Councillor Wilson

That prospecting be placed on a future agenda.

Councillor Wilson stated that the issue was always a divisive one and a way forward needed to be found. Councillor Wilson asked if the response must be in by 27 November.

The Chair, Councillor Ashton stated that an extension had been received and 27 November was the deadline.

Councillor Bell stated he would object to the licence based on the information aforementioned and again made mention of the damage to the environment caused by prospecting.

Councillor Bell objected to Councillor McLean's proposal.

Councillor McLean stated that if Council was mindful to refuse the current application he had no issue and advised his proposal related to future applications.

Councillor Wilson concurred.

Councillor Bell retracted his statement of objection

Resolved That prospecting be placed on a future agenda for discussion on way forward.

Councillor Mallaghan entered the meeting at 7.24pm

Councillor McGinley stated that the information contributed to the discussion by Councillor Bell should be incorporated in Council's response and that Council should be open for future conversations.

Proposed by Councillor Bell
Seconded by Councillor McGinley and

Resolved That the proposed response to the Consultation be that Council objects to the application on the grounds that granting the licence would cause division in the community and conflict amongst neighbours and would be detrimental to the environment as outlined during discussion by Councillor Bell.

Matters for Information

C240/17 Consultations notified to Mid Ulster District Council

Councillor Burton expressed her thanks to officers regarding the response to the Mini Bus licensing consultation and advised that NILGA had also responded to the consultation a copy of which she would share with officers.

Councillor Monteith proposed that Council prepare a response to the Department of Communities consultation regarding the 'Changes to the Affordable Warmth Scheme'. He stated that good work is carried out through the scheme and proposed that Council should initiate a meeting for both Members and community groups to consult with the Department of Communities.

Proposed by Councillor Monteith
Seconded by Councillor Reid and

Resolved That

- (i) Council prepare a response and initiate a meeting for both Members and community groups to consult with the Department;
- (ii) previously circulated paper on consultations notified to Mid Ulster District Council was noted.

C241/17 Correspondence

The Head of Democratic Services drew attention to the correspondence received from NIPSA in relation to the closure of the Omagh Electoral Office and an extract of a previous response completed by Council.

Councillor Monteith stated that he thought Council should reiterate their response. He further emphasised that if Electoral Offices were to close that Council should state the position again that services for example issue of identification cards be available at Council offices.

The Chair, Councillor Ashton requested that the draft response be issued to Members.

The Head of Democratic Services stated that the response would be as previous with the comments of the meeting included.

Resolved That

- (i) Council forward a letter to the Chief Electoral Officer reiterating Council's stance in relation to the likely closure of Omagh Electoral Office and place emphasis that with resources Council would offer electoral services to the public for example issue of Electoral ID cards; and
- (ii) the previously circulated paper on correspondence to Council was noted.

C242/17 Consideration of Motion

C242.1/17 Councillor Doris to move

Councillor Doris read the motion as undernoted:

"That this Council supports the Right to Work: Right to Welfare (R2W) groups 'People's Proposal' aim at introducing a simple but vital checklist for social security decision makers. This Council supports this aim and will write to the Permanent Secretary for the Department of Communities calling for the issuance of guidance to all Decision Makers, requiring them to ensure that due process and impact assessments are undertaken and full complied with in the decision-making process."

Councillor Doris stated that in her role as a Councillor particularly working in an economically deprived area of Coalisland she had witnessed at first hand the devastating impact that people have suffered both physically and mentally due to having their benefits stopped. The Councillor stated that in 2015, over 20,000 people across the North of Ireland had their benefits stopped due to 'adverse decisions and sanctions'. She advised that the overwhelming majority of people in receipt of benefits, including those she helped on a daily basis were vulnerable people, many of whom suffer from mental health issues. Councillor Doris explained how she had witnessed their health deteriorating further with the stress, worry and anxiety of having their benefits cut off.

Councillor Doris explained that the People's Proposal creates a simple checklist for social security decision makers which if implemented would protect people's right to timely information, consultation, representation and full consideration of all the evidence presented to the social security office. She further advised that it would protect people's rights to an impact assessment prior to a financial sanction being imposed in order to determine the likely impact of an individual and their family.

Highlighting the failure of the current culture of 'guilty until proven innocent' or 'sanction first and investigate later' Councillor Doris stated that in too many cases in

her own constituency she had witnessed unnecessary upset and distress to the most vulnerable in society. Councillor Doris emphasised that this was reflected in the increase reliance of food banks, the increasing homelessness and the deterioration of many peoples physical and mental health.

Councillor Doris appealed to fellow Councillors to support the motion as a matter of urgency to protect the human rights of the most vulnerable in society.

Councillor Gildernew seconded the motion stating that all could concur that a lot of people were in serious difficulties as a result of current practise.

Councillor McLean stated that if there was an Assembly at Stormont the bread and butter issues could be addressed in the right place.

Councillor M Quinn stated that the current situation directly effects the most vulnerable and that the SDLP had met with Citizens Advice Bureaus and other advice centres and the stories were consistent that PIP left people feeling degraded and humiliated. He highlighted that many with complex issues had appointments cancelled and that people with neurological disorders were being assessed by non-medical staff. He emphasised that it was a Tory driven assault on the people.

Councillor M Quinn proposed the undernoted amendment:

*That this Council supports the Right to Work: Right to Welfare (R2W) groups 'People's Proposal' aim at introducing a simple but vital checklist for social security decision makers. **This Council notes that many Social Security Assessments are causing severe stress to those most in need of our support and calls for urgent intervention to address serious concerns about the operation of these assessments.** This Council will write to the Permanent Secretary for the Department of Communities **calling on him to instigate an urgent review of the assessment process and** to issue guidance to all Decision Makers, requiring them to ensure that due process and impact assessments are undertaken and fully complied with in the decision-making process."*

Councillor Kearney seconded the amendment stating that the SDLP were encouraging people to assert their rights and speaking of the division referred to by Councillor Doris he emphasised that people needed to be respected and treated with dignity. He stated that families with children are the hardest hit and referred to the confusion the current practices were causing emphasising that one million people were being pushed into poverty and foodbanks were in constant demand. Councillor Kearney asked how people with severe conditions were expected to go through the ordeal and emphasised that a more pragmatic approach was required. Councillor Kearney stated that Council should come together to send out a strong message in relation to the current practise siting the example that he had been contacted by a person suffering from anxiety who had four different dates to attend appointments.

Councillor Monteith stated he had no problem with either of the proposals and referred to the legacy Council of Dungannon who periodically hosted a meeting with Councillors, Citizens Advice Bureaus and Advice Workers to talk directly to the decision makers Councillor Monteith then shared an experience when he had spoken

to a gentleman suffering from multiple sclerosis for the past 12 years who is confined to a motorised wheelchair in his own home. He stated that the gentleman has had a care package in place whereby carers attend him four times a day and that he received maximum rate of the disability living allowance. Councillor Monteith shared that the gentleman had been advised he was to be assessed for 'PIP', that his wife had completed the form for him as he was unable to hold a pen, enclosed with the return was letters from the social worker, details of the current care package, the MS Support group, the GP, the district nurse and details of various occupational health annotations. With all of this Councillor Monteith explained that the gentleman who is a proud man had a face to face assessment in his own home and was asked to prove if he could life a knife and fork! Councillor Monteith emphasised that this was wrong that it was not about saving money but is an ideological attack on the most vulnerable in our society.

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

For 37

Thus the amendment was accepted.

Councillor Ashton called for a vote on the motion with the amendment.

For 34
Abstained 3

The Chair, Councillor Ashton stated that the motion as undernoted was carried.

That this Council supports the Right to Work: Right to Welfare (R2W) groups 'People's Proposal' aim at introducing a simple but vital checklist for social security decision makers. This Council notes that many Social Security Assessments are causing severe stress to those most in need of our support and calls for urgent intervention to address serious concerns about the operation of these assessments. This Council will write to the Permanent Secretary for the Department of Communities calling on him to instigate an urgent review of the assessment process and to issue guidance to all Decision Makers, requiring them to ensure that due process and impact assessments are undertaken and fully complied with in the decision-making process."

Councillor Doris thanked Members for supporting the motion and referring to the story shared by Councillor Monteith stated that the worst part of it was that working in the community this did not shock her.

C242.2/17 Councillor Cuthbertson to move

Councillor Cuthbertson drew attention to the undernoted motion highlighting that he had brought a similar motion in 2015 which at that time had fallen but advised Members that unfortunately the situation had not gone away and the PSNI could confirm the instances of theft and damage as highlighted.

That Mid Ulster District Council seek a meeting with the Department of Infrastructure to discuss the continued thefts from, and damage to, vehicles using the park and ride facilities in the Mid Ulster Area, and also calls on the Department to install CCTV Cameras at all Park and Ride Facilities across the Mid Ulster Area.

Councillor Forde seconded the motion and reported that there had been an incident in Maghera 'park and ride' whereby the wheels had been removed from a car. Councillor Forde emphasised that the 'park and ride' areas were very dark and in speaking to the local PSNI sergeant he had indicated he would welcome CCTV cameras. Councillor Forde concluded that people should be able to park their car

Councillor McPeake advised that he had raised the incident in Maghera at the PCSP meeting the previous week and highlighted that there had been a number of serious break-ins which were disgraceful. Speaking of the incident in Maghera where a car had been left on blocks he advised that the incident had been brought to the attention of the PSNI Area Commander who was very supportive regarding the introduction of CCTV cameras. Councillor McPeake spoke of the Department of Infrastructures current stance which reflected a change of heart but stated whilst he agreed the situation was dreadful that the discussion was in the wrong forum and should be referred back to the PCSP.

Councillor Reid concurred with Councillor Peake and advised that the Department of Infrastructure had recently advised that they will allow the cameras to be installed but would not finance them. He further stated that there was a meeting scheduled with Transport NI to secure a date for the cameras but advised there may be funding issues. Councillor Reid emphasised that Councillor Cuthbertson is a member of the PCSP yet continually tries to undermine their work and reiterated previous comments that the PCSP should be the discussion forum for the matter.

Councillor Kearney spoke of the carparks within his district electoral area and advised that Transport NI had stated it was a policing matter but highlighting the point that Councillor Forde had made stated who wants to park a car and come back to find it sitting up on bricks. He further stated that the PSNI, Translink, Council and the Department of Infrastructure should all contribute to the cameras if they want to attract people to the district and to use the facilities it boasts.

Councillor Reid stated that it may be of benefit if the Chief Executive sent a letter on behalf of Council stressing the urgency of the matter and necessity of what PCSP is endeavouring to achieve.

Councillor Cuthbertson stated that this was a big problem, it was a problem in 2015 and is still a problem he stressed that the public have lost confidence in these facilities. He further advised that transport NI come to council with reports that they are introducing more such facilities but they will not be used unless there is CCTV installed. He referred back to 2015 when he brought a similar motion which had fallen and stated that it would appear that the rejection was of the messenger not the message. Councillor Cuthbertson stated that Council had a role to play in the matter as well as the PCSP he highlighted an example that in Lisburn Transport NI paid for the cameras but the Council was involved in discussions re monitoring.

The Chair, Councillor Ashton put the motion to a vote

For 8

Against 21

Abstained 8

The Chair Councillor Ashton stated that the motion had fallen.

Confidential Business

Proposed by Councillor J Shiels

Seconded by Councillor Molloy and

Resolved: That items C243/17 – C 251/17 be taken as confidential business.

- (i) Minutes taken as confidential business at the Special Planning Committee (Development Plan) on Tuesday 17 October 2017
- (ii) Minutes taken as confidential business at the Council meeting held on Thursday 26 October 2017
- (iii) Minutes taken as confidential business at the Special Planning Committee (Development Plan) on Thursday 2 November 2017
- (iv) Minutes taken as confidential business at the Planning Committee held on Tuesday 7 November 2017
- (v) Minutes taken as confidential business at the Policy and Resources Committee held on Thursday 9 November 2017
- (vi) Minutes taken as confidential business Environment Committee held on Tuesday 14 November 2017
- (vii) Minutes taken as confidential business and Decisions Resolved at the Development Committee held on Thursday 16 November 2017

The public and press left the meeting at 7.52 pm

Councillor Monteith left the meeting at 7.53pm

C252/17 Duration of Meeting

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

CHAIR _____

DATE _____