

Minutes of Meeting of Mid Ulster District Council held on Thursday 25 July 2019 in the Council Offices, Circular Road, Dungannon

Chair Councillor Kearney

Members Present Councillors Ashton, Bell, Black, Brown, Buchanan, Burton, Clarke, Colvin, Corry, Cuddy, Cuthbertson, Elattar, Forde, Gildernew, Glasgow, Graham, Hughes, Kerr, Mallaghan, McAleer, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, D McPeake, S McPeake, Milne, Molloy, Monteith, Mullen, O'Neill, Quinn, 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
Mr McCreesh, Director of Business & Communities
Ms Mezza, Head of Marketing & Communications
Mr Moffett, Head of Democratic Services
Mr JJ Tohill, Director of Finance
Mrs Forde, Member Support Officer

The meeting commenced at 7 pm

C134/19 Apologies

Councillors Doris and Robinson

C135/19 Declarations of Interest

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

Councillor Mallaghan declared an interest in Agenda item 27 Development of Ann Street – Agreement re Shared Access

C136/19 Chair's Business

Councillor Kearney advised that Council had received a Blue Flag award for Ballyronan, Green Flag award awards at Dungannon Park, Maghera Walled Garden and the Hill of The O'Neill. He further advised that the Ranfurly House Arts & Visitors Centre Heritage project had attained the Sandford Award for Heritage and commended all staff involved.

Councillor McPeake stated that although the subject would be raised later in the meeting he wished to draw attention to the fact that a bilingual sign which had been stolen from the Hillhead Road within the district in March had appeared on a bonfire in Rathcoole on the 11 July 2019. He advised that the Director of Public Health and

Infrastructure had contacted the PSNI and made them aware of the signs whereabouts but it had not been removed. He also highlighted that theft of bilingual signs from the Mid Ulster district had also been reported to the PSNI in March of this year. Councillor McPeake proposed that

- Council contact the PSNI and ask how, even though it had been reported, that the sign was permitted to be burned on the bonfire; and
- That Council write to Mid and East Antrim District Council and express concern as it was his understanding that the Bonfire was one named within their 'Bonfire Management Scheme'.

In response the Chair, Councillor Kearney advised that at the Environment Committee it had been agreed to seek a meeting with the PSNI to discuss the issue and asked if this would be acceptable as an initial outcome to the request

Councillor McPeake reiterated that the incident should be condemned and the fact the bonfire was one within another Councils bonfire management scheme and a neighbouring Councils property was burned on it was disgraceful.

Councillor McNamee emphasised that he had requested a meeting twice and that it needed to happen as soon as possible.

Councillor Cuthbertson stated that everyone would be aware of the disgraceful behaviour, described by the police as a 'hate incident' by Tyrone GAA at the start of July in Aughnacloy. He stated that whilst the PSNI had described the events as a 'hate incident' no hate crime was committed on board the Tyrone GAA bus but that the video stands as a record of what occurred. He further highlighted that an individual on the bus had received a fixed penalty notice for remarks made to a female police officer.

Councillor Cuthbertson made reference to the sectarian language used which would not be accepted in any other sports team particularly such a high profile team as Tyrone GAA. Councillor Cuthbertson requested that Council write to the Tyrone GAA County Board and outline Council's disappointment at the attitudes displayed and request clarity about the action taken to discipline those involved to ensure there is no repeat of such intolerance and sectarianism towards the Protestant community.

In response the Chair, Councillor Kearney stated that it had been a sorry incident but an apology had been extended, the matter had been dealt with by the Tyrone County Board and he felt that the matter was closed. A number of Members concurred.

Councillor McLean stated that Council must be mindful as it would appear two different opinions in relation to the incidents was being expressed.

The Chair, Councillor Kearney stated he was a member of a GAA club of which he was secretary that such incidents should not happen and stated that two wrongs don't make a right.

The Chair, Councillor Kearney stated that Council move on with the business.

Councillor Wilson drew attention to recent press releases regarding Project Stratum and stated whilst he welcomed the roll out of rural broad band he would wish to seek assurances that the two worst affected areas for rural broadband Mid Ulster and Fermanagh & Omagh would be prioritised. Councillor Wilson asked that Council invite representatives from the Department for Enterprise to the September meeting of the Development Committee or alternatively an all-party meeting.

Councillor Burton advised that NILGA was lobbying strongly regarding the issue and had made a robust representation on the 'derth of broadband' which was impacting people in rural businesses. Councillor Burton advised that staff were working at 3am in the morning in an effort to process payments via broadband. She also highlighted the scenario of students unable to get home works completed due to lack of broad band at home and poor transport systems which didn't allow them to travel to libraries.

The Chair, Councillor Kearney congratulated Councillor Burton on her recent appointment as President of NILGA for the incoming year.

The Chair, Councillor Kearney spoke of a letter issued by NILGA which stressed that the derth of broadband must be addressed, he also advised that a weakness in the procurement process at had been highlighted and at subsequent meetings it had been stressed that the work be rolled out by addressing worst affected areas. He also advised that concern had been expressed regarding the use of the term 'technology neutral' within the procurement process as areas wanted fibre optic broadband.

Councillor Clarke advised that prior to the period of 'purdah' a deputation from the joint Broadband Working Group had met with them and made a case on the issues being highlighted.

Councillor Wilson proposed that Council should invite the Department for the Economy to make a presentation.

The Chair, Councillor Kearney suggested that perhaps both Councils on the Broadband working group should have representation at the requested presentation.

Councillor McPeake stated that Council was replicating the work of the joint Broadband working group as the group, MLAs and the Department had met a number of times and that perhaps a meeting of the Broadband Working Group would be a better way forward.

Councillor Wilson agreed to the aforementioned approach.

Proposed by councillor McPeake
Seconded by Councillor Wilson and

Resolved That an urgent meeting of the Broadband Working Group be called to discuss the roll out of Project Stratum in order to seek assurances from the Department for Enterprise regarding the provision of broadband throughout Mid Ulster and Fermanagh & Omagh District Council areas.

Matters for Decision

C137/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Council Meeting held on Thursday 27 June 2019

Councillor McNamee requested an amendment to minute at C103/19: page 3 paragraph 4 to read *next 12 months and also that a meeting be progressed with Cookstown DEA Councillors and DfI Roads to discuss timeline in*

Resolved That Council request a meeting with Cookstown DEA Councillors and DfI Roads to discuss timeline in relation to the proposed Cookstown Bypass.

Councillor McGinley referred to *C113/19 Consultations notified to Mid Ulster Council* and requested an update in relation to the responses with regard to Petroleum licensing. He stated if the response had not been submitted he would propose a workshop be held to prepare the responses.

The Chief Executive stated that the matter had been considered by the Planning Committee, a response had been approved and submitted.

In response to Councillor Cuddy’s question the Head of Democratic Services advised that the terms of reference were being developed, nominations to the working group would be sought and a report brought to a future Policy & Resources meeting.

In response to Councillor McGinley’s query the Chief Executive advised that the Planning Committee had recommended the response to Council at its June meeting and that officers present at the Council meeting had been unaware that the matter had been dealt with.

Councillor McGinley stated it had been an oversight by him also.

Councillor Monteith stated he raised the issue repeatedly that all departments should be represented at Council meetings.

Proposed by Councillor S McGuigan
Seconded by Councillor McAleer and

Resolved That the Minutes of the Council of the Council held on Thursday 27 June 2019 (C100/19 – C118/19 and C133/19) transacted in Open Business having been printed and circulated, were considered and adopted.

C138/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee meeting held on Monday 1 July 2019

Councillor Wilson drew attention to *E161/19 Dog Fouling and Litter* and sought clarity as to whether Council had the power to stop people with dogs and ask if they had

bags with them to clean up if their dog had fouled. In response the Director of Public Health and Infrastructure advised that a report would be presented to the September Committee.

Councillor Burton advised that at a recent meeting an officer had stated that most people do bring appropriate bags with them.

Proposed by Councillor B McGuigan
Seconded by Councillor McNamee and

Resolved That the Minutes of the Environment Committee held on Monday 1 July 2019 (E145/19 – E165/19 and E176/19) transacted in Open Business having been printed and circulated, were considered and adopted.

C139/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee meeting held on Tuesday 2 July 2019

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That the Minutes of the Planning Committee held on Tuesday 2 July 2019 (P071/19 – P075/19 and P082/19) transacted in Open Business having been printed and circulated, were considered and adopted.

C140/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee meeting held on Wednesday 3 July 2019

Proposed by Councillor Mallaghan
Seconded by Councillor Monteith and

Councillor Mallaghan reflected on the success of the ‘Irish Open’ golf tournament its economic benefits and the euphoria it brought, he then reflected on tourism staff promoting the Mid Ulster district at various tourism exhibitions for example Balmoral Show and stated that branding on clothes/uniforms should be reviewed through to attain ultimate promotion.

Councillor Monteith drew attention to *D118/19 Economic Development Report – Review of Northern Ireland Non –Domestic Rating System* and suggested that since there was additional time to prepare a response local businesses be invited to provide information for the response. He emphasised that local business people were struggling and Council should combine their concerns into a robust response.

Resolved That due to the extension to the closing date for the Consultation regarding NI non Domestic Rating System the business community be invited to workshop to collate information for Councils response.

Declaration of Interest: Councillor Glasgow declared an interest in D117/19 Community Development Report Rolling Grants Award.

Proposed by Councillor Monteith
Seconded by Councillor McNamee and

Resolved That the Minutes of the Development Committee held on Wednesday 3 July 2019 (D114/19 – 130/19 and D135/19) transacted in Open Business having been printed and circulated, were considered and adopted.

Councillor Mallaghan left the meeting at 7.30pm

C141/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy & Resources Committee meeting held on Thursday 4 July 2019

Proposed by Councillor Elattar
Seconded by Councillor Molloy and

Resolved That the Minutes of the Policy & Resources Committee held on Thursday 4 July 2019 (PR116/19 – P128/19 and PR140/19) transacted in Open Business having been printed and circulated, were considered and adopted.

C142/19 Conferences, Seminars & Training Report

The Head of Democratic Services 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

- **NILGA – Changing Places: Planning, Place-shaping and Place-making in Northern Ireland**

Killyhevlin Hotel, Enniskillen – Tuesday 8 October 2019 – 9.30 am – 4.00 pm
Travel and subsistence

- **Agenda NI Social Media Belfast**

Titanic, Belfast – Thursday 5 September 2019 – 8.30 am – 3.30 pm
Cost – Fee: £230 + vat, travel and subsistence

- **Agenda NI – NI Procurement Conference**

La Mon, Belfast – Wednesday 11 September 2019 – 8.30 am – 3.15 pm
Cost – Fee: £210 + vat, travel and subsistence

(ii) Officer Approvals

Conference & Seminar	Date	No. of Attendees	Location	Attendance
Independent Examination of Local Development Plan	25/06/19	1	Merthyr Tydril Wales	No
NI Planning Conference- Delivering Quality Affordable Housing	26/06/19	4	Lisburn	Yes
Conveyancing Conference	14/10/19	1	Templepatrick	Yes

Proposed by Councillor B McGuigan
Seconded by Councillor Brown and

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

C143/19 Civic Recognition Requests

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

Councillor Black drew attention to the recommendation to grant an award to Tyrone Under 20s and stated he was not suggesting that the team should not be recognised but thought perhaps Council should be cautious given that there may be a criminal charge following recent media reports when members of the team had jumped on a car.

The Chair, Councillor Kearney stated he was unaware of the incident.

Councillor Kerr stated as the Councillor who nominated the team for recognition he would like the request to move on and stressed 'innocent until proven guilty'.

The Chair, Councillor Kearney stated that the recognition events would not be hosted until the autumn but Council would be mindful.

Proposed by Councillor Gildernew
Seconded by Councillor Kerr and

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

**C144/19 Chair of Mid Ulster Policing and Community Safety Partnership
2019-20**

The Head of Democratic Services presented previously circulated report and sought approval to confirm the Chair for Mid Ulster Policing and Community Safety Partnership (PCSP) to hold the position until Council's AGM in 2020.

Councillor McLean stated that it was his understanding a Party had been nominated to take year one.

Councillor Cuthbertson stated he had attended a number of PCSP meetings since the election at which Sinn Féin had chaired the meetings but no specific Councillor had been nominated. In applying the d'Hondt calculation and order following the May 2019 election a nomination was sought.

Councillor McGinley stated that Sinn Féin would not be nominating at this stage.

Councillor McLean stated that the DUP were not nominating in year one.

Councillor Quinn stated that the SDLP were not nominating in year one.

Councillor Wilson stated that the UUP would nominate Councillor McKinney.

Proposed by Councillor Wilson
Seconded by Councillor Cuddy and

Resolved That approval be given to appoint Councillor McKinney be appointed as Chair of PCSP for the incoming year.

Councillor Ashton stated it would be prudent to bring a paper to Council to sort out the remainder of the Council term.

**C145/19 Delegated Authority to Chief Executive on Matters – Period of
Recess (August 2019)**

The Chief Executive drew attention to the previously circulated report regarding delegated authority to the Chief Executive on matters during the Period of Summer Recess in August 2019.

Members considered matters as detailed within the report entitled "Issues requiring Delegated Authority" on decisions required during the period 26 July to 25 September 2019.

Proposed by Councillor Colvin
Seconded by Councillor Brown and

Resolved That approval be granted to delegate authority to the Chief Executive on Matters – Period of Summer Recess in August 2019 (26 July to 25 September 2019) as listed within the report entitled "Issues requiring Delegated Authority".

C146/19 Response to NILGOSC Consultation – Circular 05/2019 – Funding Strategy Statement

The Director of Finance presented previously circulated report to provide Members with a draft response to NILGOSC's consultation exercise in relation to its Funding Strategy Statement, which was notified to Council at its June 2019 meeting.

Proposed by Councillor McGinley
Seconded by Councillor McLean and

Resolved That approval be given to the recommendation to:

- (i) Accept the Officers' proposed answers to the specific questions posed by NILGOSC in Annex 1 to Circular 05/2019; and
- (ii) Authorise the Chief Executive to submit the answers to NILGOSC in the prescribed format under cover of an appropriately worded covering letter by the closing date of 31st July 2019.

C147/19 Response to Housing Executive Chronic Homelessness Action Plan

The Director of Business & Communities presented previously circulated report to advise that on the 27th February 2019, the Northern Ireland Housing Executive commenced its consultation on the 'Chronic Homelessness Action Plan'. The consultation will run until the 2nd August 2019. The Director of Business and Communities drew attention to the proposed draft Response to the Action Plan and sought approval.

The Chair, Councillor Kearney commended the report.

Councillor Monteith also commended the staff who were clearly on top of their brief. Councillor Monteith stated that the issue of homelessness would be raised at *item 16 of the agenda Consultations notified to Mid Ulster*. Councillor Monteith stated he would propose the response.

Councillor Kerr seconded the response.

Councillor Elattar stated that she had attended the workshop and on reflection would like another few points added. Councillor Elattar suggested she email them to Members.

The Director of Business and Communities sought direction.

Councillor McKinney stated that the Council should take time to consider the points and emphasised that although there was strong evidence of the problem in Dungannon homelessness was also a problem throughout the district highlighting that there were no facilities in Magherafelt.

Councillor Colvin concurred with Councillor McKinney and stated that the meeting should take time to consider the points.

Councillor Mullen left the meeting at 7.51 pm

Councillor Elattar read the undernoted points:

- The Housing Executive have not used this opportunity to separate the various types of homelessness as well as they could have. For example people living housing stress for long periods of time, particularly in areas of highest demand, have not been reflected fully in the consultation document.
- Is the threshold set too high? The consultation proposes, that to achieve the classification threshold of chronic homelessness, requires meeting 3 of 7 stated criteria. If the threshold is set too high, failure to identify individuals within the client group becomes more likely. There is no attempt to provide a rationale for this.
- The document mentions the impact of chronic homelessness on an individual or household. Focus however, without explanation, is the development of criteria to define an individual. As a consequence, it is hard to judge how resources cited within the document are allocated between different categories experiencing chronic homelessness.
- The document says that the Housing Executive Equality Unit has reviewed and confirmed that the Equality Screening template developed for the Homeless Strategy is applicable to the Chronic Homelessness Action Plan. The Equality Commissions audit of inequalities identified unequal access to social housing affecting Catholics, a section 75 group. It is difficult to see how a policy that diverts funding and resources away from the wider category of those in urgent need of social housing towards a subset of that category, described as in chronic need, can be automatically regarded as having no equality implications. Has the Housing Executive considered the impact of this further categorisation on unequal access to social housing affecting Catholics?

Proposed by Councillor Monteith
Seconded by Councillor Kerr and

Resolved That approval be granted to the submission of the Consultation Response which should also include points raised at meeting as aforementioned

Matters for Information

C148/19 Correspondence to Council – July 2019

Members noted previously circulated report providing correspondence received for the attention of Council as outlined:

- Correspondence from Office of the Taoiseach, Irish Government – Support for family of Aidan McAnespie
- Correspondence from the Northern Ireland Human Rights Commission (NIHRC) – Engagement with Community & Voluntary Groups

- Correspondence from the Department of Justice - Domestic Abuse Bill
- Correspondence from the Department of Communities – Code of Conduct
- Correspondence from Derry City & Strabane District Council – Climate Change

Councillor McFlynn drew attention to the letter received from the Department of Justice and emphasised that it was an important piece of legislation which should be welcomed.

Councillor McGinley sought clarity as to whether correspondence had been received from Derry & Strabane Council regarding mineral prospecting and if it had not been received if it could be forwarded to Members on arrival.

The Chief Executive confirmed that no correspondence had been received but he was aware an officer had been contacted to share information and that there was a meeting on 9 August in Derry & Strabane.

C149/19 Consultations Notified to Mid Ulster District Council

Members noted the previously circulated report.

Councillor Monteith drew attention to the consultation by Department for Communities entitled Definition of Affordable Housing which is scheduled to close on 13 September. He requested a similar approach to that of the Consultation regarding Chronic Homelessness.

Resolved All Member workshop to be organised to prepare a response to the Department for Communities Consultation “Definition of Affordable Housing.”

Councillor McFlynn left the meeting at 7.59 pm

Councillor McGinley requested that although not included in the report Council prepare a response on the Scoping a new forestry plan for forests and woodlands in East Fermanagh/East Tyrone.

Resolved That Council prepare a response on DAERA: Scoping a new forestry plan for forests and woodlands in East Fermanagh/East Tyrone consultation.

Councillor McFlynn returned to the meeting at 8.00pm

C150/19 Notice of Motion

Councillor Wilson advised Councillor Cuddy would move the Motion.

Councillor Cuddy referred to the resolution passed last month and advised that Members had not been aware of all the information. He stated that the community group wished to use the telephone kiosk to house a defibrillator and thus now the purpose was known Councillor Cuddy proposed the motion as undernoted:

“That this Council rescind the decision taken at the Council meeting on the 27 June 2019 regarding the telephone on the Dergenagh Road, Dungannon. Item 13 on the Agenda 3.5 Correspondence from BT.

Following representations from the Simpson Grant Association, local residents and other groups in the Dergenagh area, we request that the Council withdraws the previous objection to the adoption of a telephone kiosk by the above group and support their proposal to restore it as a community asset with a defibrillator and community information point.”

Councillor Graham seconded the proposal stating that the telephone within the kiosk had not been used in over a year and thus a defibrillator would serve a better purpose.

Councillor Cuthbertson expressed his disappointment that the motion was brought before the meeting following last month's decision which in his opinion was the right one. He stated that the best way forward is to keep the kiosk including the phone and said he found it strange that no other Councillor put forward a view on the matter at the June meeting. Councillor Cuthbertson stated that the proposal being put to BT was to adopt the kiosk and then remove it from its current location, the location of approximately 50 years. Speaking on the matter of locating a defibrillator in the kiosk he said this would not be possible as an electrical connection is needed and that the place for a defibrillator was a couple hundred yards down the road at the Council's President Grants facility, a facility which he believed should have a defibrillator and he would be requesting this from Council.

Councillor D McPeake left the meeting at 8.02 pm

He further stated that he had been in contact with three of the closest houses to the kiosk, who are very much in support of retaining the phone in the kiosk and are very angry at the proposal being brought to Council without any local consultation. He asked if the Councillor who brought the motion had consulted with the community or was he solely reliant on the information from one person seeking to remove the historic landmark. Councillor Cuthbertson requested that rural proofing be applied.

Councillor Gildernew stated he would be in agreement with the community group's proposal for a defibrillator and that electric to the site would be a minor issue.

Councillor Mallon entered the meeting at 8.03 pm

Councillor Burton stated that a number of residents had contacted her and were also of the opinion that there was poor consultation on the matter. She advised it was a card operated kiosk with 999 emergency facility and that locals would prefer it retained as it was also a landmark and the closest resident would like it retained. Councillor Burton stated that the whole matter had got off to a poor start and maybe if there had been better communication and discussion people would not have been rubbed up the wrong way. She stated that Council should support retention of the telephone kiosks and referred to one in the Dyan also. Councillor Burton stated that as it was hoped to upgrade President Grants and whilst she would not be opposed to an information stand she was of the opinion that US Grants was a better site for the defibrillator and that the telephone kiosk should be refurbished.

Councillor McAleer stated she was unsure as to whether the group proposed to move the kiosk but posed the question could both a telephone and a defibrillator be in the box? With regard to electric, she stated there was a light so surely there was wiring for electricity.

Councillor Cuddy confirmed that there was no electricity in the kiosk and stated that the community group making the request represent the area and it was a shame the Chamber could not view the tree growing out of the kiosk and the ivy around it. He stated it had not been used for at least one year, was in very poor condition but this was an opportunity being proposed by the community.

Councillor Cuthbertson reiterated that he would like rural proofing to be applied and highlighted the Bush Road kiosk which was now repaired and maintained by BT.

Councillor Graham asked if anyone ever used the kiosk in at Bush Road.

The Chair, Councillor Kearney called for a vote on the motion.

For	28
Against	8

The Chair, Councillor Kearney declared the motion carried.

Councillor Cuthbertson asked what the legal advice would be on rural proofing and was this going against policy.

Councillor McKinney suggested the tree growing out of the kiosk was perhaps the rural proofing.

The Chief Executive advised he required permission to speak to the Council at this time. (standing order 19.14)

Permission was granted and the Chief Executive said Rural Proofing was a matter for BT to carry out.

C151/19 Notice of Motion

Councillor Cuthbertson in moving the motion read the undernoted:

“In Great Britain last year over 205,000 babies were aborted, the highest number ever recorded. For every four babies born, one was aborted. 98% of abortions in GB are carried out under loosely defined mental health grounds, in reality the vast majority of abortions are for socio-economic reasons. Women are being failed, because abortion has become the expected or assumed solution to pregnancy crisis. I reiterate 1 baby every 3 minutes is killed, 20 every hour, 600 every day which equates to 9million babies since the introduction of the 1967 Act.

Prenatal disability discrimination is common, with abortion permitted up to birth for babies diagnosed in the womb with a disability and 15,000 babies have

been aborted beyond 20 weeks in the past five years. The law in NI protects women from cultural pressure to have an abortion and we are proud to say that Northern Ireland is the safest place for babies in the UK.

Many people here think very differently about abortion, compared to those who live in the rest of the UK, because for over fifty years Northern Ireland has taken a different path. We chose not to introduce the 1967 Abortion Act here. In fact our abortion law has the most up to date democratic mandate of any part of this United Kingdom. The people of Great Britain have never been asked in those fifty years how they feel about their own law, in contrast an overwhelming majority of our elected representatives at Stormont rejected a change to our law in 2016. The support for the protection of all human life crosses every community divide

Over 100,000 people are alive today in Northern Ireland because our law recognises and protects every woman and every unborn child in pregnancy. Until 21 October 2019 the law in Northern Ireland will continue to say that both lives matter. Unless Stormont returns and intervenes on 22 October 2019 every legal protection will be removed from every unborn baby below 28 weeks.

Pro-abortion activists at Westminster have taken advantage of the current political instability both here and at Westminster, to lobby for a radical change to the law here, without any judicial or legislative requirement to do so. This was never just about Northern Ireland, and the rare and tragic cases of fatal foetal abnormality have been used like a 'trojan' horse, in an attempt to achieve their ultimate aim of unlimited abortion, in England and Wales.

All of this was done at Westminster "in our name", and "on our behalf", by political representatives with no mandate from Northern Ireland.

Abortion law is an issue devolved to the people of Northern Ireland. They, we, deserved to be consulted and we have been denied that democratic right. Over 19,000 people in 72 hours (this is the equivalent of 500,000 across the UK and was achieved over the July holiday when many people were away on holiday) signed their names to Baroness O'Loan and Lord Eames amendment. However, their entreaty that the NI Bill be amended to require consultation on any new legislation, with the people who live and work here, was rejected.

Not only are 100,000 people alive here today, but abortion rates are approximately six times less than in GB. This is directly because of our law. Laws matter because lives matter, and laws protect life.

On the same day, the Government passed another law - the "Wild Animals in Circuses Act" - which bans the use of wild animals in travelling circuses. The Government rightly should protect wild animals, but the passing of these two laws on the same day, exposes the hypocrisy of the Westminster Government who strengthen protection for wild animals, but then remove all protection for human babies in the womb. Abortion - the deliberate killing of unborn babies - has no place in modern society.

I want to signal my deep concern for what has happened at Westminster and that is why I am introducing this motion;”

“That MUDC regrets the decision of government to enforce abortion legislation without prior consultation with the elected Members of the Northern Ireland Assembly and the electorate of NI”

Councillor McLean supported the motion.

Councillor McAleer stated that firstly if there was a functioning Assembly Council would not be debating this. She stated that the SDLP were pro-life and women in crisis pregnancies should be assured they would have their whole support. Councillor McAleer stated that the SDLP would support the motion.

Councillor Colvin stated that the UUP would see two matters within the motion firstly the issue of abortion itself and secondly the mechanism of how the law is being brought about.

Speaking on the matter of abortion he stated it was a matter of conscious but emphasised that he personally was strongly against it.

Regarding the mechanism of how the law was being introduced he stated that the Northern Ireland Assembly was not functioning thus it was hard to consult. He asked if the DUP supported the local referendum and voiced it was somewhat strange that the DUP should bring the motion when their party was keeping the conservatives in power and they should have used that position to block this at Westminster.

Councillor Colvin stated that the UUP would support the motion.

Councillor McGinley said that it was a sensitive issue and that there was a need for reform as the legislation was incompatible and that Sinn Féin believed the matter should be dealt with by the Northern Ireland Assembly. He spoke of some factors to be considered in abortion such as mental health, rape and sexual abuse cases in which such instances it should be available. He referred to the absence of the political institutions and said that Sinn Féin had told the British Government that there should be equal rights.

Councillor McGinley proposed the undernoted amendment which was circulated to Members.

“That Council regrets that the Assembly is not in place to provide modern health care for women, including terminations where a woman’s life, health or mental health is at risk and in cases of fatal foetal abnormality and sexual crime.”

The Chair, Councillor Kearney asked if this was a new motion as it was a direct negative of the motion and thus invalid. The Chair did not accept the amendment.

Councillor Monteith referring to abortion stated it was an emotive issue and that he had been asked the question of his opinion many times of abortion in extreme circumstances. He stated he would not support the law in Britain nor the law in the 26 counties. He said to him the way the motion read that it called on the British Government to change their minds and stated that the DUP group in Westminster could have pulled the Conservative Government down on this, he stated there was political point scoring and nobody in the room would have any say on the matter.

Councillor McKinney referred to the amendment “regret of loss of life” and stated it was killing an unborn child. He referred to recent Human Rights presentation and stated that human rights aim to protect the minority and that he was emphatic that the unborn child had rights. He stated he supported the motion and that there were many praying for it to be carried.

Councillor Cuthbertson expressed his disappointment in Councillor Colvin in turning the matter into a political issue to point score. He also reminded Councillor McGinley that whilst they may be campaigning for women’s rights the unborn child had rights also and those promoting abortion should hang their heads in shame.

Councillor McFlynn requested a recorded vote on the motion.

FOR *Councillors Ashton, Black, Brown, Buchanan, Burton, Cuddy, Colvin, Cuthbertson, Forde, Glasgow, Graham, Hughes, Kearney, McAleer, McFlynn, McKinney, McLean, Mullen, M Quinn, Wilson (20)*

AGAINST *Councillors Bell, Clarke, Elattar, Gildernew, Corry, Mallaghan, McGinley, B McGuigan, S McGuigan McNamee, D McPeake S McPeake, Milne, Molloy, O'Neill, and Totten (16)*

ABSTAINED *Councillors Kerr, Monteith (2)*

The Chair, Councillor Kearney declared the motion carried.

Councillor Monteith stated that both Councillor Kerr and he would abstain on the basis that Westminster had no right to make laws in the North.

Councillor Cuthbertson asked that Council write to Westminster to advise of the outcome.

Councillor Mallaghan stated on a point of order this request had not been in the motion.

C152/19 Notice of Motion

Councillor McGinley expressed his disappointment at the events over recent weeks which had seen breaches in legislation with regarding to the environment and hate crime. He stated that a number of bonfire sites across Mid Ulster had contained toxic waste such as tyres which is totally unacceptable together with the burning of flags

and election posters. He stated that the PSNI and emergency services had commented on the 'quiet' night but in some places emergency services were put on alert. Councillor McGinley stated that some may accuse him of being antagonistic which was simply not true as he believed that all should be able to celebrate their culture within a safe, legal and respectful manner but highlighted that burning the flag of his country, his election poster together with election posters of his colleagues was not acceptable.

Councillor McGinley moved the Motion as undernoted:

"This Council condemns the recent sectarian displays at many local bonfires, and calls on the PSNI to fully investigate all theft, criminal damage and hate crimes which took place. Encourages all those involved in this illegal behaviour to desist, and begin to engage with the positive community engagement set out in Mid Ulster's recently adopted Policy 'Community Events on Council Land'.

Councillor B McGuigan seconded the motion

Councillor B McGuigan stated that over the past three years he had been involved in drawing up a policy to deal with bonfires the second part of which was an action plan to safeguard Council dealing with the issues going forward.

Councillor Cuthbertson said that the motion was being tabled simply to try and stoke up tensions as Sinn Féin could not accept that the cultural celebrations on the 11th July had passed off successfully. He stated that Sinn Féin continually complain about bonfires and allege all sorts of offences yet remain silent on the outrageous incidents around the GAA of late. He spoke of incidents such as sectarian intolerance through singing and chanting towards women and children at a band parade, offensive language towards a female police officer, criminal damage when due to dancing on top of cars and sporting competitions glorifying IRA terrorism. Councillor Cuthbertson also spoke of terrorist figures being used on club badges stating that whether it is a recent act of terrorism or one from a 100 years ago it was unacceptable to glorify terrorism.

Councillor Cuthbertson stated the DUP would not support the motion.

Councillor McFlynn stated that the motion was about hate crime and should people wish to have a bonfire or a band parade that was fine but the burning of flags, election posters of people who worked hard for the district was not. She also spoke of environmental laws being breached and highlighted that the SDLP had lodged a complaint with the PSNI to have these crimes investigated.

Councillor McFlynn asked that Council bring forward a report regarding complaints about bonfires on Council land or other lands and also on the funding granted from Council to highlight which bonfires received funding.

Councillor Wilson stated that the PUL (Protestant, Unionist, Loyalist) community feel their culture is under threat in Mid Ulster. He said as a party they had warned that the approach was wrong and stated that Sinn Féin were in no position to lecture.

Councillor Wilson said that whilst the UUP object to such displays as burning of posters that they would not support the motion as it seeks out the unionist community. He highlighted recent events involving the GAA and the fact that flags had been stolen which would no doubt appear on bonfires in August.

Councillor Wilson stated the UUP would not support the motion.

Councillor Kerr stated he believed the motion had merit as the burning of any poster should be condemned as it displayed a culture of sectarianism and fascism which you would not see anywhere else in Western Europe. Councillor Kerr stated he would have no faith in the PSNI.

Councillor Mullen stated much had been said about the Tyrone team yet no comment had been made when Northern Ireland supporters had chanted anti catholic songs earlier in the year.

Councillor McLean stated that the motion drew the Council into a lower level of tribal politics with 'tit for tat' accusations. He stated his party had not been represented on the bonfire working group as it discriminated against the PUL community which felt under threat in Mid Ulster. Councillor McLean spoke of Councillor Totten playing his Irish Republican music on facebook but it had to be tolerated and said, "sweep your own doorstep before you sweep anyone else's."

Councillor Quinn concurred with Councillor McLean that Members were stooping low with 'tit for tat' accusations. He referred to the Tyrone GAA incident and the apology issued by Mickey Harte and stated that full condemnation was needed for burning of election posters emphasising that not one unionist politician had condemned the actions.

Councillor Monteith referred to Councillors apologising for the burning of a Polish flag yet it appeared to be fine to burn a Tyrone flag. He stated he had no difficulty if people wished to celebrate their culture but that it was not ok to burn emblems of national identity, items of significance in the Catholic Faith such as the Sacred Heart, Virgin Mary and the outrageous act of an effigy of a Catholic priest when a local priest had taken his life. Councillor Monteith said it appeared to be a competition how much offence could be portrayed and it simply was not acceptable. He said if it was the other way round, although there are only a few Nationalist bonfires, he would endeavour to influence people not to behave in a way which would offend others.

Councillor Monteith stated he would abstain on the motion due to its reference to the PSNI as they stood watching the items burning and took no action thus a letter would not make a difference. He urged that anyone celebrating their culture should do so in such a way as not to offend others.

Councillor Cuthbertson in response to comments of Councillor Mullen stated that her references to sporting teams were not of those based in Mid Ulster. He also stated that he did not see any religious statues burnt in Mid Ulster.

Councillor Mallaghan called a point of order as Members should only be permitted to speak once.

Councillor Cuddy stated he had come onto Council to find solutions to issues but it appeared people were very far apart. He stated that his party had sat on the working group as they had hoped it would find solutions. He spoke of the legacy Council when parties had worked together. Referring to the road sign on top of a bonfire he said if Council made a bad decision it came back on it. He stated in the legacy Council parties had discussed the issue of signage and there was large English, medium Irish and small Ulster Scots and there was no difficulty with theft. He said the Unionist Community pay rates like everyone else. Councillor Cuddy stated that the UUP had worked for a period of time on the bonfire working group but had now ceased as Sinn Féin and the SDLP would not look at practical solutions that would work for everyone.

Councillor Black left the meeting at 8.52pm

Councillor Cuddy stated that Council needed to work with all stakeholders, provide sufficient funding to accommodate events and support activities to move forward. He said that come mid-August his posters may be burned and whilst it was not nice bonfire builders were a small part of any community and Council would get nowhere with the current approach.

Councillor Molloy stated his election posters had been burned on several bonfires and expressed his disappointment. He referred to the condemnation of the burning of the Polish flag and stated that this condemnation should extend to any flag. He spoke of how he had to explain to his nine year old child why anyone would want to burn his picture.

Councillor McAleer left the meeting at 8.57 pm

Councillor Black returned to the meeting at 8.57pm

Councillor Milne asked if the unionist parties condoned the burning of images of the Pope, election posters and tyres.

Councillor Elattar stated that like other Members she had nothing against people celebrating culture but she could not understand how hate crime, burning of tyres, fire brigades engaged in hosing down houses was culture. She stated a lot of people living in the areas don't want these actions either and asked if anyone could explain it to her stating that she would be willing to speak with the Orange Order to have it explained. She further highlighted that the burning of tyres was seriously damaging to health. Councillor Elattar asked if she said it was her culture, would she be permitted to put a bonfire in the council car park and not be stopped.

Councillor McKinney stated that the Kilcronaghan bonfire had tyres which had come out of Draperstown.

Councillor Elattar stated that she would condemn the burning of tyres.

Councillor McKinney suggested that Councillor Elattar speak to the constituents of Draperstown and ask them not to dump tyres and stated that the Orange Order had nothing to do with bonfires.

Councillor McGinley stated it was to be expected how the debate would go and that the bonfire policy which was adopted by Council offered solutions which some had made reference to. He highlighted that the adopted policy permitted all to celebrate their culture in a legal, safe respectful manner.

Councillor McAleer returned to the meeting at 9pm

Councillor McGinley emphasised that not one unionist politician had condemned the actions and stated this was not PUL culture and suggested some Members “catch themselves on”.

The Chair, Councillor Kearney called for a vote

FOR 22
AGAINST 13

Abstained 2

The Chair, Councillor Kearney declared the motion carried.

C153/19 Notice of Motion

Councillor McLean moved the Motion as undernoted:

“That Mid Ulster District Council is strongly opposed to the recent decision by Westminster to enforce same sex marriage legislation in Northern Ireland come October and therefore calls upon this Council to write to the Prime Minister urging an immediate withdrawal of this current decision.”

Councillor McLean stated that it was a matter of great concern to him the fact that the Northern Ireland Assembly had voted on the matter five times since 2012 and that it had been vetoed by a partition of concern by the DUP. He stated that the British Government in the absence of the Assembly was planning to introduce the law in Northern Ireland in January 2020. He stated that this would happen if the Assembly is not reinstated by 21 October 2019 and whilst the law might suit some it was not what the people in Northern Ireland had voted for. He stated that the legislation is first and foremost unscriptural and goes against God’s will for marriage and mankind. He stated whilst he would be accused of many things people who hold God’s laws are hurt that such legislation is being considered. He was emphatic that he would not be disrespectful to anyone but would strongly hold the Biblical stance on marriage.

Councillor Brown seconded the motion

Councillor Mallaghan stated that he was aware the law was passed and had received royal assent. He asked about the validity of the motion given the fact that it was law, that the Prime Minister could do nothing about it and sought the Chief Executive’s opinion.

The Chair, Councillor Kearney stated that he heard what was said but he accepted the motion and it should stand.

Councillor Quinn stated that in November 2015 the SDLP had proposed an equal marriage bill which was passed by the vast majority at the NI Assembly but had been blocked by a petition of concern. He further stated if the assembly was up and running the discussion would not be taking place in the Council Chamber. Councillor Quinn stated that whilst he was sympathetic to religious beliefs there are other unbiblical things such as divorce which was now acceptable. He stated that at the Assembly there had been abuse of the petition of concern and advised that the SDLP would oppose the motion.

Councillor Kerr stated that he would abstain as an Irish Republican but that he agreed with same sex marriage as people in love should be together and that Wolfe Tone had spoken on equality.

Councillor McGinley stated not for the first time Councillor McLean had spoken against the LGBT community and mentioned a motion taken in 2015. He stated Councillor McLean was entitled to practise his faith but highlighted the problems encountered by many of the LGBT community and stated that the Assembly should be in place.

Councillor McGinley proposed the undernoted amendment which was circulated to Members:

“This Council regrets that the Assembly is not in place to legislate for Marriage Equality, a right which is available everywhere else on these islands.”

The Chair, Councillor Kearney stated that the amendment was invalid

Councillor McGinley stated just like the motion itself.

Councillor Glasgow stated that the fact is the Assembly is not in place and thus decisions are being made by people not elected to represent the people of Northern Ireland. He stated the matter was one of conscience and his own personal opinion would be that he would support the motion.

Councillor Monteith stated that he would reject the right of Westminster to rule on the island of Ireland. He stated he would speak in favour of same sex marriages and civil partnerships if marriage is how people choose to live their lives. He stated he wished it put on record that if the DUP had been serious about the matter they would have withdrawn their support in Westminster, stating of how they regularly pontificated about their influence. Councillor Monteith stated no one in the Chamber had a meaningful vote on the matter and advised he would abstain.

Councillor Cuthbertson stated he would fully support the motion and whilst the last speaker had spoken on ‘no meaningful vote’ it was because the Member of Parliament for the area did not attend Westminster to represent the people. He stated that the health service is under strain, that marriage is a biblical term and that civil partnerships were already in place. He referred to references of the lack of an

Assembly but the real reason it wasn't up and running was because Sinn Féin did not wish to dirty their hands in dealing with Brexit.

Councillor Colvin stated that Churches should not have to do what is against their principles and he would ask that parties reflect on that matter to ensure churches are not asked to do what is against their DNA.

Councillor Burton stated she would support the motion as a Bible believing Christian and said it is a sad day that a lot of people don't read the Bible and act as they wish. She said when she looked back over her own life and saw how society has moved away from church, be it protestant or catholic, she found it incredibly sad. Councillor Burton stated that she had no doubt that it would not be long before evangelical Bible believing churches were put in this scenario of same sex marriage when they clearly believed that it is wrong for two men or two women to be together.

Councillor McGinley stated that the LGBT movement was about people who are entitled to their rights.

Councillor McLean thanked people for their views and said he had been given a bad time by the LGBT movement but he did not wish to see them hurt or to self-harm emphasising that he opposed the practices not the people as the actions were unbiblical and as such he could not accept it.

The Chair, Councillor Kearney called for a vote

<i>For</i>	<i>12</i>
<i>Against</i>	<i>18</i>

The Chair, Councillor Kearney declared the motion carried.

Councillor McGinley asked for clarity of abstentions.

Councillor McKinney left the meeting at 9.24pm

C154/19 Notion of Motion

Councillor Quinn spoke of people not entitled to vote for the President of Ireland and particularly highlighted the election when Mary McAleese ran for president and her friends and neighbours could not lend their support.

Councillor Quinn moved the Motion as undernoted:

"This Council:

- Recognises the unique ability of people living in Northern Ireland to hold citizenship of Britain, Ireland or both, as a result of the Good Friday Agreement;*
- Welcomes the announcement from An Taoiseach, Leo Varadkar TD and the Irish Government to their intent to hold a Referendum on the*

- right of all Irish Citizens to take part in the election of Uachtarán na hÉireann, the President of Ireland; and*

 - Believes that this is an important opportunity to expand the democratic participation of people across Northern Ireland in the election of the Irish Head of State.”*

He concluded stating that this is not a threat to any community and should be viewed as an opportunity.

Councillor Hughes seconded the motion.

Councillor Elattar stated that Sinn Féin would support the motion as this had campaigned for this and had run a motion in 2015 and 2016.

Councillor Elattar proposed the undernoted amendment which was circulated.

“And calls on the British government, as co-guarantor of the Good Friday Agreement, an internationally recognised agreement, to codify these rights in law, as the Irish government did a long time ago’

Councillor Burton left the meeting at 9.26 pm

Councillor Elattar stated that the British are endangering the Good Friday Agreement.

Councillor McKinney returned to the meeting at 9.28 pm

Councillor Corry seconded the amendment.

Councillor Corry spoke of the work Martina Anderson MEP and other MPs who have been lobbying on citizenship as well as the tangible effects Brexit will have on rights. She spoke of how she first became involved in the work of Irish Citizenship through Sinn Féin youth highlighting in particular if candidates from the North run for Irish Presidency the people of the North could not vote. In conclusion Councillor Corry stated that draft legislation to facilitate a referendum was being worked on and she would look forward to an inclusive campaign for all.

Councillor Wilson stated this was the third motion before Council on the subject and stated that who the Republic of Ireland chose to promote is a matter for them. He also posed the question as to whether the 40 million passport holders who never set foot in Ireland would vote also. He stated that this would hold no appeal for Unionists.

Councillor Black stated that under the Belfast Agreement people can identify as British/Irish or both. He stated that the DUP would not support the motion as Northern Ireland is part of Britain.

Councillor Monteith stated he would support the motion highlighting the first bullet point talks about the unique ability to hold British or Irish citizenship but stated if you move here for example from Portugal you can't hold an Irish passport thus there was

an issue regarding rights. He highlighted that French people living in other countries can vote in the French presidential elections. He stated that he would support the motion and the amendment.

Councillor Kerr stated he would support the motion and that it was his belief that the citizens in the North should be allowed to vote for the Irish President.

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

For	24
Against	13

The Chair, Councillor Kearney voted on the substantive motion as undernoted:

“This Council:

- Recognises the unique ability of people living in Northern Ireland to hold citizenship of Britain, Ireland or both, as a result of the Good Friday Agreement;*
- Welcomes the announcement from An Taoiseach, Leo Varadkar TD and the Irish Government to their intent to hold a Referendum on the right of all Irish Citizens to take part in the election of Uachtarán na hÉireann, the President of Ireland; and*
- Believes that this is an important opportunity to expand the democratic participation of people across Northern Ireland in the election of the Irish Head of State.*
- And calls on the British government, as co-guarantor of the Good Friday Agreement, an internationally recognised agreement, to codify these rights in law, as the Irish government did a long time ago’*

For	24
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Against	13
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The Chair, Councillor Kearney declared the motion carried.

The press and public left the meeting at 9.30 pm

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

Proposed by Councillor Mallaghan
Seconded by Councillor Molloy and

Resolved That items C155/19 – C161/19 be taken as confidential business.

Matters for Decision

- (i) Council Meeting of Confidential Minutes of Meeting held on 27 June 2019
- (ii) Environment Committee Confidential Minutes of Meeting held on 1 July 2019
- (iii) Planning Committee Confidential Minutes of Meeting held on 2 July 2019
- (iv) Development Committee Confidential Minutes of Meeting held on 3 July 2019
- (v) Policy & Resources Committee Confidential Minutes of Meeting held on 4 July 2019
- (vi) Development of Ann Street – Agreement re Shared Access

Matters for Information

- (i) Update on Matters Delegated to Chief Executive – Period of 2019 Local Election

C162/19 Duration of Meeting

The meeting was called for 7 pm and ended at 9.57 pm

Chair _____

Date _____