

Minutes of Meeting of Mid Ulster District Council held on Thursday 25 February 2016 in the Council Offices, Circular Road, Dungannon

Members Present: Councillor Dillon, Chair

Councillors Ashton, Bateson, Bell, Buchanan, Burton, Clarke, Cuddy, Cuthbertson, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, Mallaghan, McAleer, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan (7.28pm), McKinney, McLean, McNamee, McPeake, Molloy, Monteith, Mullen, Mulligan, C O'Neill, J O'Neill, M Quinn, Reid, Robinson, G Shiels Totten and Wilson

Officers in Attendance: Mr A Tohill, Chief Executive
Dr Boomer, Planning Manager
Ms Canavan, Director of Organisational Development
Mr Cassells, Director of Environment and Property
Mr Kelso, Director of Public Health and Infrastructure
Mrs Mezza, Head of Marketing Communications
Mr McCreesh, Director of Business and Communities
Mr Moffett Head of Democratic Services
Mr Tohill, Director of Finance
Mrs Forde, Member Support Officer

The meeting commenced at 7pm

C30/16 Apologies

Councillor T Quinn

C31/16 Declarations of Interest

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

C32/16 Chair's Business

Councillor Gillespie requested that Donaghmore Ballad Group who are associated with Donaghmore GAC be considered for a civic reception to mark their achievement in winning the All Ireland Scór na nÓg in Killarney on 30 January.

Councillor Wilson requested that four cyclists Stephen Hutchinson, John Demsey, Andrew Reid and John McGlaughlin be considered for a civic reception for their success in Ulster 25 miles team trial championship.

Councillor McLean requested that a letter of congratulations be forwarded to the Lego League team of Magherafelt High School who recently represented the school at competition in Nottingham University.

Councillor McLean stated that there had been requests for a lot of receptions and asked if there was a programme to host them as the term of office of the current Chair would be coming to an end and given that there was also an election scheduled time was running out. The Chair, Councillor Dillon stated that it was hoped the programme for receptions would be confirmed in the coming week.

Councillor Mallaghan expressed a note of concern with regard to newspapers publishing articles which were factually incorrect and stated that Council through advertising provide finance to the paper concerned and stated that he would like the tender process to be reviewed as such articles were unhealthy for Council.

Councillor McLean requested more facts as there were a number of newspapers within the District and stated that specific details was required.

Councillor Mallaghan stated that the Tyrone Courier had published an article that two out of every three school children didn't speak English and that it later emerged that they did speak English, but it was not their first language at which time the Tyrone Courier issued an apology.

The Chair, Councillor Dillon stated that quite a number of people had approached her expressing their disgust at the headline.

Councillor McLean asked if this was really a Council issue and if the proposal or option is that Council blackmail the paper by withdrawing funding, noting that they had issued an apology.

In response, the Chair Councillor Dillon stated that in her opinion it was a concern for Council as it was a 'slate' on the District and the people Members represent. The Chair made reference to previous headlines which had been against Council and stated that a meeting should be held with the paper.

Councillor McLean stated that if there was to be a meeting all four parties should be represented. The Chair, Councillor Dillon asked Councillor Mallaghan if he was happy with the approach to which he affirmed he was.

Resolved That Council seek a meeting with the Tyrone Courier Newspaper at which the four parties of Council should be represented.

Matters for Decision

C33/16 **Receive and consider minutes of matters transacted in "Open Business" at the Special Council meeting held on Thursday 21 January 2016**

Proposed by Councillor Bell
Seconded by Councillor McNamee and

Resolved That the Minutes of the Meeting of the Special Council held on Thursday 21 January 2016 (SC1/16 – SC6/16), transacted in "Open

Business” having been printed and circulated were considered and signed as accurate and correct.

C34/16 Receive and consider minutes of matters transacted in “Open Business” at the Council meeting held on Thursday 28 January 2016

Proposed by Councillor C O'Neill
Seconded by Councillor Bateson and

Resolved That the Minutes of the Meeting of the Council held on Thursday 28 January 2015 (C1/16 – C13/16 and C29/16), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C35/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning Committee held on Tuesday 2 February 2016.

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved That the Minutes and recommendations of the Planning Committee meeting held on Tuesday 2 February 2016 (P19/16 – P26/16 and P34/16) transacted in “Open Business”, having been printed and circulated, subject to the foregoing, were considered and adopted.

C36/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Thursday 4 February 2016

Proposed by Councillor M Quinn
Seconded by Councillor Forde and

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Thursday 4 February 2016, (PR020/16 – PR030/16 and PR040/16), transacted in “Open Business”, having been printed and circulated, were considered and adopted.

(Chair Councillor Dillon and Councillor Mullen left the meeting at 7.10pm)
(Deputy Chair Councillor Ashton took the Chair)

C37/16 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee held on Tuesday 9 February 2016

Councillor Cuthbertson sought an update in relation to progress on Councils response to the consultation document the Northern Ireland Fire and Rescue Service (NIFRS) had discussed during their presentation to the Environment Committee.

In response the Director of Public Health and Infrastructure advised that Officers were working on the response and notification had been forwarded to the NIFRS to give notice that Council would be responding but in order to be finalised by Council the final draft would be late.

Councillor McPeake asked if there was a problem with the microphones as Members could not hear.

Declaration of Interest

Councillor Cuddy declared an interest in the Northern Ireland Fire and Rescue Service.

In response to Councillor Cuthbertson's question the Director of Public Health and Infrastructure advised that Council had used the process of notifying organisations in advance that a formal response would be submitted after the closing date as he preferred to present responses to the committee prior to submission.

Councillor McNamee sought clarity as to whether there was any funding for sports clubs in relation to remedial work with regard to Safety at Sports Grounds (minute reference E37) and asked if clubs could avail of the sports capital grant.

Proposed by Councillor McNamee
Seconded by Councillor M Quinn and

Resolved That the Minutes of the Meeting of the Environment Committee held on Tuesday 9 February 2016 (E26/16 – E43/16 and E56/16), transacted in “Open Business” having been printed and circulated were considered and signed as accurate and correct.

C38/16 **Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee meeting held on Wednesday 10 February 2016.**

Proposed by Councillor Molloy
Seconded by Councillor Clarke and

Resolved That the Minutes and recommendations of the Development Committee meeting held on Wednesday 10 February 2016, (D027/16 – D/16 and D26/16) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C39/16 **Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Special Council Meeting held on Thursday 11 February 2016**

Proposed by Councillor Molloy
Seconded by Councillor Robinson and

Resolved That the Minutes and recommendations of the Special Council Meeting held on Thursday 11 February 2016, (SC7/16/16 – SC14/16), transacted in “Open Business”, having been printed and circulated, were considered and adopted.

(Chair Councillor Dillon returned to the meeting 7.15pm and resumed duties of Chair)

C40/16 Conferences and Seminars

The Head of Democratic Services referred to details of the undernoted conferences and sought approval and retrospective approval for the attendance of Members and Council officers, the payment of attendance fees and associated costs as incurred.

- (i) Chief Executive’s Forum: Women’s Leadership Conference Leading the Future
Friday 11 March in Titanic, Belfast (8.45am - 4.30pm)
Attendees: Director of Organisational Development and Director of Culture & Leisure
- (ii) Balancing the Books: Local Council income generation, trading and investment
Friday 11 March in the Mount Conference Centre, Belfast (9.30am-12.45pm)
- (iii) New Northern Ireland Planning System One Year on: Getting it Right
Thursday 24 March, Riddell Hall, Belfast (8.50am - 1.10pm)
- (iv) Awarding Public Contracts Lawfully & Skilfully within NI Procurement Rules
Tuesday 10 May, Hilton Hotel Waterfront, Belfast (9.30am - 4pm)

Attendee: Head of Environmental Services

Retrospective Approval

| Conference & Seminar | Date | No. of Attendees | Location | Attendance Fee (Yes/No) |
|-------------------------------------|-------------|-------------------------|-----------------|--------------------------------|
| Energizing Local SME Growth (NILGA) | 13 January | 1 employee | Ballymena | No |
| Performance Improvement Forum | 22 January | 2 employees | Ballymena | Yes |

| | | | | |
|---|------------------------|-------------|-----------|-----|
| Training in Test Administration for Human Resources | 1 - 2 February | 2 employees | Antrim | Yes |
| NHS Choices Weight to Health Programme | 7 January - 9 February | 2 employees | Ballymena | No |

Proposed by Councillor Mallaghan
Seconded by Councillor McLean and

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

C41/16 Response to a Pre-application Consultation request from DOE on the proposed Gas to the West Project

The Planning Manager drew attention to the previously circulated report detailing proposed response a Pre-application Consultation request from DOE on the proposed Gas to the West Project.

The Planning Manager sought approval for the recommendation. Councillor McPeake stated in addition to the recommended response that consideration be given for additional services along the site highlighting rural broadband as an example which both Councillor Officers together with ICBAN were endeavouring to secure. Councillor Bell seconded Councillor McPeake's suggestion.

Councillor McLean concurred with Councillor McPeake but stated that Council shouldn't name any one element but state utilities.

Councillor Reid concurred with previous speakers but made reference to the route of the main pipe advising that it had been discussed previously when it had been requested that it go through the Clogher Valley and also Coalisland and Newmills through to Cookstown.

The Planning Manager advised that the actual proposal is for the corridor of the main pipe and advised that interlinks would follow.

In response to Councillor Reid's query regarding the impact the pipe line or interlinks would have on the Public Realm Scheme's the Chair Councillor Dillon advised that the matter had been dealt with at the Development Committee.

Proposed by Councillor Mallaghan
Seconded by Councillor Gildernew and

Resolved That Council approves the Pre application response to DOE as undernoted:

Mid Ulster Council welcomes the Gas to the West project and regards it as a development which will help the local economy attract business and jobs. The project is still at an early stage in relation to identifying the final route and SGN&Mutual (appointed to build and operate) have had initial discussions with the Council's planning Department. However, Mid Ulster Council reserves the right to comment on the final route relating to potential environmental and human impacts. The Council advises that in providing the pipeline the opportunity be used to provide other utilities.

C42/16 Response to a consultation request from DOE for the proposed windfarm at land approximately 12km to the west of Draperstown, 2km to the north of Broughderg adjacent to the B47

The Planning Manager drew attention to the previously circulated report detailing the suggested Council response to a consultation request from DOE for the proposed windfarm at land approximately 12km to the west of Draperstown, 2km to the north of Broughderg adjacent to the B47. The Planning Manager sought approval for the response detailed at 3.4 of the report.

Councillor S McGuigan entered the meeting at 7.28pm

Councillor B McGuigan agreed with the response but sought clarity as to who would reinstate roads as the increased usage by heavy goods vehicles, cranes and other heavy machinery during any work would damage the minor roads leading to the site. The Councillor also highlighted that experience would demonstrate that Transport NI would not undertake repairs.

Councillor McLean concurred with previous comments but stated that Council should not be narrow in its viewpoint as the region is facing a major crisis in industry, manufacturing costs especially in relation to electricity are high and many large companies are scaling back business here and upskilling in other regions. The Councillor stated that such a windfarm was an opportunity to attain lower costs for electricity not just for manufacturing, but for all. The Councillor drew attention to the £150m of investment the project would bring to the region together with the jobs and subsequent community benefits. With regard to the height of the turbines the Councillor stated that buildings of similar size were being erected in city centres every day and in relation to the roads in any construction process if you 'break it you fix it.' In conclusion, Councillor McLean stated that he would caution Council against a 'carte blanche' throwing out of such projects and emphasised that the positive side should also be considered.

Councillor Mallaghan concurred with the comments in relation to manufacturing but stated that one of the reasons why electricity is so expensive is because the costs

are subsidising wind energy. The Councillor reminded Members that the area was of significant importance with regard to the 'darkest skies' project

Councillor Wilson in support of points raised by Councillor McLean stated that he was 'caught' in this as the project was a major investment and would deliver jobs and referring to Councillor Mallaghan's issues regarding costs asked if Council could get presentations on both sides of the argument in order that Members may attain a balanced approach.

Councillor Bell stated that he had studied the issue and wind power was not the answer as in simple terminology 'no wind no power' and as such, that it is unreliable and only 70% efficient. The Councillor stated that a more efficient means such as hydro needed to be investigated as the region was being used to achieve Westminster targets and people were not seeing a reduction in electricity costs.

The Planning Manager stated that it is very important not to give the wrong impression as Mid Ulster is very open to wind energy and has many applications under consideration for wind farms which would not have detrimental effects. The Planning Manager advised that there are also new proposals for solar energy, biomass and the reuse of waste and emphasised that Council was not against renewables the issue was their location.

Councillor Clarke referred to statistics in relation to the production of renewable energy stating that the region was at 27% yet the target for 2020 was 20% so therefore there is no necessity to support the application to reach targets. The Councillor emphasised that Mid Ulster region was very innovative and not against renewables and drew attention to the fact that hydro power had not progressed over the last 60 years. Councillor Clarke stated that with windfarms already approved a 40% production rate could be achieved and there was surely more efficient ways of producing renewable energy as wind energy when figures are studied is expensive.

Councillor Cuthbertson stated that the final decision does not lie with Mid Ulster and thus Council should not delay any further. The Councillor also made reference to the recent workshop on Renewable Energy which Members attended and expressed opinions.

Councillor McPeake stated that Council view was being sought and concurred with the Officer.

Proposed by Councillor McPeake
Seconded by Councillor B McGuigan

That the recommendation of the Officer be approved.

Councillor McLean stated Council should not just go against the project. A vote was requested.

The Planning Manager amended the recommendation to include that Mid Ulster Council have concerns with regards to the potential damage to the intrinsic character and quality of the tourism assets of both the Sperrins AONB, including Beaghmore

stone Circles complex, heritage assets and our “dark sky” by reason of the unacceptable visual impact. The Council is concerned that the development will result in construction traffic that will damage the road and other infrastructure and responsibility for repair should be clarified.

The Chair, Councillor Dillon called for a vote

For 24
Against 7

Resolved That Council approves the Pre application response to DOE as undernoted:

1. Mid Ulster District Council have concerns with regards to the impact on the visual amenity and landscape character of this part of the Sperrins Area of Outstanding Natural Beauty by reason of the number, scale, size and siting of the turbines and the high sensitivity of the landscape and this is contrary to Policy RE1 of Planning Policy Statement 18. The cautious approach to wind energy development required by the SPPS in the AONB is of note as is the appropriate weighting test to be applied to any socio economic benefits put forward in support of the application.
2. Mid Ulster District Council is concerned that the site lies in the Sperrins AONB and are concerned the proposed windfarm would be detrimental to the environmental quality if the AONB by reason of lack of sensitivity to the distinct character and the landscape quality of the area.
3. “Mid Ulster Council have concerns with regards to the potential damage to the intrinsic character and quality of the tourism assets of both the Sperrins AONB, including Beaghmore stone Circles complex, heritage assets and our “dark skys” by reason of the unacceptable visual impact.
4. Mid Ulster District Council are concerned that the development would have an unacceptable adverse impact on built heritage interests by adversely impacting upon the setting, the public access and approaches to critical public views from and within, and the enjoyment of the Beaghmore Stone Circle Complex, a regionally important monument in State Care
5. The Council is concerned that the development will result in construction traffic that will damage the road and other infrastructure and responsibility for repair should be clarified.”

Councillor C O'Neill and Councillor M Quinn left the meeting at 7.43pm

C43/16 Revised Housing Growth Indicators (HGI's) 2012-2026

The Planning Manager drew attention to the previously circulated report detailing proposed response to Revised Housing Growth Indicators (HGI's) 2012-2026. The Planning Manager outlined the recommendation and sought approval.

Councillor O'Neill returned to the meeting at 7.47pm

Councillor McPeake expressed concern regarding the 10% flexibility but stated in comparison with other areas it appeared to be acceptable and noted that it was only for guidance purposes. Councillor McPeake proposed to approve the Planning Manager's recommendation.

Councillor M Quinn returned to the meeting at 7.49pm

Councillor Wilson also expressed concern stating that there is a massive shortage of houses within the district and forecasting would indicate that this will only increase in the future and Council may have to revisit area planning which would have an effect on housing growth indicators.

Councillor McLean concurred with both Members but stated that the Planning Manager's recommendation helps with the flexibility of housing.
Councillor McLean seconded the recommendation of the Planning Manager.

Councillor Monteith left the meeting at 7.55pm

The Planning Manager suggested that the wording "10% flexibility allowance" be changed to "10% uplift"

Proposed by Councillor McPeake
Seconded by Councillor McLean and

Resolved That Council approves the Pre application response to DOE as undernoted:

- The Revised figures do not appear to take account of the projected fall in household size in Mid Ulster which will invariably lead to an increasing demand for housing.
- The Revised figure does not appear to take into account the increasing housing completion rate in Mid Ulster which points to an increasing demand for housing.
- It appears somewhat short sighted to base the HGI's to the lowest level of growth since the 2006 projections were issued. Mid Ulster Council would therefore suggest that a 10% uplift be built into these figures in order to allow figures more akin to the HGI figure for the period 2008-2025.
- Any further review of the HGI's should take place at a 5 year interval so as to ensure it does not add unnecessary confusion to the creation to a new Local Development Plan.

Change to Order of Business

The Chair, Councillor Dillon stated that agenda item 17 would be taken at this point.

Councillor Monteith left the meeting at 7.54pm

C44/16 DETI Application for Mineral Prospecting Licence

The Planning Manager drew attention to the previously circulated report detailing proposed response to DETI in relation to a Mineral Prospecting Licence application.

The Planning Manager drew attention to the recommendation and advised that the mineral prospecting licence had already been granted and thus amended the recommendation that the letter detailed in the report be forward to DETI as Council's response.

Councillor Clarke stated that this was a very dangerous development and advised that a company has been carrying out research and many tonnes of rock has been extracted together with drilling and testing and as Councillors would have little knowledge of the type of work caution needed to be taken.

Councillor McGinley left the meeting at 8pm

Proposed by Councillor McPeake
Seconded by Councillor Mallaghan and

Resolved That That Council approves the undernoted response:

In response to your consultation dates 5th February 2015 on the above matter, Mid Ulster Council would like to advise that no planning permission has been granted for the proposed prospecting.

Under the provision of Part 16 of The Planning (General Permitted Development) Order (NI) 2015, development is not permitted if the developer has not previously notified the Council in writing giving details of the location of the proposed development, target minerals, details of plant and operation and anticipated time scales. Mid Ulster District Council have not been notified by the developer. The information provided by DETI is insufficient to make a determination and suggests that the proposal goes beyond exploration to include extraction which will require planning permission. Furthermore as the prospect area includes Areas of Special Scientific Interest, prospecting within these areas will require planning permission. Permission will also be required for any exploration of sites of archaeological interest.

Mid Ulster District Council trusts that you will take these comments into account and relay them to the developer.

**C45/16 Delegated Authority to Development Committee regarding
Contract Award for Davagh Forest Visitor Hub Design Team**

Members noted the previously circulated report for delegated Authority for the Development Committee on Thursday 10 March 2016 in respect of contract approval for Davagh Forest Visitor Hub Design Team.

Proposed by Councillor Wilson
Seconded by Councillor McNamee and

Resolved That Council delegates authority to the Development Committee on Thursday 10 March 2016 in respect of contract approval for Davagh Forest Visitor Hub Design Team.

Matters for Information

C46/16 Consultations notified to Mid Ulster District Council

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

Resolved That the consultations contained within the previously circulated report be noted

C47/16 Correspondence List

The previously circulated paper on correspondence notified to Mid Ulster District Council was presented.

Councillor Wilson expressed concern in relation to the letter received from at800 stating that they accepted no responsibility for the situation their works had caused. Councillor Wilson stated that a number of households had received no notification cards, that people should not be penalised because they used freeview and expressed concern regarding how the situation had been handled by at800's representative. Councillor Wilson stated that the issue should be taken to the Minister for the Department of Trade and Industry and that Council should contact Ofcom regarding the matter.

In response the Chair, Councillor Dillon advised that it had been agreed at the Development Committee to raise the matter with the DETI Minister and Ofcom as at800 blamed everyone but their own organisation and the problems had now began to effect Dungannon residents also.

Resolved That the correspondence contained within the previously circulated report be noted

C48/16 Consideration of Motion

C48.1/16 Councillor Mallaghan to move

In moving the motion Councillor Mallaghan stated that every Member in the room would have spent time with Transport NI regarding the infrastructure and noted that until recent times there had been a good working relationship but recently the service provided had went down and was failing the people of Mid Ulster as roads were in crisis. The Councillor advised that a site inspection had taken place on the 26 November on the Limehill Road (Class C) which identified that potholes of 16 inches or deeper were eligible for repair yet repairs did not take place until mid February after a major campaign by locals, Councillors and MLAs.

Councillor Mallaghan continued stating that other Government departments had like Transport NI, suffered from budget cuts and although it was difficult they were still delivering services yet Transport NI were not. The Councillor highlighted the following facts, costs and work associated with Council taking over the control of rural roads which would be Class B roads and below: 10,000km of grass verges to be cut at a cost of £250k pa; 2014/15 Transport NI had amended 20k defects on roads 96% of which were within time frame – 2015/16 this standard not met; maintain 26km gulleys and 30km drains and 5km of open drains; 54km of resurfacing and 300km of surface dressing pa; and, a budget per annum of £9m

Councillor Mallaghan to illustrate the budget implications stated that Councils environment budget totalled £11m and asked Members to reflect on the assets, vehicles and service delivery provided within it. The Councillor made reference to the ability of Council to deliver highlighting that the Planning Committee were delivering effectively and were deemed to be the hardest working committee in the region.

Councillor Mallaghan also stated that it was the conception of the general public that Council did maintain roads and thus Council needed to create an awareness campaign to advise that in fact Council were not responsible for roads. The Councillor suggested that this should be carried out through the Citizens Advice Service together with advice on how to claim from Transport NI should your car be damaged as a result of a pot hole. Councillor Mallaghan reported that in 2014/15 Transport NI had paid out half a million pounds in fines, money which would go a long way in repairing rural roads.

Councillor Mallaghan moved the motion

“That this council acknowledges that there is a crisis in maintenance of rural roads in Mid Ulster. It calls on DRD Minister Michelle McIlveen to meet with this council to be presented with evidence that our rural roads are no longer safe to travel on. That this council writes to the executive to consider transferring powers to local authorities to manage rural roads and transfers the appropriate budget to do so. That this council begins an advertising campaign through its advice provider that will create awareness on how to report road damage and how to claim compensation.”

In conclusion Councillor Mallaghan highlighted it had taken two weeks to have a pot hole repaired on the Glenshane Pass.

Councillor Wilson stated that the UUP had constantly raised the issue regarding the Department of Environment lack of funding when Danny Kennedy MLA was the Minister and acknowledged that Council had sent correspondence to the Minister. The Councillor stated that the DUP, since they had taken the Ministerial lead on Transport NI had secured further funding. Speaking in relation to the roads across the District the Councillor stated that they were in a desperate state. Councillor Wilson advised that the UUP supported in principle the responsibility of minor roads being transferred to Council but with the historic lack of funding it would be madness for Council to take this responsibility on as rate payers would have to pick up the shortfall in funding. With regard to the advertising campaign Councillor Wilson

stated that the UUP would be supportive of this. Councillor Wilson proposed the undernoted amendment:

“That this Council acknowledges that there is a crisis in maintenance of rural roads in Mid Ulster. It calls on DRD Minister Michelle McIlveen to meet with this Council to be presented with evidence that our rural roads are no longer safe to travel on. That this Council shall lobby the Northern Ireland Executive to ensure that appropriate funds are made available to improve rural roads in the Mid Ulster District. That this Council begins an advertising campaign through its advice provider that will create awareness on how to report road damage and how to claim.”

Councillor Bell stated that he would second the original motion and emphasised that it was no surprise that rural roads have deteriorated under the Tories austerity agenda which is failing people miserably. Councillor Bell requested that Council support the original motion moved by Councillor Mallaghan.

Councillor B McGuigan concurred with Councillor Mallaghan's comments and supported the motion stating that the issues experienced were similar to those in Carntogher DEA and emphasised that his fear was that, if the current situation continues, it will cost a massive amount of money as long stretches of roads in Carntogher were actually starting to subside and it would not just be resurfacing required but roads would have to be re-strengthened.

The Chair, Councillor Dillon stated that Council should advertise by means which would not cost money but would communicate the situation to the general public.

Councillor M Quinn stated that he had no real problems with the majority of Councillor Mallaghan's motion but speaking in relation to Torrent DEA he advised that the area is divided between Cookstown and Dungannon depots of Transport NI and his experience to date would highlight that Dungannon depot provides a response sometimes within two to three hours whilst Cookstown depot the response could take between two to three weeks. Councillor M Quinn stated that Council should have a meeting with the DRD Minister and acknowledged whilst he would like Council to have the responsibility for rural roads it may not be realistic.

The Chair, Councillor Dillon concurred with the comments of Councillor M Quinn regarding the difference in dealing with Cookstown and Dungannon and stated that if the function was transferred to Council service delivery would be the same across the District and the disparity in services was part of the concern Councillor Mallaghan was raising.

Councillor Glasgow stated that the motion moved by Councillor Mallaghan affects all road users and emphasised that the road situation was at a crisis stage with many roads unsafe due to potholes which are both large in both size and number leading to many motorists damaging tyres and vehicles. The Councillor made reference to the previous Minister Danny Kennedy and the current Minister Michelle McIlveen and how lack of funding had led to the crisis situation.

Councillor Glasgow referred to the £300k funding made available to repair roads in the Mid Ulster area and stated that it was in no way a realistic figure to an area that had suffered at the hands of the Northern Ireland Assembly budget cuts. The Councillor requested that any lobbying opportunities with the DRD Minister should be open to all Members of Council, together with Transport NI Regional and district managers and emphasised that the current Transport NI policies prevented road improvements in rural areas.

Councillor Glasgow expressed concern regarding the transfer of power in relation to rural roads to local authorities referring to other transfers for which Council had to bear costs due to insufficient budget transfer from the Department. Councillor Glasgow continued stating that whilst he supported the motion in relation to seeking a visit from the Minister, an advertising campaign to inform the public regarding responsibility for upkeep of rural roads and methods of claiming compensation for vehicular damage he would not support the transfer of power for rural roads unless Council was assured that sufficient budget was being transferred and that ratepayers would not be burdened with further rate increases.

Councillor McLean stated that he disagreed with both the original motion and the suggested amendment but that he would not do what Councillor Glasgow had done and have someone else write the script and read it out but that he would use his own words. Councillor McLean stated that he had no problem with inviting the Minister to visit the District. The Councillor also stated that the main issue was lack of funding and that there were some valid points regarding disparity of delivery which needed to be addressed. In conclusion Councillor McLean stated that he would welcome the Minister together with Senior Officers from the Department but in relation to devolving powers to Councils it was 'barking up the wrong tree'.

In response to Councillor Clarke's query Councillor Wilson confirmed that he had referred to a crisis in maintenance.

Councillor Clarke stated that management and planning within Transport NI was a problem and highlighted an example of road markings painted on a small village which were resurfaced over in three weeks and then had to be repainted. Councillor Clarke also related an incident where a 30mph sign replaced a 40mph sign and had to be corrected as the officer had used google maps as his source. Councillor Clarke highlighted such incidents as mismanagement.

Councillor McAleer left the meeting at 8.30pm

Councillor C O'Neill stated that footpaths also need to be included as footpaths in Bellaghy area were all broken and Transport NI ignored calls regarding them. In reference to Councillor McLean's comments about Councillor Glasgow's input Councillor O'Neill stated that Councillor Glasgow may be young but was capable.

Councillor Glasgow stated that he prepares his own comments but emphasised that the content came from his constituents as it was his role of an elected Member to represent them.

The Chair, Councillor Dillon stated that Councillor McLean's earlier remark had been poor.

Councillor Reid concurred with earlier comments regarding the disparity of services between the Cookstown and Dungannon depots stating that he had never experienced any difficulties with Dungannon depot but in dealing with Cookstown he had one job completed out of seven. Councillor Reid made further reference to the potholes, their size, the method of 'jet patching' to fill potholes which was a waste of time, that claims could be made once potholes were sprayed with yellow paint and the fact that claims across Mid Ulster alone had totalled half a million pounds. Councillor Reid concurred with the comments of Councillor Clarke with regard to management and concluded seconding Councillor Wilson's proposed amendment.

Councillor Cuthbertson stated that Minister McIlveen had taken up post in November 2015 and had inherited a situation whereby gullies had not been emptied, there had been virtually no grass cutting and approximately 800 lights had been out in the area. Councillor Cuthbertson stated he had invited the Minister to his area, she had attended, investigated the issues raised and allocated funding to addressing the problems. The Councillor stated that potholes were getting fixed, that he welcomed the major resurfacing of the Killyman Road, emphasised that some repairs were on hold due to 'gas to the west' scheme and in relation to transferring power it was wise to 'be careful what you wish for as you might just get it.'

Councillor McFlynn stated that she would agree in principle with much that had been stated about Transport NI as especially over the last number of months they did not come back to Members regarding issues raised. In relation to transferring of power Councillor McFlynn stated that Council had come a long way since the Review of Public Administration highlighting planning and offstreet parking but emphasised that she felt it was not the time to take on responsibility for rural roads highlighting that the issues were not just roads, but also footpaths and safety at road junctions.

Councillors Bateson and McPeake left the meeting at 8.37 pm

Councillor Gildernew concurred with issues raised over rural roads stating that the Clogher Valley DEA had similar experiences to other areas. Councillor Gildernew expressed concern regarding the roundabout at South Tyrone hospital stating that railings had been removed and pedestrians, many of whom were children, use the route and if a lorry took the corner too tight there could be a fatality and Council should seek clarity from Transport NI as to why the railings had been removed.

Councillors Bateson and McPeake returned to the meeting at 8.38pm

Councillor M Quinn suggested that the motion and the amendment should be merged and Council do both.

Councillor Molloy concurred with Councillor Clarke's comments stating that in phase one of Dungannon Public Realm Scheme Transport NI had been totally inflexible.

In relation to the suggestion made by Councillor M Quinn, Councillor S McGuigan stated he did not believe that both the motion and the amendment could be merged

as one was seeking powers to be devolved to Council whilst the amendment did not want this.

Councillor McKinney concurred with much of what had been said stating that in the Moyola DEA the gully on the main street had not been fixed properly and emphasised if work was done right in the first place it would not need repaired again.

Councillor Mallaghan stated that the debate had been wide and varied and had highlighted the equity problem between the two depots. The Councillor stated that he had no experience of the Dungannon depot but expressed concern regarding the democracy regarding fixing of roads as Members receive a report once or twice per year, Transport NI had issued a form to be completed but delivered no feedback to Members. Relating to Councillor Reid's comments regarding the 'jet fixer' Councillor Mallaghan stated he had not included it as it was a total waste of time as highlighted by Councillor Reid. In relation to comments regarding taking on responsibility for rural roads Councillor Mallaghan stated that Members were underestimating Council as they were performing well, there was a great workforce and the civic leadership and management were excellent.

The Chair, Councillor Dillon called for a vote

Amendment proposed by Councillor Wilson, Seconded by Councillor Reid.

| | |
|---------|----|
| For | 11 |
| Against | 25 |

Motion proposed by Councillor Mallaghan, seconded by Councillor Bell

| | |
|-----------|----|
| For | 21 |
| Against | 14 |
| Abstained | 1 |

The Chair, Councillor Dillon declared the motion carried.

C48.2/16 Councillor Kearney to move

Councillor Kearney drew attention to the undernoted motion and stated that he wished to amend it to include 'and calls on the Minister of Education to endeavour to secure the necessary extra budget from the Executive to ensure that this Scheme, when implemented, is open to all teachers who have not yet gained permanent employment.'

"That this Council notes the 'Investing in the Teaching Workforce Scheme'; recognises the need for a considered and accessible scheme for teachers aged fifty five and over to retire; is concerned about the impact that these proposals would have on teachers who have been qualified for more than three years who do not have a permanent post; and calls on the Minister of Education to ensure that this scheme, when

implemented, is open to all teachers who have not yet gained permanent employment.”

Councillor Kearney stated that there was much merit in such a scheme and that it should be noted that no one had objected to this section of the scheme and there had been uptake of similar schemes in the civil service.

Councillor Kearney stated that his concern was that only teachers with less than three years' experience could apply and there were many teachers who can't get a permanent post would be outside the scheme. The Councillor emphasised that there were many teachers across Mid Ulster district who do not have permanent posts who can't get a mortgage and whether a teacher was newly or recently qualified or qualified for some time they deserved a fair deal as many were being denied a steady income and sense of self-worth. Councillor Kearney stated that no one was seeking preferential treatment rather a fair deal and equal opportunity and stated that over 7000 people had signed a petition of support.

Councillor Kearney stated that many young teachers who could not gain experience at home had travelled overseas or further afield to gain experience which was now of no value and that many teachers on temporary contracts with annual renewal would be denied opportunity of permanent positions if the scheme progressed. Councillor Kearney stated that both experience and new ideas was needed to run schools and reiterated that any proposal should be based on merit and that these highly desirable permanent positions should be awarded on merit. The Councillor stated like many he sat on a school Board of Governors and in his involvement with appointments the decision had always been based on merit. In conclusion, Councillor Kearney stated to do otherwise would affect education standards and would be of extreme concern to parents and emphasised that fairness and equality should prevail.

Declaration of Interest

Councillor Cuthbertson declared an interest as his spouse was a school teacher.

Councillor Cuthbertson expressed disappointment to the amendment to the motion as he had intended to support it. The Councillor stated teachers aged between 25-35 are being discriminated against as they can't get an interview whilst others walk out of university into jobs.

Declaration of Interest

Councillor Wilson declared an interest as his son was a school teacher.

Councillor Wilson stated that he too would support the original motion but stated he would have difficulty supporting the amendment. Councillor Wilson made mention of the £33m budget committed to the scheme and emphasised that he felt the Christmas recess at Stormont had not permitted the process to be thought out and questioned as to whether an equality impact assessment had been thought out as in reality it discriminated teachers who had been working for three years. The Councillor also stated there was nothing to stop eligible teachers availing of redundancy and returning as temporary teachers. In conclusion Councillor Wilson

stated that the real issue is that too many people were training as teachers and that he welcomed the comments in the original motion but felt it was concerning that the SDLP and Sinn Féin parties blocked a policy at the NI Assembly in relation to employment law.

Councillor McGinley stated that the scheme was at draft stage and had yet to be finalised. In response to earlier comments the Councillor emphasised that the scheme was only being introduced as newly qualified teachers are facing great difficulty in even being shortlisted for jobs, that they had new fresh ideas which would benefit all and that the scheme was based on a business case.

Councillor McGinley proposed the undernoted amendment to the motion

“That this Council

- (i) Notes the draft “Investing in the Teaching Workforce Scheme’ and recognises that the Department of Education Minister has committed to reviewing the final parameters of the scheme;
- (ii) Recognises the need for a considered and accessible scheme for teachers aged 55 and over to retire and is concerned about the impact these draft proposals would have on teachers who have been qualified for more than three years who do not have a permanent post; and
- (iii) Calls on the Executive to provide the necessary extra budget cover to the Department of Education for this.

Proposed by Councillor McLean

Seconded by Councillor Wilson that

Council approve the original motion provided on the agenda.

The Chair, Councillor Dillon stated that as Councillor Kearney had amended the original motion himself she could not accept the proposal.

Councillor Kearney stated that he accepted the good comments and that he was happy with the motion he presented.

Councillor McPeake seconded Councillor McGinley’s amendment.

The Chair, Councillor Dillon called for a vote on the amendment

| | |
|---------|----|
| For | 22 |
| Against | 14 |

Councillor Mulligan stated that it was his understanding that following the vote on the amendment it became the substantive motion and then it was voted upon. Councillor McLean concurred with Councillor Mulligan’s comments.

The Chair, Councillor Dillon called for a vote on the substantive motion

| | |
|---------|----|
| For | 22 |
| Against | 14 |

The Chair, Councillor Dillon stated that the substantive motion was carried.

Confidential Business

Proposed by Councillor Bell
Seconded by Councillor S McGuigan and

Resolved That items C49/16 – C56/16 be taken as confidential business.

The press left the meeting at 9.05pm

C57/16 Duration of Meeting

The meeting was called for 7pm and ended at 9.15pm

CHAIR _____

DATE _____