

Minutes of Meeting of Mid Ulster District Council held on Thursday 28 March 2019 in the Council Offices, Circular Road, Dungannon

Chair Councillor S McPeake

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

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

The meeting commenced at 7 pm

C058/19 Apologies

Councillors Bell, Forde, McAleer, McGinley, T Quinn and J Shiels

C059/19 Declarations of Interest

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

C060/19 Chair's Business

The Chair, Councillor S McPeake extended sympathy to the families of Lauren Bullock, Connor Currie and Marcus Barnard, the three young people who tragically lost their lives in the incident in Cookstown. He said there were no words for what was an absolute tragedy. The Chair paid tribute to the emergency responders who had attended the scene and advised that together with the Deputy Chair and Chief Executive he had met with them and thanked them for their efforts on the evening. He also stated that there had been an interagency meeting following the event with representatives of the Health Trusts, Education Authority, Community and Voluntary sector and the PSNI which had proved very good in correlating response for counselling assistance. He further advised that the Burnavon had been made available for the PSNI to collect witness statements and that three books of condolence had been opened. He advised that Council under the remit of health and safety would carry out their own investigation.

Councillor McNamee stated as an elected representative for Cookstown he would extend his sympathies to the families of the three young people and spoke of the emotional scenes, shock, disbelief, pain and grieving that was so evident. He stated

that he hoped the families would draw hope and strength from the community support together with the support of local churches and the GAA.

Councillor Doris echoed the comments of previous speakers and stated that there were no words to express condolences and convey sympathy to the families in the face of this tragedy. She commended the positive response of the local community and hoped this continued in the dark days ahead.

Councillor Monteith stated that a lot had been said over the past two weeks but emphasised that the three young people were the best the community had to offer. He was emphatic that this should not have happened and that no community should have to bury three children on one day. He paid tribute to the friends, neighbours and community groups who opened their arms in response to the tragedy and paid tribute to the families for the dignity displayed bearing the burden of the most horrendous situation anyone could face. Councillor Monteith requested that Councillors have a role, should it be a consultative one, in the health and safety investigation. He stated there were many questions to be asked and the community needed to know exactly what Council is responsible for and what it was not responsible for. Councillor Monteith paid limited tribute to the emergency services given the serious questions to be asked regarding the response of the PSNI, the debacle of the investigation concerning the hotel proprietor and stated that it was shocking the breaking news now that the first PSNI vehicle on the scene had left. He spoke of the three families and the ongoing horror they would have to live through as facts were unfolded.

Councillor Wilson expressed deepest sympathy to the families of the three young people who simply went out to enjoy themselves. He stated that words would not express what the families together with those who witnessed the tragedy were going through.

He stated that as the PSNI were carrying out an investigation it would be wrong to comment but appealed to anyone with information to come forward. In conclusion Councillor Wilson conveyed deepest sympathies on behalf of the UUP to the families.

Councillor McLean concurred with Councillor Wilson and stated words cannot express sympathy to these families, he stated many Members were parents themselves and it would be your worst nightmare to receive such a call. He stated they could not understand their grief but conveyed that heartfelt sympathies and prayers were with them. He paid tribute to Council officers and mentioned the positive response feeding back in the way Council had stood together. He cautioned against prejudging and pre-empting outcomes especially in the midst of investigations.

Councillor M Quinn extended sympathy to the families on behalf of the SDLP. He stated it was with horror that the gravity of the situation unfolded through social media messages, he spoke of his experiences of nights out but never resulting in death. He said that this would bring about massive changes across the north as to how events are organised both ticketed and non-ticketed and concurred with Councillor Monteith that the PSNI had questions to answer. Councillor M Quinn

spoke of how proud he was of Council and the community response, mentioning theatre groups, the GAA and how counselling services had offered appointments free of charge.

The Chair, Councillor S McPeake stated that all parties concluded that this was an utter tragedy for the families and friends of the young people who had lost their lives.

Councillor Monteith reiterated his comments regarding the officers' investigation, he stated again that there are many questions and that Elected Members need to have an input.

In response the Director of Public Health and Infrastructure stated that officers are working closely with the PSNI as the lead authority of the investigation into the tragic events. He said that the investigation was very detailed, the officer team were working closely with the PSNI and that they would endeavour to keep Members informed.

Councillor Monteith requested that it be put on record that the Director's response did not answer his question.

Matters for Decision

C061/19 Receive and Consider Minutes of matters transacted in "Open Business" at the Council meeting held on Thursday 28 February 2019

Proposed by Councillor S McGuigan
Seconded by Councillor Gillespie

Resolved That the Minutes of the Meeting of the Council held on Thursday 28 February 2019 (C030/19 – C044/19 and C057/19) transacted in Open Business having been printed and circulated, subject to the foregoing, were considered and adopted.

C062/19 Receive and Consider Minutes of matters transacted in "Open Business" at the Planning Committee meeting held on Tuesday 5 March 2019

Councillor G Shiels drew attention to the Mid Ulster Local Development Plan – Draft Plan Strategy and reflected on comments made by the Planning Manager at a recent meeting and sought clarity as to the current position of the document and whether material consideration can be given to it when processing planning applications. Councillor G Shiels also stated that it had been resolved at the February Council meeting that the planning committee would discuss the possibility of having an additional consultation event in relation to the Mid Ulster Local Development Plan – Draft Plan Strategy in Moneymore and this had not been discussed.

In relation to the status of the Mid Ulster Local Development Plan – Draft Plan Strategy the Chief Executive advised that the document would remain in draft until after the external review and stated that the Planning Manager would provide

Members with an update regarding the process of Mid Ulster Local Development Plan – Draft Plan Strategy.

Councillor Mallaghan stated that he had been present at the meeting at which the Planning Manager had made reference to the Draft Plan Strategy in that Members should be mindful of the draft plan and consider how it would impact planning matters going forward.

The Chair, Councillor McPeake in response to Councillor G Shiels comment as to how anyone can put forward opinions without the proper facts stated that Planning staff are present at meetings to assist Members. He also concurred that an additional consultation event had been discussed at the Council and that if there was no valid reason why a further consultation should not take place it would be accommodated.

Councillor Wilson sought clarification as to why the matter was not discussed at the planning committee as resolved at Council in February stated that somewhere communication had fallen down.

Councillor Monteith stated that it had been raised previously as to why no one from the Planning Department attended the monthly Council meeting. He stated that it was acceptable that the Planning Manager may not always be available to attend but a representative should be there to deputise.

In response the Chair, Councillor S McPeake stated that Senior Management team would consider planning department representation at Council meetings.

Proposed by Councillor Mallaghan
Seconded by Councillor Gildernew

Resolved That the Minutes of the Meeting of the Planning Committee held on Tuesday 5 February 2019 (P027/19 – P030/19 and P038/19) transacted in “Open Business” having been printed and circulated, subject to the foregoing were considered and adopted.

C063/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Thursday 7 March 2019

Proposed by Councillor Molloy
Seconded by Councillor McKinney

Resolved That the Minutes of the Meeting of the Policy and Resources Committee held on Thursday 7 March 2019 (PR047/19 – PR055/19 and PR064/19) transacted in “Open Business” having been printed and circulated, subject to the foregoing were considered and adopted.

C064/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee meeting held on Tuesday 12 March 2019

Councillor Cuthbertson drew attention *E065/19 Review of Policy on Dual Language Nameplate Signage* and expressed his disappointment that some Councillors would feel in order to prevent someone making proposals that a policy would have to be changed to prevent a democratic vote and that he failed to understand how anyone could fear the process.

Councillor Cuthbertson drew attention to *E067/19 Community Events on Council land* and reiterated his comments made at the committee and stated that whilst he supported community engagement the Council in adopting the policy first was 'putting the cart before the horse' and was emphatic that communities should have been consulted first.

Councillor Cuddy stated that this had evolved through the bonfire working group and that an independent firm had been commissioned to look at the process and one of their main recommendations had been an officer to work in liaison with the community. He expressed his disappointment and stated that Members were endeavouring to build relationships and that whilst it may take time and money and it was important that community events were safe, people could not be bullied off ground they had used for years.

Councillor B McGuigan stated that as a point of clarity much good work had been done through workshops in relation to community events on Council lands. He stated that a policy had to be in place and that the action plan arising from the policy would ensure that there would be a liaison officer for the community.

Councillor Monteith drew attention to *E068/19 Licensing of Houses of Multiple Occupation – Implementation Procedures* and stated that whilst he accepted the matter had to go forward he sought clarity as to if there was points to ensure that it was working. He stated that previously administered by the NIHE the officer had been based in Portrush and this had not worked. He stated that the matter was a major issue for Dungannon and that the NIHE had admitted they were not on top of the issue. He stated that he would have concerns that Council may face a similar issue and asked if there was break points in the procedures and if it would deliver. He stated that often the systems in process were geared more to student areas and stressed that reassurance that the system was working would be required regularly.

In response the Director of Public Health and Infrastructure stated that the service level agreement had a monitoring programme and a quarterly review process and that when it commenced regular reports would be presented to the Environment Committee. The Director outlined that Belfast City Council would deliver the overall function and that Derry and Strabane Council would oversee Mid Ulster district.

Proposed by Councillor B McGuigan
Seconded by Councillor McNamee and

Resolved That the Minutes of the Meeting of the Environment Committee meeting held on Tuesday 12 March 2019 (E058/19 – E079/19 and E086/19) transacted in "Open Business" having been printed and circulated were considered and adopted.

C065/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 14 March 2019

Councillor Burton drew attention to D051/19 Deputation Out and About Community Transport & CDM Community Transport and highlighted again the impact of funding losses on the organisations and the vital service they provide. She further stated that in the past the north of the district qualified for SIF funding whilst the south of the district didn't and asked if when lobbying this could be included for the whole of the district.

In response the Director of Business and Communities stated that Members had been unanimous in their support of the services and the impact the withdrawal of funding from central government was having. He assured Members that once the minutes were ratified community plan staff would convene a meeting with agencies invited to attend to explore the way forward and that the utmost would be done to assist both organisations.

Proposed by Councillor McNamee
Seconded by Councillor Doris

Resolved That the Minutes of the Meeting of the Development Committee meeting held on Thursday 14 March 2019 (D048/19 – D064/19 and D073/19) transacted in “Open Business” having been printed and circulated were considered and adopted.

C066/19 Conferences, Seminars and Training

The Chief Executive sought approval for the undernoted for attendance of Councillors and Council Officers as outlined in the report, the payment of attendance fees and associated costs as incurred.

(i) Member Approvals

- National Association of Councillors - Health, Wellbeing & Equality
Conference The Royal Hotel, Scarborough 5th-7th April 2019
Cost £350 plus VAT – Metropolitan, County, Unitary, Borough & District Councils plus travel, accommodation and subsistence.
- WW1 Flanders & The Somme Pilgrimage
Novotel Leper Centrum Hotel in Ypres 30 June – 4 July 2019
Cost £769 Euro plus travel and subsistence

(ii) Officer Approvals

Conference & Seminar	Date	No. of Attendees	Location	Attendance
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The Next Steps for Revitalising High Streets in the UK	8/5/19	1	London	Yes
Sharing Experience, Shaping the Future, Regeneration Conference	25/3/19	1	Lisburn	Free

Proposed by Councillor McKinney
Seconded by Councillor Gildernew

Resolved That the attendance of Members and Officers, the payment of attendance fees and associated costs as incurred be approved, as required for attendees.

C067/19 Civic Recognition Requests

The Chief executive sought approval for the previously circulated report on civic recognition requests from Members, in line with the stated council policy.

Councillor Burton advised she had submitted an email requesting civic recognition on the 26 March 2019 regarding the achievements of a Clogher Valley business and asked if it could be added to the list for consideration.

In response the Chief Executive advised that there was a Council meeting scheduled for 15 April 2019 and it could be processed and considered then.

The Chair advised an awards evening had had to be postponed and thus some of the nominations may run into the next Council term.

Proposed by Councillor Mallaghan
Seconded by Councillor Totten

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

Matters for Information

C068/19 Correspondence to Council

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

Councillor Clarke drew attention to correspondence detailed in the report from Newry, Mourne & Down DC requesting Council support.

Proposed by Councillor Clarke
Seconded by Councillor Molloy and

Resolved That Council write to the Secretary of State supporting the notice of motion moved by Newry, Mourne & Down DC opposing the granting of

consent for a Geological Disposal Facility to be located within their District, or indeed within any part of Northern Ireland or the island of Ireland.

Councillor B McGuigan drew attention to correspondence detailed in the report from Fermanagh & Omagh District Council and stated that Council should agree to their request to promote the Sperrin Rambler bus service.

Resolved That Council promotes the Sperrin Rambler Bus Service (formerly Ulsterbus 403) through its social media outlets.

C069/19 Consultations Notified to Mid Ulster District Council

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

C070/19 Notice of Motion

The Chair, Councillor S McPeake advised the meeting that this motion should have come before the Council in February but unfortunately there had been a difficulty with the email communication.

Councillor Gildernew moving the motion stated:

“Aidan McAnespie, a young man on his way to the Gaelic grounds who was shot dead in broad daylight by a single shot fired from the sanger at the permanent vehicle checkpoint at Aughnacloy following years of systematic and documented abuse, harassment and death threats from British army personnel and RUC posted in Aughnacloy and across South Tyrone.

Immediately after the killing, Deputy Garda Commissioner Eugene Crowley was appointed by the Irish Government to compile a report, whose findings have never been published.

The report was presented to the Free State Government of the time (Charlie Haughey FF) within months of the shooting.

His investigation involved the exhumation of Aidan’s body from where it was buried in Clara graveyard in Co Monaghan whereupon the ribcage was found to be missing. Aidan had been shot in the chest.

The family have been fighting a 30 year campaign to have the findings of the Crowley Report published in full.

They also have demanded to be told who authorised the removal of Aidan’s body parts and who further authorised the disposal of the ribcage.

31 years on and Aidan’s mother and sister have both passed away fighting this injustice. Their father is now in his 80’s and desperate to learn the truth of how his young son died and why.”

Councillor Gildernew then moved the motion as undernoted,

This Council supports the family of Aidan McAnespie, shot dead by the British Army in February 1988, in establishing all the facts surrounding his death. To that end we undertake to write to the Dublin Government calling for them to release the Crowley report undertaken in the aftermath of his death

Councillor S McGugian seconded the motion and told of how as a young man he had played for Killeeshil and had been due to play a game that afternoon when the news came through what had happened. He stated the terrible incident had had a huge impact on the area and stated that the context of the motion is political but really what that they were asking was that Council write to anyone with power seeking to get the report published. He emphasised that this was at the request of the family.

Councillor Mullen stated that whilst she would support the motion for justice for the McAnespie family she felt it should be broadened out to ask for the overarching report of the HET enquiries effecting so many families including her own 44 years.

Councillor McLean advised the DUP party had discussed the motion and claimed that it was an election stunt by Sinn Féin as this Council has been in sitting for four years but the motion is brought just prior to an election. He stated that the DUP are for truth and justice for everyone and stated that Sinn Féin had never shown this to families such as that of Columba McVeigh whose parents had passed away never knowing the truth of what happened their son.

Councillor Wilson stated that they too saw this as an election stunt as the case was going through the courts. He stated it was hypocritical when people came from or fled to the Republic and asked if they would ask Dublin to reveal all they know about Enniskillen, Kingsmill and Omagh. He stated that for years isolated protestant communities had been impacted, that the UUP were for truth and justice including the families of those who had disappeared and that given the historical links between Sinn Féin and the IRA there is not much consistency. He further stated that it was hypocritical when Gerry Adams would not admit to being in the IRA and that the late Martin McGuinness would not tell the truth to the Saville enquiry.

Councillor M Quinn stated that this particular death had stood out with him as he had known friends of the family and that he would like to see the motion broadened out to include others concurring with Councillor McLean with regard to the McVeigh family. He stated that many families don't want to be the first to take a case as if it doesn't work out it leads to more hurt but stated that he could look at this motion in isolation and would support it.

Councillor Monteith stated he too would have issues around the timing of the motion and agreed with Councillor Mullen that many families had issues. He stated that this is one family request that of the McAnespie's a family who had carried themselves with dignity, he stated he had worked with Aidan's sister, Eilsih a founding member for Relatives for Justice. He said he would support other families also but that it would be churlish not to support the motion.

Councillor Mullen said that she supported the request for justice but stressed she had sat in the Chamber for five years and had not brought her situation before the Council.

Councillor Gildernew responding to comments stated that everyone's tears were the same colour and that the reason for not broadening out the motion was that it was the 30th anniversary of Aidan's death and that the Free State Government are implicated in this and they know what happened, he stated that whoever kept the rib cage of Aidan's remains his family did not get to bury his full body. In response to the comments of Councillors McLean and Wilson he stated that he would sympathise with every family who had lost loved ones.

Councillor Mullen stated that her father had been born in Dublin but she did not think this was the right environment to consider the requests.

The Chair, Councillor S McPeake called for a vote on the motion

For	21
Against	13

The Chair, Councillor S McPeake declared the motion carried.

The press and public left the meeting at 7.50pm

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

Proposed by Councillor Colvin
Seconded by Councillor Gillespie and

Resolved That items C071/19 – C0/19 be taken as confidential business.

Matters for Decision

- (i) Council Meeting of Confidential Minutes of Meeting held on 28 February 2019
- (ii) Planning Committee Confidential Minutes of Meeting held on 5 March 2019
- (iii) Policy & Resources Committee Confidential Minutes of Meeting held on 7 March 2019
- (iv) Environment Committee Confidential Minutes of Meeting held on 12 March 2019
- (v) Development Committee Confidential Minutes of Meeting held on 14 March 2019
- (vi) Audit Committee Confidential Minutes of meeting held on 19 March 2019
- (vii) Contracts

- (viii) Document for Sealing: Lease between Mid ulster District Council and South Tyrone Empowerment Programme in relation to lands situated at Railway Park. Dungannon

C079/19 Duration of Meeting

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

Chair _____

Date _____